

PROCEDURE 514 – STUDENTS – BULLYING & HAZING PROHIBITION

I. DEFINITIONS

- A. “Bullying” means intimidating, threatening, abusive, or harming conduct by a student that is objectively offensive and:
1. an actual or perceived imbalance of power exists between the student engaging in the prohibited conduct and the target of the prohibited conduct, and the conduct is repeated or forms a pattern; or
 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.
- The term, “bullying,” specifically includes cyberbullying as defined in this policy.
- B. “Cyberbullying” means 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. The term applies to prohibited conduct which occurs on school premises, on school district property, at school functions or activities, on school transportation, or on school computers, networks, forums, and mailing lists, or off school premises to the extent that it substantially and materially disrupts student learning or the school environment.
- C. “Hazing” means committing an act against a student, or coercing a student into committing an act, that creates a substantial risk of harm to a person, in order for the student to be initiated into or affiliated with a student organization, or for any other purpose. The term includes but is not limited to:
1. Any type of physical brutality such as whipping, beating, striking, branding, electronic shocking or placing a harmful substance on the body;
 2. Any type of physical activity such as sleep deprivation, exposure to weather, confinement in a restricted area, calisthenics or other 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;
 3. Any activity involving the consumption of any alcoholic beverage, drug, tobacco product or any other food, liquid, or 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;

4. Any activity that intimidates or threatens the student with ostracism, that subjects a student to extreme mental stress, embarrassment, shame or humiliation, that adversely affects the mental health or dignity of the student or discourages the student from remaining in school;
 5. Any activity that causes or requires the student to perform a task that involves violation of state or federal law or of District policies or regulations.
- D. "Immediately" means as soon as possible but in no event longer than one school day.
- E. "Intimidating, threatening, abusive, or harming conduct" means, but is not limited to, conduct that does the following:
1. 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;
 2. 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; or
 3. 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, political identity 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.
- F. "On school premises, on school district property, at school functions or activities, or on school transportation" 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.

- G. "Prohibited conduct" means bullying, cyberbullying or hazing as defined in this policy or retaliation or reprisal for asserting, alleging, reporting, or providing information about such conduct or knowingly making a false report about bullying.
- H. "Remedial response" means a measure to stop and correct prohibited conduct, prevent prohibited conduct from recurring, and protect, support, and intervene on behalf of a student who is the target or victim of prohibited conduct.
- I. "Student" means a student enrolled in the school district.

II. REPORTING PROCEDURE

- A. Any student who believes he or she has been the victim of bullying or hazing or any person with knowledge or belief of conduct that may constitute bullying or hazing will report the alleged acts immediately to the building principal, site leader or the his or her designee. A student may report bullying or hazing anonymously; however, the school district's ability to take action against an alleged perpetrator based solely on an anonymous report may be limited.
- B. The school district encourages the reporting party to submit a written complaint of the bullying or hazing incident. Oral reports will be considered complaints.
- C. The building principal, site leader or his or her designee will ensure that this policy and its procedures, practices, consequences, and sanctions are fairly and fully implemented and shall serve as the primary contact on policy and procedural matters contained in Policy 514-Bullying & Hazing Prohibition. The principal, site leader or his or her designee is responsible for investigation of any reports made in accordance with Policy 514. The principals, site leaders or designees will provide information about available community resources to the target or victim of the bullying or other prohibited conduct, the perpetrator, and other affected individuals as appropriate.
- D. A teacher, school administrator, volunteer, contractor, or other school employee will be particularly alert to possible situations, circumstances, or events that might include bullying or hazing. Any such person who receives a report of, observes, or has other knowledge or belief of conduct that may constitute bullying or hazing will inform the building principal or designee immediately.
- E. Reports of bullying or hazing 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 building principal, site leader or his or her designee, in conjunction with the school district's responsible authority, is responsible for maintaining and regulating access to any report of bullying and the record of any resulting investigation.

- F. Submission of a good faith complaint or report of bullying or hazing will not affect the complainant's or reporter's future employment, grades, or work assignments, or educational or work environment. School district personnel who fail to inform the building principal or site leader or his or her designee of conduct that may constitute bullying, or other prohibited conduct or who fail to make reasonable efforts to address and resolve the bullying or prohibited conduct in a timely manner may be subject to disciplinary action or other appropriate sanctions.
- G. The school district 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.

III. INVESTIGATION AND SCHOOL DISTRICT ACTION

- A. Within three days of receipt of a complaint or report of bullying or hazing, the school district will undertake or authorize an investigation by school district officials.
- 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 or hazing, consistent with applicable law.
- C. The alleged perpetrator of the bullying or other prohibited conduct will be allowed the opportunity to present a defense during the investigation or prior to the imposition of discipline or other remedial responses.
- D. 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, discharge or other remedial response tailored to the particular incident and nature of the conduct and the student's developmental age and behavioral history. 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 Minnesota Pupil Fair Dismissal Act, school district policies, and regulations. The school district will not make a determination of bullying and resulting discipline solely on an anonymous report.
- E. The school district is not authorized to disclose to a victim private educational data regarding an alleged perpetrator. School officials will notify the parent(s) or guardian(s), if deemed appropriate, of students involved in a bullying or hazing incident and the remedial action taken, to the extent permitted by law, based on a confirmed report.

- F. In order to prevent or respond to bullying or other prohibited conduct committed by or directed against a student with a disability, the school district will, when determined appropriate by the student's individualized education program (IEP) team or Section 504 team, allow the student's IEP or Section 504 plan to be drafted to address the skills and proficiencies the student needs as a result of the student's disability to allow the student to respond to or not to engage in bullying or other prohibited conduct.

IV. BULLYING AND HAZING BASED UPON OR DIRECTED AT A STUDENT'S PROTECTED STATUS

If a student reports to being bullied or hazed based upon a protected status (race, color, creed, religion, national origin, sex, marital status, disability, status with regard to public assistance, or sexual orientation) the report should also be investigated consistent with Policy 413.

V. RETALIATION OR REPRISAL

The school district will discipline any individual who retaliates against any person who reports, testifies, assists or participates in any manner in any investigation, proceeding or hearing related to bullying or hazing. Retaliation includes, but is not limited to, intimidation, reprisal, bullying or harassment.

VI. TRAINING AND EDUCATION

- A. The superintendent or his or her designee will provide appropriate training to school district personnel to prevent, identify, and respond to prohibited conduct.
- B. The school district will provide ongoing training to build skills of all school personnel who regularly interact with students to identify, prevent, and appropriately address bullying and other prohibited conduct. School personnel who will be trained include but are not limited to educators, administrators, school counselors, social workers, psychologists, other school mental health professionals, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, extracurricular activities advisors, and paraprofessionals.

VII. NOTIFICATION

The school district will give annual notice of this policy to students, parents or guardians, and staff, and this policy will be referenced in the student handbook. Policy 514 – Bullying Prohibition or a summary thereof will be conspicuously posted in the administrative offices of the school district and each school site.

Procedure 514 Revised: 2/20/2018
Procedure 514 Revised: 7/29/2014
Procedure 514 Revised: 1/24/2012
Procedure 514 Adopted: 6/6/2006

Legal References

Minn. Stat. §121A.03, (Sexual, Religious, & Racial Harassment and Violence)
Minn. Stat. § 121A.031 School board policy; prohibiting intimidation and bullying
Minn. Stat. §§ 121A.40-121A.56 (Pupil Fair Dismissal Act)
Minn. Stat. § 121A.69 (Hazing Policy)

Cross References

Policy 403 – Dismissal of Employees
Policy 413 – Harassment and Violence
Policy 414 – Mandated Reporting of Child Neglect or Physical or Sexual Abuse
Policy 506 – Student Discipline
Policy 507 – Corporal Punishment
Policy 515 – Protection and Privacy of Education Records
Policy 524 – Network/Internet Acceptable Use by Students
Policy 709 – Student transportation Safety Policy

School Board
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