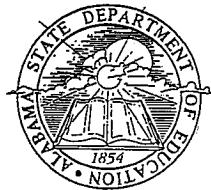




STATE OF ALABAMA  
DEPARTMENT OF EDUCATION



Joseph B. Morton  
State Superintendent  
of Education

October 20, 2009

Alabama  
State Board  
of Education

Governor Bob Riley  
President

Randy McKinney  
District I  
Vice President

Betty Peters  
District II

Stephanie W. Bell  
District III

Dr. Ethel H. Hall  
District IV  
Vice President  
Emerita

Ella B. Bell  
District V

David F. Byers, Jr.  
District VI

Gary Warren  
District VII

Dr. Mary Jane Caylor  
District VIII  
President Pro Tem

Joseph B. Morton  
Secretary and  
Executive Officer

## MEMORANDUM

**TO:** City and County Superintendents

**FROM:** Thomas R. Bice *TRB*  
Deputy State Superintendent of Education

**RE:** Model Anti-Harassment Policy

In response to the directive of Act No. 2009-571, *Student Harassment Prevention Act*, the State Department of Education [SDE] has developed the attached model anti-harassment policy for local education agencies [LEAs] to use in the development of their local policy.

It is the intent of this policy to ensure that ALL of Alabama's students participate in a supportive learning environment free from harassment. To support LEAs in this effort, the SDE will be providing a series of professional development opportunities to assist LEAs as they develop practices and procedures in support of their policy.

Questions regarding the model policy should be directed to my office at 334-242-8154.

TRB:LAK

Attachment

FY10-2019

## ALSDE Model Anti-Harassment Policy

### Section 1. Harassment, Violence, and Threats of Violence Prohibited.

No student shall engage in or be subjected to harassment, violence, threats of violence, or intimidation by any other student that is based on any of the specific characteristics that have been identified by the Board in this policy. Students who violate this policy will be subject to disciplinary sanctions.

### Section 2. Definitions.

- (a) The term "harassment" as used in this policy means a continuous pattern of intentional behavior that takes place on school property, on a school bus, or at a school-sponsored function including, but not limited to, written, electronic, verbal, or physical acts that are reasonably perceived as being motivated by any characteristic of a student, or by the association of a student with an individual who has a particular characteristic, if the characteristic falls into one of the categories of personal characteristics set forth in Section 3(b) below. To constitute harassment, a pattern of behavior may do any of the following:
  - Place a student in reasonable fear of harm to his or her person or damage to his or her property.
  - Have the effect of substantially interfering with the educational performance, opportunities, or benefits of a student.
  - Have the effect of substantially disrupting or interfering with the orderly operation of the school.
  - Have the effect of creating a hostile environment in the school, on school property, on a school bus, or at a school-sponsored function.
  - Have the effect of being sufficiently severe, persistent, or pervasive enough to create an intimidating, threatening, or abusive educational environment for a student.
- (b) The term "violence" as used in this policy means the infliction of physical force by a student with the intent to cause injury to another student or damage to the property of another student.
- (c) The term "threat of violence" as used in this policy means an expression of intention to inflict injury or damage that is made by a student and directed to another student.
- (d) The term "intimidation" as used in this policy means a threat or other action that is intended to cause fear or apprehension in a student, especially for the purpose of coercing or deterring the student from participating in or taking advantage of

any school program, benefit, activity or opportunity for which the student is or would be eligible.

(e) The term "student" as used in this policy means a student who is enrolled in the \_\_\_\_\_ school system.

### **Section 3. Description of Behavior Expected of Students.**

(a) Students are expected to treat other students with courtesy, respect, and dignity and comply with the Code of Student Conduct. Students are expected and required (1) to comply with the requirements of law, policy, regulation, and rules prohibiting harassment, violence, or intimidation; (2) to refrain from inflicting or threatening to inflict violence, injury, or damage to the person or property of another student; and (3) to refrain from placing another student in fear of being subjected to violence, injury, or damage when such actions or threats are reasonably perceived as being motivated by any personal characteristic of the student that is identified in this policy.

(b) Violence, threats of violence, harassment, and intimidation are prohibited and will be subject to disciplinary consequences and sanctions if the perpetrator of such action is found to have based the prohibited action on one or more of the following personal characteristics of the victim of such conduct:

- The student's race;
- The student's sex;
- The student's religion;
- The student's national origin; or
- The student's disability.

### **Section 4. Consequences for Violations.**

A series of graduated consequences for any violation of this policy will be those outlined in the Code of Student Conduct or any rule or standard adopted under authority of this policy.

### **Section 5. Reporting, Investigation, and Complaint Resolution Procedures.**

(a) Complaints alleging violations of this policy must be made on Board approved complaint forms available at the principal and/or counselor's office. The complaint must be signed by the student alleging the violation or by the student's parent or legal guardian and delivered to the principal or the principal's designee either by mail or personal delivery. At the request of the complaining student or the student's parent or legal guardian, incidental or minor violations of the policy may be presented and resolved informally.

(b) Upon receipt of the complaint, the principal or the principal's designee will, in their sole discretion, determine if the complaint alleges a serious violation of this policy. If the principal or the principal's designee determines that the complaint alleges a serious violation, the principal or the principal's designee will undertake an investigation of the complaint. The investigation will entail the gathering of relevant facts and evidence and will be conducted in a reasonably prompt time period taking into account the circumstances of the complaint. If the investigation establishes a violation, appropriate disciplinary sanctions will be imposed on the offending student(s). Other measures that are reasonably calculated to prevent a recurrence of the violation(s) may also be imposed by the principal or the school system.

(c) Acts of reprisal or retaliation against any student who has reported a violation of this policy or sought relief provided by this policy are prohibited, and are themselves a violation of this policy. Any confirmed acts of reprisal or retaliation will be subject to disciplinary sanctions that may include any sanction, penalty, or consequence that is available to school officials under the Code of Student Conduct. A student who deliberately, recklessly, and falsely accuses another student of a violation of this policy will be subject to disciplinary sanctions as outlined in the Code of Student Conduct.

(d) The complaint form developed to report violations of this policy will include a provision for reporting a threat of suicide by a student. If a threat of suicide is reported, the principal or the principal's designee will inform the student's parent or guardian of the report.

#### **Section 6. Promulgation of Policy and Related Procedures, Rules, and Forms.**

This policy and any procedures, rules, and forms developed and approved to implement the policy will be published, disseminated, and made available to students, parents and legal guardians, and employees by such means and methods as are customarily used for such purposes, including publication on the [local board]'s Web site.