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Southside Family Charter School Policy 514

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514 BULLYING AND HAZING PROHIBITION

I. PURPOSE

A safe and supportive environment is needed for students to learn and to promote healthy human relationships. The school cannot monitor the activities of students at all times and eliminate all incidents of bullying or hazing 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 and the rights and welfare of its students and is within the control of the school in its normal operations, the school intends to prevent bullying and/or hazing and to take action to investigate, respond to, and to remediate and discipline for those acts of bullying and hazing which have not been successfully prevented.

II. GENERAL STATEMENT OF POLICY

- A. Bullying or hazing activities of any type are expressly prohibited on school premises, at school functions or activities, or on school transportation, or at any other time or place to the extent that it interferes with or obstructs the mission or operations of the school or the safety or welfare of the student or other students or 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. This policy also applies to an act of cyberbullying regardless of whether such act is committed on or off school property and/or with or without the use of school resources.
- B. No student, employee, or other school personnel shall plan, direct, encourage, aid, or engage in bullying and/or hazing, either directly or indirectly.
- C. No teacher, administrator, volunteer, contractor, or other employee of the school shall permit, condone, or tolerate bullying and/or hazing.
- D. Apparent permission or consent by a student being bullied or hazed does not lessen or negate the prohibitions contained in this policy.
- D. It shall be a violation of this policy for any student, employee, or other school personnel to retaliate against any person who asserts, alleges, or makes a good faith report of alleged bullying, hazing, or prohibited conduct, or who testifies, assists, or participates in an investigation, proceeding or hearing relating to such bullying, hazing, or prohibited conduct. Retaliation includes, but is not limited to,

any form of intimidation, harassment, or intentional disparate treatment.

- E. It is a violation of this policy to make a false report of bullying or hazing, or to knowingly supply false information in a complaint or investigation.
- F. The school will act to investigate all complaints of bullying and hazing reported to the school and will discipline or take appropriate action against any student, teacher, administrator, volunteer, contractor, or other personnel 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. It involves the use of an actual or perceived imbalance of power (including physical strength, access to embarrassing information, or popularity) between the person engaging in the prohibited conduct and the target of the prohibited conduct. Bullying behavior is repeated or forms a pattern. Furthermore, it 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.

Bullying behavior may be verbal, social or physical:

1. Verbal bullying involves saying or writing mean things, including but not limited to teasing, name-calling, inappropriate sexual comments, taunting, or threatening to cause harm.
2. Social bullying involves hurting someone’s reputation or relationships, including but not limited to leaving someone out on purpose, telling other students not to be friends with someone, spreading rumors about someone, or embarrassing someone in public.
3. Physical bullying involves hurting a person’s body or possessions, including but not limited to hitting, kicking, pinching, spitting, tripping, pushing, taking or breaking someone’s things, or making mean or rude hand gestures.

The term “bullying” specifically includes cyberbullying as defined in this policy.

- B. “Cyberbullying” means bullying using technology or other electronic communication. The term applies to prohibited conduct which occurs on school premises, on school 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. “Immediately” means as soon as possible but in no event longer than 24 hours (excluding holidays and weekends).
- 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. 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 actual or perceived race, ethnicity, color, creed, religion, national origin, immigration status, gender, marital status, familial status, socioeconomic status, physical appearance, sexual orientation including gender identity or expression, academic status related to student performance, disability, or status with regard to public assistance, age, or any other protected class 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. “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 school-related purpose. The term hazing 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 school policies or regulations.
- F. “On school premises, on school property, at school functions or activities, or on school transportation” means all school 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 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 and hazing at these locations and events, the school does not represent that it will provide supervision or assume liability at these locations and events.
- G. “Prohibited conduct” means bullying or cyberbullying or hazing as defined in this policy or retaliation for asserting, alleging, reporting, or providing information about such conduct or knowingly making a false report about bullying or hazing.
- 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 of prohibited conduct.
- I. “Student” means a student enrolled at the school.

IV. REPORTING PROCEDURE

- A. The Student Advocate (hereafter the “building report taker”) is the person responsible for receiving reports of bullying, hazing, or other prohibited conduct. Any person may report prohibited conduct directly to the building report taker or the School Leader. If the complaint involves the building report taker, the complaint shall be made or filed directly with the School Leader.

The School Leader shall ensure that this policy and its procedures, practices, consequences, and sanctions are fairly and fully implemented, and shall serve as the primary contacts on policy and procedural matters. The School Leader or a third party designated by the school shall oversee the investigation. The building report taker shall provide information about available community resources to the target of the prohibited conduct, the perpetrator, and other affected individuals as appropriate.

- B. Any person who believes he or she has been the target of bullying or hazing or any person with knowledge or belief of conduct that may constitute prohibited conduct under this policy shall report the alleged acts immediately to the building report taker. A student may report prohibited conduct anonymously. However, the school may not rely solely on an anonymous report to determine discipline or other remedial responses.
- C. The school encourages the reporting party or complainant to use the report form available from the school office, but oral reports shall be considered complaints as well.
- D. A teacher, school administrator, volunteer, contractor, or other school employee shall be particularly alert to possible situations, circumstances, or events that might include or encourage bullying or hazing. Any such person who witnesses, observes, receives a report of, or has other knowledge or belief of conduct that may constitute bullying, hazing, or other prohibited conduct shall make reasonable efforts to address and resolve the prohibited conduct and shall inform the building report taker immediately. School personnel who fail to inform the building report taker of conduct that may constitute bullying, hazing, or other prohibited conduct or who fail to make reasonable efforts to address and resolve the prohibited conduct in a timely manner may be subject to disciplinary action.
- E. Reports of 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. The building report taker, in conjunction with the School Leader and/or responsible authority, shall be responsible for keeping and regulating access to any report of prohibited conduct and the record of any resulting investigation.
- F. Submission of a good faith complaint or report of prohibited conduct will not affect the complainant's or reporter's future employment, grades, 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 (3) school days of the receipt of a complaint or report of prohibited conduct, the school shall undertake or authorize an investigation by the building report taker or a third party designated by the school.

- B. The building report taker or other appropriate school officials may take immediate steps, at their discretion, to protect the target of the prohibited conduct, the complainant, the reporter, and students or others, pending completion of an investigation of the prohibited conduct, consistent with applicable law.
- C. The alleged perpetrator of the prohibited conduct shall 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 an investigation that determines that prohibited conduct has occurred, the school will take appropriate action. Such action may include, but is not limited to, skills coaching, participation in a restorative process, warning, suspension, exclusion, expulsion, transfer, remediation, termination, or discharge. School 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; the student discipline policy (See Southside Family Charter School Policy 506) and other applicable school policies; and applicable regulations.

Disciplinary consequences will be administered with the intent of deterring future violations and to teach appropriate behavior. Remedial responses to the prohibited conduct shall be tailored to the particular incident and nature of the conduct and shall take into account the nature of the behavior, the students' developmental ages and behavioral histories.

Consequences for employees who permit, condone, or tolerate prohibited conduct may result in disciplinary action up to and including termination.

Consequences for other individuals engaging in prohibited conduct may include, but not be limited to, exclusion from school property and events and/or termination of services and/or contracts.

- 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 reported and confirmed bullying or hazing incident—both target and perpetrator— of the remedial or disciplinary action taken, to the extent permitted by law.
- F. In order to prevent or respond to prohibited conduct committed by or directed against a child with a disability, the school shall, when determined appropriate by the child's individualized education program (IEP) team or Section 504 team, allow the child's IEP or Section 504 plan to be drafted to address the skills and proficiencies the child needs as a result of the child's disability to allow the child

to respond to or not to engage in prohibited conduct.

VI. TRAINING AND EDUCATION

- A. The school shall discuss this policy with school personnel and volunteers and provide appropriate training to school personnel regarding this policy at least every three school years. Newly employed school personnel must receive the training within the first year of their employment with the school. A summary of this policy shall be included in the Employee Handbook, 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 shall regularly incorporate into professional development plans activities that build the skills of all school personnel who regularly interact with students to identify, prevent, and appropriately address prohibited conduct. Such professional development may include, but is not limited to, the following:
 - 1. Developmentally 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, including specific categories of students at risk for perpetrating or being the target or victim of bullying or other prohibited conduct in school;
 - 4. The incidence and nature of cyberbullying; and
 - 5. Internet safety and cyberbullying.
- C. The school will provide education and information to students regarding bullying, including information regarding this school policy prohibiting bullying and hazing, the harmful effects of bullying and hazing, and other applicable initiatives to prevent prohibited conduct.
- D. The administration of the school is directed to respond to prohibited conduct in a manner that does not stigmatize the target, and to make resources or referrals to resources available to targets and perpetrators of bullying and/or hazing. Resources may include counseling and/or mental and other health services.
- E. The school may implement violence prevention and character development education programs to prevent or reduce policy violations.

- F. 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. The school may accomplish this requirement by inclusion of all or applicable parts of its protection and privacy of pupil records policy (See Southside Family Charter School Policy 515) in the family handbook.

VIII. NOTICE

- A. The school will give annual notice of this policy to students, parents or guardians, and staff, and this policy shall appear in the family handbook.
- B. A summary of this policy must be conspicuously posted in the school 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 or contract with the school.
- D. This policy shall be published on the school's website.
- E. The school shall provide an electronic copy of its most recently amended policy to the Commissioner of Education.

Legal References: Minn. Stat. § 121A.031 School Student Bullying Policy
Minn. Stat. §§ 121A.40-121A.56 (Pupil Fair Dismissal Act)
Minn. Stat. § 121A.69 (Hazing Policy)

Cross References: Southside Family Charter School Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)
Southside Family Charter School Policy 506 (Student Discipline)
Southside Family Charter School Policy 515 (Protection and Privacy of Pupil Records)