

# STUDENT BULLYING PROHIBITION POLICY

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## 1. PURPOSE

A safe and civil environment is needed for students to learn and attain high academic standards and to promote healthy human relationships. Bullying, like other violent or disruptive behavior, is conduct that interferes with students' ability to learn and teachers' ability to educate students in a safe environment. The school district cannot monitor the activities of students at all times and eliminate all incidents of bullying between students, particularly when students are not under the direct supervision of school personnel. However, to the extent such conduct affects the educational environment of the school district and the rights and welfare of its students and is within the control of the school district in its normal operations, it is the school district's intent to prevent bullying and to take action to investigate, respond, remediate, and discipline those acts of bullying which have not been successfully prevented. The purpose of this policy is to assist the school district in its goal of preventing and responding to acts of bullying, intimidation, violence, and other similar disruptive behavior.

## 2. GENERAL STATEMENT OF POLICY

**A.** An act of bullying, by either an individual student or a group of students, is expressly prohibited on school district property or at school-related functions. This policy applies not only to students who directly engage in an act of bullying but also to students who, by their indirect behavior, condone or support another student's act of bullying. This policy also applies to any student whose conduct at any time or in any place constitutes bullying that interferes with or obstructs the mission or operations of the school district or the safety or welfare of the student, other students, or employees.

**B.** No teacher, administrator, volunteer, contractor, or other employee of the school district shall permit, condone, or tolerate bullying.

**C.** Apparent permission or consent by a student being bullied does not lessen the prohibitions contained in this policy.

**D.** Retaliation against a victim, good faith reporter, or a witness of bullying is prohibited.

**E.** False accusations or reports of bullying against another student are prohibited.

**F.** A person who engages in an act of bullying, reprisal, or false reporting of bullying or permits, condones, or tolerates bullying shall be subject to discipline for that act in accordance with school district's policies and procedures. The school district may take into account the following factors:

- 1) The developmental and maturity levels of the parties involved
- 2) The levels of harm, surrounding circumstances, and nature of the behavior
- 3) Past incidences or past or continuing patterns of behavior
- 4) The relationship between the parties involved and
- 5) The context in which the alleged incidents occurred.

This statement includes cyber-bullying which is the misuse of technology including, but not limited to, teasing, intimidating, defaming, threatening, or terrorizing another student, teacher, administrator, volunteer, contractor, or other employee of the school district by sending or posting e-mail messages, instant messages, text messages, digital pictures or images, or Web site postings, including blogs, also may constitute an act of bullying regardless of whether such acts are committed on or off school district property and/or with or without the use of school district resources.

Consequences for students who commit prohibited acts of bullying may range from positive behavioral interventions up to and including suspension and/or expulsion. Consequences for employees who permit, condone, or tolerate bullying or engage in an act of reprisal or intentional

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false reporting of bullying may result in disciplinary action up to and including termination or discharge. Consequences for other individuals engaging in prohibited acts of bullying may include, but not be limited to, exclusion from school district property and events and/or termination of services and/or contracts.

**G.** The school district will act to investigate all complaints of bullying and will discipline or take appropriate action against any student, teacher, administrator, volunteer, contractor, or other employee of the school district who is found to have violated this policy.

## III. DEFINITIONS

For purposes of this policy, the definitions included in this section apply.

**A.** "Bullying" means any written or verbal expression, physical act or gesture, or pattern thereof, by a student that is intended to cause or is perceived as causing distress to one or more students and which substantially interferes with another student's or students' educational benefits, opportunities, or performance. Bullying includes, but is not limited to; conduct by a student against another student that a reasonable person under the circumstances knows or should know has the effect of:

1. harming a student
2. damaging a student's property
3. placing a student in reasonable fear of harm to his or her person or property
4. Or creating a hostile educational environment for a student.

**B.** "Immediately" means as soon as possible but in no event longer than 24 hours.

**C.** "On school district property or at school-related functions" means all school district buildings, school grounds, and school property or property immediately adjacent to school grounds, school bus stops, school buses, school vehicles, school contracted vehicles, or any other vehicles approved for school district purposes, the area of entrance or departure from school grounds, premises, or events, and all school-related functions, school-sponsored activities, events, or trips. School district property also may mean a student's walking route to or from school for purposes of attending school or school-related functions, activities, or events. While prohibiting bullying at these locations and events, the school district does not represent that it will provide supervision or assume liability at these locations and events.

## IV. REPORTING PROCEDURE

**A.** 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 immediately to an appropriate school district official designated by this policy. A student may report bullying anonymously, but action may not be taken against an alleged perpetrator based solely on an anonymous report.

**B.** Discovery Public School encourages the reporting party or complainant to use the Bullying Harassment Incident Report Form (Addendum A) available from the Director or available from the school district office, but oral reports shall be considered complaints as well.

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- C.** The Director or the Director's designee is the person responsible for receiving reports of bullying at the building level.
- D.** A teacher, school administrator, volunteer, contractor, or other school employee shall be particularly alert to possible situations, circumstances, or events that might include bullying. Any such person who receives a report of, observes, or has other knowledge or belief of conduct that may constitute bullying shall inform the director immediately.
- E.** 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.
- F.** Submission of a good faith complaint or report of bullying will not affect the complainant's or reporter's future employment, grades, or work assignments, or educational or work environment.
- G.** Discovery Public School will respect the privacy of the complainant(s), the individual(s) against whom the complaint 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.

## V. SCHOOL DISTRICT ACTION

- A.** Upon receipt of a complaint or report of bullying, Discovery Public School shall undertake or authorize an investigation by school district officials or a third party designated by the school district.
- B.** The school district may take immediate steps, at its discretion, to protect the complainant, reporter, students, or others pending completion of an investigation of bullying, consistent with applicable law.
- C.** Upon completion of the investigation, the school district will take appropriate action. Such action may include, but is not limited to, warning, suspension, exclusion, expulsion, transfer, remediation, termination, or discharge. Disciplinary consequences will be sufficiently severe to try to deter violations and to appropriately discipline prohibited behavior. School district action taken for violation of this policy will be consistent with the requirements of applicable collective bargaining agreements; applicable statutory authority, including the Minnesota Pupil Fair Dismissal Act; school district policies; and regulations.
- D.** The school district is not authorized to disclose to a victim private educational or personnel data regarding an alleged perpetrator who is a student or employee of the school district. School officials will notify the parent(s) or guardian(s) of students involved in a bullying incident and the remedial action taken, to the extent permitted by law, based on a confirmed report.

## VI. REPRISAL

Discovery Public School will discipline or take appropriate action against any student, teacher, administrator, volunteer, contractor, or other employee of the school district who retaliates against any person who makes a good faith report of alleged bullying or against any person who testifies, assists, or participates in an investigation, or against any person 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, harassment, or intentional disparate treatment.

## VII. TRAINING AND EDUCATION

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The school district will provide information and any applicable training to school district staff regarding this policy. The school district will provide education and information to students regarding bullying, including information regarding this school district policy prohibiting bullying, the harmful effects of bullying, and other applicable initiatives to prevent bullying. The administration of the school district is directed to implement programs and other initiatives to prevent bullying, to respond to bullying in a manner that does not stigmatize the victim, and to make resources or referrals to resources available to victims of bullying. Discovery Public School has a list of counseling and/or mental and other health services students can be directed to. Students with a history of "bullying" will need to go through a checklist that Discovery Public School has developed for accountability.

## **VIII. NOTICE**

The school district will give annual notice of this policy to students, parents or guardians, and staff.

## **Legal References:**

Minn. Stat. 121A.03 (Sexual, Religious and Racial Harassment and Violence) Minn. Stat. && 121A.40-121A.56 (Pupil Fair Dismissal Act) Minn. Stat. && 121A.69 (Hazing Policy)

Cross References: Policy (Discipline, Suspension, and Dismissal of School District Employees) Policy (Harassment and Violence) Policy (Mandated Reporting of Child Neglect or Physical or Sexual Abuse) Policy (Mandated Reporting of Maltreatment of Vulnerable Adults) MASA/MSBA Model Policy (Employee-Student Relationships) Policy (School Weapons Policy) Policy (Student Discipline) Policy (Corporal Punishment) Policy (Protection and Privacy of Pupil Records) Policy (Student Disability Nondiscrimination) Policy (Student Sex Nondiscrimination) Policy (Violence Prevention) Policy (Hazing Prohibition) Policy (Staff Notification of Violent Behavior by Students) MASA/MSBA Model Policy (Student Transportation Safety Policy) Policy (Videotaping on School Buses) Policy (Video Surveillance Other Than on Buses)

First Reading of Policy: November 15, 2012 Second Reading of Policy: December 13, 2012

Discovery Public School 4081: Policy Adopted: November 15, 2012. Reviewed: November 10, Effective: November 16, 2012, Bullying Prohibition Policy, Page 1 of 4

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## *Dealing With Bullies*

Bullying has been a problem in schools since the beginning of recorded time, and teachers, parents, and administrators have tried a variety of methods to eliminate bullying behaviors. Bullying still exists, however. This article is geared towards administrators, but it is helpful for teachers to know the process as well. Here are the steps I take as an administrator to reduce bullying behaviors:

Step #1 – [Conference with students and counselor](#)

Step #2 – [Conference with students and principal](#), and parent phone call

Step #3 – [Conference with each student](#), each student's parent, and the principal

Step #4 – ["No Contact Contract"](#)

Step #5 – Disciplinary Consequences

Disciplinary consequences can be In-School Suspension (ISS) or Out-Of-School Suspension (OSS) from one to ten days for each violation.

Step #6 – [Referral to Juvenile Justice](#) Authorities or other local law enforcement

Step #7 – Recommendation for [long-term suspension or expulsion](#)

These steps are given to the students when they are on Step #2. The steps reduce bullying behaviors because they are implemented on every student that I have to deal with. This consistency produces results. Every step is documented, so that when I have to involve outside agencies (or district-level administration) I have written records that I have tried various interventions to stop the bullying behaviors.

Forms of documentation include:

\*Witness statements filled out by both parties involved (and witnesses of the bullying behaviors)

\*Bullying or Harassment referrals filled out by faculty members who reported or observed the bullying

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\*"No Contact Contracts" filled out and signed by student (and parent)

\*The school's Bullying Prohibition policy (including the intervention hierarchy listed at the beginning of this article)

\*Transcripts of conferences between student, parent, and administrator (be careful about what you say in these documents, because some states allow these documents to be taken from your custody and used in court)

Documentation is the key to success!

It is important that you be perceived as someone who "takes action" against bullying. If you do not take action, you could be held libel if something bad happens to the perpetrator or the victim. The recent events in Massachusetts are a reminder of what can happen to schools who are perceived as not taking bullying seriously. When something bad happens to either the bully or the victim, and they say that "the school didn't do anything about the bullying"...you will be ready with a file full of documents to defend yourself.

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Discovery Public School of Faribault

## NO CONTACT "WE" AGREEMENT

It has come to our attention that the following students are not able to communicate effectively with each other after using several interventions to inhibit the inappropriate behaviors that have been witnessed and discussed between these students.

Situation in  
brief: \_\_\_\_\_

Students Involved:

1 \_\_\_\_\_ Grade \_\_\_\_\_

2 \_\_\_\_\_ Grade \_\_\_\_\_

3 \_\_\_\_\_ Grade \_\_\_\_\_

We agree to abide by the following conditions until another meeting has been held to discontinue this contract.

1. We WILL HAVE NO PERSONAL CONTACT WITH each other.
2. We WILL NOT Talk to, Touch, Threaten, Harass each other.
3. We WILL NOT Talk or communicate to other students about each other (gossip) or discuss on cell phones, computer or other electrical means.

We understand that if we knowingly violate this No-Contact Order we will be guilty and pay the following consequences:

1. 1 day ISS (In School Suspension)
2. Next consequence - 1 Day OSS (Out of School Suspension)

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## 3. Next Consequence – 1 Day ISS and 1 Day OSS. Re-entry Meeting with Parents

Teacher - Special Education \_\_\_\_\_

Staff \_\_\_\_\_

Student \_\_\_\_\_

Student \_\_\_\_\_

Student \_\_\_\_\_

Date and time Agreement:    /    /                    : \_\_\_\_M.

Additional Comments:

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