

NEW HEIGHTS SCHOOLS, INC.

POLICY 514

BULLYING PROHIBITION POLICY

POLICY MANAGEMENT

Adopted: 02/2010

Reviewed/ Revised: 10/11*, 11/12*, 11/14*, 10/17*, 3/19, 3/20, 4/21, 4/22, 3/23*

Mandatory: Yes

Frequency: Annual

Distribution: Handbook (Y)(portions), Web or Office & Staff

I. PURPOSE

The purpose of this policy is to assist the school in its goal of preventing and responding to acts of bullying, intimidation, violence, and other similar disruptive behavior.

II. GENERAL STATEMENT OF POLICY

- A. An act of bullying, by either an individual student or a group of students, is expressly prohibited on school property or at school-related functions or activities, or on school transportation. 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 or other prohibited conduct that interferes with or obstructs the mission or operations of the school or the safety or welfare of the student, other students, or employees. This policy also applies to an act of cyber bullying regardless of whether such acts are committed on or off school property and/or with or without the use of school resources.
- B. No teacher, principal, volunteer, contractor, or other employee of the school shall permit, condone, or tolerate bullying.
- C. Apparent permission or consent by a student being bullied does not lessen or negate 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, retaliation or false reporting of bullying or permits, condones, or tolerates bullying shall be subject to discipline or other remedial responses for that act in accordance with school's policies and procedures. The school 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.

Consequences for students who commit prohibited acts of bullying may range from remedial responses or 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 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 property and events and/or termination of services and/or contracts.

- G. The school will act to investigate all complaints of bullying and will discipline or take appropriate action against any student, teacher, principal, volunteer, contractor, or other employee of the school 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 intimidating, threatening, abusive, or harming conduct 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 or 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, 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. “Immediately” means as soon as possible but in no event longer than 24 hours.
- D. “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, 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.
- E. “On school property or at school-related functions” means the school building, 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 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 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 does not represent that it will provide supervision or assume liability at these locations and events.
- F. “Prohibited conduct” means bullying or cyberbullying 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.
- G. “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.

IV. REPORTING PROCEDURE

- A. Any person who believes he or she has been the target or victim of bullying or any person with knowledge or belief of conduct that may constitute bullying or prohibited conduct under this policy shall report the alleged acts immediately to an appropriate school official designated by this policy. A student may report bullying anonymously. However, the school may not rely solely on an anonymous report to determine discipline or other remedial responses.
- B. The school encourages the reporting party or complainant to submit a written report to the principal or the school office, but oral reports shall be considered complaints as well.
- C. The principal or the principal's designee is the person responsible for receiving reports of bullying at the school.
- D. A teacher, principal, volunteer, contractor, or other school employee shall be particularly alert to possible situations, circumstances, or events that might include bullying. Any such person who witnesses, observes, receives a report of, or has other knowledge or belief of conduct that may constitute bullying or other prohibited conduct shall inform the school principal immediately.
- E. Reports of bullying or other prohibited conduct 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 or other prohibited conduct will not affect the complainant's or reporter's future employment, grades, or work assignments, or educational or work environment.
- G. The 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's obligation to investigate, take appropriate action, and comply with any legal disclosure obligations.

V. SCHOOL ACTION

- A. Within three days of a receipt of a complaint or report of bullying or other prohibited conduct, the school principal shall undertake an investigation.
- B. The school 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. The alleged perpetrator of the bullying or other prohibited conduct shall be allowed the opportunity to present a defense during the investigation or prior to the imposition of the discipline or other remedial responses.

- D. Upon completion of the investigation that determines that bullying or other prohibited conduct has occurred, the school principal 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 conduct. Remedial responses to the bullying or other prohibited conduct shall be tailored to the particular incident and nature of the conduct and shall take into account the factors specified in Section II.F. of this policy. School action taken for violation of this policy will be consistent with the requirements of applicable statutory authority, including the Minnesota Pupil Fair Dismissal Act; school policies; and regulations.
- E. The school 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. 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. RETALIATION OR REPRISAL

The school will discipline or take appropriate action against any student, teacher, Principal, volunteer, contractor, or other employee of the school who commits an act of reprisal or who, retaliates against any person who asserts, alleges or makes a good faith report of alleged bullying or prohibited conduct, 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 or prohibited conduct. Retaliation includes, but is not limited to, any form of intimidation, harassment, or intentional disparate treatment.

VII. TRAINING AND EDUCATION

- A. The school will provide information annually and will provide any applicable training to school staff regarding this policy. Newly employed school personnel must receive training within the first year of their employment with the school. The school may accelerate the training cycle based on a particular need or circumstance. This policy shall be included in employee handbooks, training materials, and publications on school rules, procedures and standards of conduct, which materials shall also be used to publicize this policy.
- B. The school will require ongoing professional development, consistent with Minn. Stat. 122A.60, to build the skills of all school personnel who regularly interact with students to identify, prevent, and appropriately address bullying and other prohibited conduct. Such professional development includes, but is not limited to, the following:
 - 1. Appropriate strategies both to prevent and to immediately and effectively intervene to stop prohibited conduct;

2. The complex dynamics affecting a perpetrator, target and witnesses to prohibited conduct;
 3. Research on prohibited conduct
 4. The incidence and nature of cyberbullying; and
 5. Internet safety and cyberbullying.
- C. The school annually will provide education and information to students regarding bullying, including information regarding this school policy prohibiting bullying, the harmful effects of bullying, and other applicable initiatives to prevent bullying.
- D. The administration of the school 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.
- E. The administration of the school must establish strategies for creating a positive school climate and use evidence-based social-emotional learning to prevent and reduce discrimination and other improper conduct.
- F. The school may implement violence prevention and character development education programs to prevent and reduce policy violations. Such programs may offer instruction on character education including, but not limited to, character qualities such as attentiveness, truthfulness, respect for authority, diligence, gratefulness, self-discipline, patience, forgiveness, respect for others, peacemaking, and resourcefulness.
- G. The school shall inform affected students and their parents of rights they may have under state and federal data practices laws to obtain access to data related to an incident and their right to contest the accuracy or completeness of the data.

VIII. NOTICE

- A. The school will give annual notice of this policy to students, parents or guardians, and staff. Elements of this policy shall appear in the student/parent handbook. A full copy of this policy can be found on the school's website or requested in the main office.
- B. This policy must be posted in the administrative (Main) office.
- C. This policy must be given to each school employee and independent contractor who regularly interacts with students at the time of initial employment with the school.
- D. Notice of the rights and responsibilities of students and their parents under this policy

must be included in the student discipline policy.

LEGAL REFERENCES:

MINN. STAT. CH. 13 (MINNESOTA GOVERNMENT DATA PRACTICES ACT)
MINN. STAT. § 120A.05, SUBDS. 9, 11, 13, AND 17 (DEFINITION OF PUBLIC SCHOOL)
MINN. STAT. § 120B.232 (CHARACTER DEVELOPMENT EDUCATION)
MINN. STAT. § 121A.03 (SEXUAL, RELIGIOUS AND RACIAL HARASSMENT AND VIOLENCE)
MINN. STAT. § 121A.031 (SCHOOL STUDENT BULLYING POLICY)
MINN. STAT. § 121A.0311 (NOTICE OF RIGHTS AND RESPONSIBILITIES OF STUDENTS AND PARENTS UNDER THE SAFE AND SUPPORTIVE MINNESOTA SCHOOLS ACT)
MINN. STAT. §§ 121A.40-121A.56 (PUPIL FAIR DISMISSAL ACT)
MINN. STAT. § 121A.69 (HAZING POLICY)
MINN. STAT. CH. 124E (CHARTER SCHOOL)
MINN. STAT. CH. 363A (MINNESOTA HUMAN RIGHTS ACT)
20 U.S.C. § 1232G *ET SEQ.* (FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT)
34 C.F.R. §§ 99.1 - 99.67 (FAMILY EDUCATIONAL RIGHTS AND PRIVACY)

CROSS REFERENCES:

MSBA/MASA MODEL POLICY 403 (DISCIPLINE, SUSPENSION, AND DISMISSAL OF SCHOOL DISTRICT EMPLOYEES)
MSBA/MASA MODEL POLICY 413 (HARASSMENT AND VIOLENCE)
MSBA/MASA MODEL POLICY 414 (MANDATED REPORTING OF CHILD NEGLECT OR PHYSICAL OR SEXUAL ABUSE)
MSBA/MASA MODEL POLICY 415 (MANDATED REPORTING OF MALTREATMENT OF VULNERABLE ADULTS)
MSBA/MASA MODEL POLICY 423 (EMPLOYEE-STUDENT RELATIONSHIPS)
MSBA/MASA MODEL POLICY 501 (SCHOOL WEAPONS POLICY)
MSBA/MASA MODEL POLICY 506 (STUDENT DISCIPLINE)
MSBA/MASA MODEL POLICY 507 (CORPORAL PUNISHMENT)
MSBA/MASA MODEL POLICY 515 (PROTECTION AND PRIVACY OF PUPIL RECORDS)
MSBA/MASA MODEL POLICY 521 (STUDENT DISABILITY NONDISCRIMINATION)
MSBA/MASA MODEL POLICY 522 (STUDENT SEX NONDISCRIMINATION)
MSBA/MASA MODEL POLICY 524 (INTERNET ACCEPTABLE USE AND SAFETY POLICY)
MSBA/MASA MODEL POLICY 525 (VIOLENCE PREVENTION)
MSBA/MASA MODEL POLICY 526 (HAZING PROHIBITION)
MSBA/MASA MODEL POLICY 529 (STAFF NOTIFICATION OF VIOLENT BEHAVIOR BY STUDENTS)
MSBA/MASA MODEL POLICY 709 (STUDENT TRANSPORTATION SAFETY POLICY)
MSBA/MASA MODEL POLICY 711 (VIDEO RECORDING ON SCHOOL BUSES)
MSBA/MASA MODEL POLICY 712 (VIDEO SURVEILLANCE OTHER THAN ON BUSES)