

After receiving a complaint of prohibited discrimination or harassment, the School may require the student to prepare a written report. Oral complaints will be reduced to written form. Upon receipt of a complaint, the appropriate Coordinator or other authorized School official shall promptly authorize and undertake an investigation. When appropriate, the School may take interim action to avoid additional opportunities for discrimination or harassment. The investigation may consist of personal interviews with the person making the report, the person against whom the report is filed, and any others with knowledge of the circumstances surrounding the allegations. If the results of the investigation establish that prohibited discrimination or harassment occurred, the School shall promptly respond by taking appropriate disciplinary or corrective action reasonably calculated to address the discrimination or harassment and prevent its recurrence. The School may take disciplinary action based on the results of an investigation, even if the School concludes that the conduct did not rise to the level of harassment prohibited by law or policy.

Confidentiality

To the greatest extent possible, the School shall respect the privacy of the complainant, persons against whom a report is filed, and witnesses. Limited disclosures may be necessary in order to conduct a thorough investigation and comply with applicable law.

Appeal

A student or parent who is dissatisfied with the outcome of the investigation may appeal through the School's grievance procedure. See "Student or Parent Complaints and Concerns". A student shall be informed of his or her right to file a complaint with the United States Department of Education Office for Civil Rights.

Freedom from Hazing, Bullying and Cyber-bullying

St. Mary's Academy prohibits hazing, bullying, and cyber-bullying as defined by this Handbook, as well as retaliation against anyone involved in the complaint process.

Hazing occurs when a student or group of students engages in conduct, on or off School property, directed against a student that endangers the mental or physical health or safety of a student for the purpose of pledging, being initiated into, affiliating with, holding office in, or maintaining membership in an organization. The term includes, **but is not limited to**:

- Any type of physical brutality;
- Any type of physical activity that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student;
- Any activity involving consumption of a food, liquid, alcoholic beverage, liquor, drug, or other substance that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student;
- Any activity that intimidates or threatens the student with ostracism; subjects the student to extreme mental stress or shame, or humiliation that adversely affects the mental health or dignity of the student; discourages the student from entering or remaining enrolled in the school; or may reasonably be expected to cause the student to leave the school; or
- Any activity that induces, causes, or requires the student to perform a duty or task that involves a violation of the Texas Penal Code.

Per SB 179, 85th Texas Regular Legislative Session "David's Law" takes effect September 1, 2017. David's Law changes the definition of "bullying" under Education Code Section 37.0832 to mean the following:

A single significant act or pattern of acts by one or more students directed at another student that

Exploits an imbalance of power and involves in engaging in written or verbal expression, expression through electronic means, or physical conduct that:

- Has the effect or will have the effect of physically harming a student, damaging a student's property, or placing a student in reasonable fear of harm to the student's person or of damage to the student's property; or
 - Is sufficiently so severe, persistent, and pervasive enough the action or threat creates an intimidating, threatening, or abusive educational environment for a student.
 - Conduct that materially and substantially disrupts the educational process or the orderly operation of a classroom or school or

- Infringes on the rights of the victim at school.

The updated definition of “bullying” also encompasses “cyberbullying” which is **bullying through the use of electronic communication devices**, including cellular or other telephones, computers, cameras, email, instant messaging, text messaging, social media applications, Internet websites, or any other Internet-based communications tool.

SMACS has jurisdiction over:

- Bullying that occurs on or is delivered to school property or to the site of a school-related activity on or off school property:
Cyberbullying or inappropriate comments on a school owned device.
- Bullying that occurs on a publicly or privately owned school bus or vehicle being used for transportation of students to or from school or a school related event,

If the conduct interferes with a student’s educational opportunities or substantially disrupts the operations of a school classroom, or school-related activity. bullying can include hazing, threats, teasing, confinement, assault, demands for money, destruction of property, theft of valued possessions, name-calling, rumor spreading, or ostracism. In some cases, bullying can occur through electronic methods called “cyber-bullying.”

Reporting Procedures

Any student who believes that he or she has experienced any form of hazing and/or bullying or believes that another student has experienced hazing and/or bullying should immediately report the alleged acts to the Principal or designee, a teacher, counselor, or another School employee. A report may be made orally or in writing. Any School employee who receives notice that a student has or may have experienced hazing and/or bullying shall immediately notify the Principal or designee.

Forms which allow for anonymous reporting of an incident of bullying are available on the SMACS website. <http://www.smacs.net/>

Retaliation against any person, including a victim, witness, or other person, who in good faith provides information concerning an incident of bullying is not allowed..

Notice of incident of Bullying to Parents

SMACS will notify a parent of the alleged victim of an incident or bullying **on or before the third business day after the date the incident is reported.**

SMACS will notify a parent of the student alleged of bullying within a reasonable amount of time after the incident.

Investigation of Report

The Principal or designee shall determine whether the allegations in the report, if proven, would constitute prohibited harassment, and if so proceed under that policy instead. See “Freedom from Discrimination, Harassment, and Retaliation”. The Principal or designee shall conduct an appropriate investigation based on the allegations in the report and shall take prompt interim action calculated to prevent hazing and/or bullying during the course of an investigation, if appropriate.

The Principal or designee shall prepare a written report of the investigation, including a determination of whether hazing and/or bullying occurred. If the results of an investigation indicated that hazing and/or bullying occurred, the school shall promptly respond by taking appropriate disciplinary or corrective action reasonably calculated to address the conduct in accordance with the Student Code of Conduct. The School may take action based on the results of an investigation, even if the school concludes that the conduct did not rise to the level of hazing and/or bullying under this policy.

Confidentiality

To the greatest extent possible, the School shall respect the privacy of the complainant, persons against whom a report is filed, and witnesses. Limited disclosures may be necessary in order to conduct a thorough investigation.

Appeal

A student or parent who is dissatisfied with the outcome of the investigation may appeal through the School’s grievance procedure. See “Student or Parent Complaints and Concerns”.