

Series Number **503.8AR** Adopted **October 2012** Revised **August 2023**

Title **Bullying Prohibition**

1. Purpose and Scope

1.1 Students have the right to be safe and free from threatening situations on school property, at school activities and in district vehicles. Bullying interferes with students' ability to learn and teachers' ability to educate students in a safe environment. To the extent bullying affects the educational environment of the schools, it is the school district's intent to prevent bullying from occurring, and to investigate and respond to bullying that has not been prevented.

This regulation applies to various forms of bullying conduct including, but not limited to cyberbullying, malicious and sadistic conduct, and sexual exploitation which occurs:

- 1.1.1 On school premises, at school functions or activities or on school transportation;
- 1.1.2 By use of electronic technology and communications on school premises, during school functions or activities, on school transportation, or on school computers, networks, forums and mailing lists, or
- 1.1.3 By use of electronic technology and communications off the school premises to the extent such use substantially and materially disrupts student learning or the school environment.

1.2 A school-aged child who voluntarily participates in a public-school activity, such as a cocurricular activity, is subject to this regulation even if they are not otherwise enrolled in the school district.

1.3 While most conduct prohibited by this policy is limited to student-to-student conduct, the specific prohibitions on sexual exploitation, and malicious and sadistic conduct also apply to students, district or school staff members and independent contractors.

2. Culture of Respect

All District 196 schools are expected to establish a culture of respect. The district and schools will establish strategies for creating a positive school climate and will use evidence-based social-emotional learning to prevent and reduce discrimination and other improper conduct. School staff will model, teach and reinforce expected behaviors using research-based, developmentally appropriate best practices that include preventable and remedial measures and effective discipline to deter bullying throughout the school. Individual schools have discretion to choose the program that best serves their students, but all schools must implement a school-wide bullying prevention program as part of a program of positive behavior support. The program should foster active student, parent and community participation.

3. Definitions

3.1 For purposes of this regulation, the definition of bullying means intimidating, threatening, abusive or harming conduct that is objectively offensive and:

- 3.1.1 There is an actual or perceived imbalance of power between the student engaging in the conduct and the target of the conduct and the conduct is repeated or forms a pattern, or
 - 3.1.2 Materially and substantially interferes with a student's educational opportunities or performance or ability to participate in school functions or activities or receive school benefits, services or privileges.
- 3.2 For purposes of this regulation, cyberbullying is defined as bullying using technology or other electronic communication including, but not limited to, a transfer of a sign, signal, writing, image, sound, or data, including a post on a social network Internet website or forum, transmitted through a computer, cell phone, or other electronic device to bully another.
- 3.3 For purposes of this regulation, intimidating, threatening, abusive, or harming conduct may involve, but is not limited to, conduct that causes physical harm to a student or a student's property or causes a student to be in reasonable fear of harm to person or property; under Minnesota common law violates a student's reasonable expectation of privacy, defames a student, or constitutes intentional infliction of emotional distress against a student; is directed at any student or students including those based on a person's actual or perceived race, ethnicity, color, creed, religion, national origin, immigration status, sex, marital status, familial status, socioeconomic status, physical appearance, sexual orientation, including gender identity and expression, academic status related to student performance, disability, or status with regard to public assistance, age, or any additional characteristic defined in the Minnesota Human Rights Act (MHRA). However, prohibited conduct need not be based on any particular characteristic defined in this paragraph or the MHRA. Bullying includes malicious and sadistic conduct as further defined in section 3.4 and sexual exploitation.
- 3.4 For purposes of this regulation, malicious and sadistic conduct involving race, color, creed, national origin, sex, age, marital status, status with regard to public assistance, disability, religion, sexual harassment, and sexual orientation and gender identity (as defined in Minnesota Statutes, chapter 363A) is prohibited. This prohibition specifically applies to students, independent contractors, teachers, administrators, and other school personnel. Malicious and sadistic conduct means creating a hostile learning environment by acting with the intent to cause harm by intentionally injuring another without just cause or reason or engaging in extreme or excessive cruelty or delighting in cruelty.

4. Reporting

- 4.1 Each school principal or program coordinator will designate an official responsible for receiving reports of bullying and serving as the primary contact on matters related to this regulation. The designated official may delegate tasks required by this regulation, but maintains the responsibility to ensure compliance with the regulation, including that restorative practices, disciplinary responses and sanctions are fairly and fully implemented.

- 4.2 Any person who believes he or she has been the victim of bullying or any person with knowledge or belief of conduct that may constitute bullying shall report the alleged acts to a staff member. Reports of bullying can be made orally or in writing. The school district encourages the use of Procedure 503.8P, Report of Bullying Behavior, but other reports, including electronic reports, shall be considered as well. A person may report bullying anonymously; however, the school district will not take disciplinary action against an individual(s) against whom the report is made based solely on an anonymous report.
- 4.3 All district staff members have an obligation to address bullying. Any staff member who receives a report of, observes, or has other knowledge or belief of conduct that may constitute bullying shall make reasonable efforts to address and resolve the bullying and inform the designated school official responsible for receiving reports of bullying. School staff members who fail to inform the designated school official in a timely manner may be subject to disciplinary action.
- 4.4 Reports of bullying are classified as private educational and/or personnel data and/or confidential investigative data and will not be disclosed except as permitted by law. The process for accessing data and contesting the accuracy and completeness of the data can be found in District Regulation 505.2AR, Protection and Privacy of Student Records.
- 4.5 Submission of a good faith report of bullying will not affect the reporter's future employment, grades, work assignments, or educational or work environment.
- 4.6 The school district will respect the privacy of the reporter, the victim, the individual(s) against whom the report is filed, and the witnesses as much as possible, consistent with the school district's obligation to investigate, take appropriate action and comply with any legal disclosure obligations.
- 4.7 Intentionally making false accusations of bullying is prohibited.

5. **Response to Bullying**

- 5.1 Alleged bullying must have a connection to school before a school district has jurisdiction to investigate or enforce discipline. The school district cannot monitor the activities of students at all times nor eliminate all incidents between students, particularly when students are not under the direct supervision of school personnel.
- 5.2 Upon receipt of a report of bullying, the designated school official shall undertake or authorize an investigation under this regulation within three school days of the report. The investigation will be completed as soon as practicable. The designated school official is responsible to ensure the completion of the School District Response to Report of Bullying contained in District Procedure 503.8P, Report of Bullying Behavior. The designated school official or designated investigator shall attempt to interview the alleged victim, the individual(s) against whom the report is made and any necessary witnesses. The individual(s) against whom the report is made will be given the opportunity to present a defense.

- 5.3 The school district may take immediate steps to protect the reporter, alleged victim, individual(s) against whom the report is made and others pending completion of an investigation, consistent with applicable law. When criminal conduct is suspected, the school district may report alleged conduct to law enforcement.
- 5.4 Upon completion of an investigation under this regulation, the school district will take action towards a person who is found to have engaged in an act of bullying, reprisal, intentional false reporting, or who permits, condones, or tolerates bullying. Such action may include, but is not limited to, restorative interventions, warning, suspension, exclusion, transfer, termination, or discharge. If school discipline is imposed, it will be consistent with Administrative Regulation 503.3AR, Student Behavior Expectations and Responses for Behavior. The school district may take into account the following factors:
 - 5.4.1 The developmental and maturity levels of the individuals involved;
 - 5.4.2 The level of harm, surrounding circumstances, and nature of the behavior;
 - 5.4.3 Past incidences or past or continuing patterns of behavior;
 - 5.4.4 The relationship between the parties involved;
 - 5.4.5 The context in which the alleged incidents occurred, and
 - 5.4.6 The law's emphasis on remedial responses.
- 5.5 School officials will notify the parent or guardian of a victim or individual(s) against whom a report is made of bullying within a reasonable period of time. The school district is not authorized to disclose private educational or personnel data regarding a student or employee of the school district.
- 5.6 In cases in which bullying is substantiated, the school will conduct a follow-up meeting with the victim approximately two weeks after the investigation is complete to ensure that the bullying has stopped. If bullying has continued, additional action will be taken to stop the bullying and to appropriately discipline for the prohibited behavior. The school will provide information about available community resources to the victim, individual(s) against whom a report is made and other affected individuals, as appropriate.
- 5.7 The designated school official is responsible for any records resulting from the investigation and for keeping and regulating access to the records.

6. Communication and Training

- 6.1 Each school will provide annual age-appropriate education and information to students. It will include a review of this regulation, how bullying may be reported, the harmful effects of bullying and other applicable initiatives to prevent bullying.
- 6.2 The school district will provide annual written notice of this regulation as a summary in the *Overview of Student Rights and Responsibilities* handbook, which will be posted on the school district's website, and may be disseminated in any other manner in which the school district deems appropriate.

- 6.3 District Procedure 503.8.1P, Summary of Bullying Prohibition, must be conspicuously posted throughout each school building and in the administrative offices of each school and the school district and must identify the official designated to receive reports of bullying and serve as the primary contact on matters related to this regulation.
- 6.4 This regulation must be distributed to each school and district employee and to each independent contractor. This regulation will be included with the new employee training materials.
- 6.5 This regulation will be discussed with all Level 2 and Level 3 volunteers and referenced in District Procedure 806.5P, Guidelines for Volunteers. Volunteers will be encouraged to report to the school principal or program coordinator any bullying behavior that they observe while serving as a district volunteer.
- 6.6 School personnel will be trained to prevent, identify and respond to bullying. Training will occur on a three-year cycle, with newly employed personnel receiving the training with the first year of their employment. Training shall include information about:
 - 6.6.1 Developmentally appropriate strategies both to prevent and to immediately and effectively intervene to stop bullying;
 - 6.6.2 The complex dynamics affecting an actor, target and witnesses to bullying;
 - 6.6.3 Research on bullying, including specific categories of students at risk for bullying in school;
 - 6.6.4 The incidence and nature of cyberbullying, and
 - 6.6.5 Internet safety and cyberbullying.
- 6.7 An electronic copy of this regulation will be submitted to the Commissioner of the Minnesota Department of Education.
- 6.8 Where appropriate for a student with a disability to prevent or respond to bullying, the student's IEP or section 504 plan may address the skills and proficiencies the student needs to respond to or not engage in bullying.

7. **Retaliation**

The school district will take appropriate action against any person who retaliates against anyone who makes a good faith report of alleged bullying or against anyone who testifies, assists or participates in an investigation, or against anyone who testifies, assists or participates in a proceeding or hearing relating to such bullying. Retaliation includes, but is not limited to, any form of intimidation, reprisal, harassment or intentional disparate treatment. Responses to retaliation shall be consistent with Administrative Regulation 503.3AR, Student Behavior Expectations and Responses for Behavior, and the factors identified in section 5.4 of this regulation.

8. Harassment

The school district prohibits harassment, discrimination or violence based upon a person's sex, race, religion, color, creed, national origin, marital status, familial status disability, status with regard to public assistance, sexual orientation, gender identity, membership or activity in a local human rights commission, age or genetic information. The school district also prohibits hazing. The school district's process for handling reports of such behavior is located in Administrative Regulation 503.4AR, Harassment, Discrimination, Violence or Hazing and Administrative Regulation 405.7AR, Harassment, Discrimination, Violence or Hazing. In some cases, alleged conduct falls under both a harassment, discrimination, violence or hazing regulation and this regulation regarding bullying. In such cases, investigation under either regulation will be deemed to satisfy the requirements of both.

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- References:**
- Minnesota Statute 120B.232, Character Development Education
 - Minnesota Statute 121A.03, Sexual, Religious and Racial Harassment and Violence
 - Minnesota Statute 121A.031, School Student Bullying Policy
 - Minnesota Statute 121A.0311, Notice of the Rights and Responsibilities of Students and Parents under the Safe and Supportive Minnesota Schools Act
 - Minnesota Statute 121A.0312 Malicious and Sadistic Conduct
 - Minnesota Statute 121A.40-121A.56, Pupil Fair Dismissal Act
 - Minnesota Statute 121A.69, Hazing Policy