

# **BULLYING PROHIBITION POLICY INCLUDING CYBERBULLYING**

## **I. 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. To the extent such conduct affects the educational environment of district schools and the rights and welfare of its students and is within the control of the district in its normal operations, it is the 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. Appropriate administrative and staff follow-up will be provided for targets and offenders of bullying. While Voyageurs Expeditionary School 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, the purpose of this policy is to assist the district 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 district property, at school related functions, or in electronic form otherwise known as cyberbullying. This policy applies to all of the academic and nonacademic (for example, athletic and extracurricular) programs of the district and will be enforced before, during, or after school hours on all school property, including the school bus, school functions, or events held at other locations. The policy also applies to any off-campus conduct that causes or threatens to cause a substantial and material disruption at school, or interferes with the rights of students or employees to be free from a hostile school environment taking into consideration the totality of the circumstances on and off campus. 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.

B. No district employee shall permit, condone, or tolerate bullying. Any district employee who observes an act of bullying shall intervene to attempt to stop the act and shall report it to the appropriate person. Likewise, any person who receives a report of an act of bullying shall report it to the appropriate person.

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

D. Retaliation against a target, 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 directly or indirectly in an act of bullying, reprisal, or intentional false reporting of bullying or permits, condones, or tolerates bullying may be subject to discipline for that act in accordance with the district's policies and procedures. The district may take into account the following factors:

1. The age, developmental and maturity levels of the parties involved;
2. The levels of harm, surrounding circumstances, and nature and severity 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 positive behavioral interventions up to and including suspension and/or expulsion. Consequences for district 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 district property and events and/or termination of services and/or contracts.

G. The district will act to investigate all complaints of bullying and will take appropriate action against any student or district employee who is found to have violated this policy.

## **III. DEFINITIONS**

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

A. Bullying is unwanted, aggressive behavior among school aged children that involves a real or perceived power imbalance. The behavior is repeated, or has the potential to be repeated, over time. In order to be considered bullying, the behavior must be aggressive and include:

1. An imbalance of power: Students who bully use their power—such as physical strength, access to embarrassing information, or popularity—to control or harm others. Power imbalances can change over time and in different situations, even if they involve the same people.
2. Repetition: Bullying behaviors happen more than once, or have the potential to happen more than once.

Bullying includes actions such as making threats, spreading rumors, attacking someone physically or verbally, and excluding someone from a group on purpose. There are three types of bullying:

1. Verbal bullying is saying or writing mean things. Verbal bullying includes:

- Teasing
- Name-calling
- Taunting
- Threatening to cause harm

2. Social bullying, sometimes referred to as relational bullying, involves hurting someone's reputation or relationships. Social bullying includes:

- Leaving someone out on purpose
- Telling other children not to be friends with someone
- Spreading rumors about someone
- Embarrassing someone in public

3. Physical bullying involves hurting a person's body or possessions. Physical bullying includes:

- Hitting/kicking/pinching
- Spitting
- Tripping/pushing
- Taking or breaking someone's things
- Making mean or rude hand gestures

Bullying can take a variety of forms. As noted above, it can be a written, verbal, or electronic expression, a physical act or gesture, graphic representation (e.g. graffiti). Bullying may include the misuse of technology in any form, including sending or posting e-mail messages, instant messages, text messages, blog or social media postings, digital pictures or images, or other electronic postings, regardless of whether such acts are committed on or off district property and/or with or without the use of district resources.

Bullying based on a protected classification set forth in the district's Equal Educational Opportunity Policy (race, color, creed, religion, national origin, sex, marital status, disability, status with regard to public assistance, sexual orientation, or age) may also constitute a violation of the district's Harassment, Violence, and Discrimination Policy.

B. "District employee" for purposes of this policy includes school board members, district employees, agents, volunteers, contractors/vendors, or persons subject to the supervision and control of the district.

C. "Immediately" or "immediate" means as soon as possible but in no event longer than 24 hours.

D. "On district property, at school-related functions, or in electronic form" means all 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 district purposes, the area of entrance or departure from school grounds, premises, or events, all school-related functions, school-sponsored activities, events, or trips, the use of any district technology equipment or system on or off-campus, the use of a personal digital device on campus, or off-campus electronic communication that causes or threatens to cause a substantial and material disruption at school or interference with the rights of students or employees to be secure. 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 or events or through use of district technology resources, the district does not represent that it will provide supervision or assume liability at these locations or events, or through use of district technology resources.

#### IV. REPORTING PROCEDURE

A. Any person who believes he or she has been the target of bullying or any person with knowledge or belief of conduct that may constitute bullying shall report the alleged acts immediately to an administrator, counselor, or student services advocate in that school. A student may report bullying anonymously. However, the district's ability to take action against an alleged offender based solely on an anonymous report may be limited.

B. A report (verbal or written) should be made immediately, or as soon after the incident as possible; delays between the date of the alleged incident and the reporting date may make investigations more difficult.

C. The district encourages the target or other reporting party to use a report form; oral and electronic reports shall be considered complaints as well. The report form is available office of the school, or on the district's website at: [www.VoyageursSchool.org](http://www.VoyageursSchool.org). Upon request for qualified persons with a disability, alternative means of filing a complaint, such as through a personal interview or by tape recording, will be made available.

D. Nothing in this policy shall prevent any person from reporting harassment, violence, or discrimination directly to the Title IX Coordinator/Equity Coordinator or to the Director:

Title IX Coordinator/Equity Coordinator

3724 Bemidji Avenue North, Bemidji, MN 56601; 218-444-3130

Or

Voyageurs Director

3724 Bemidji Avenue North, Bemidji, MN 56601; 218-444-3130

E. District employees 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 building principal or designee immediately.

F. 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.

G. Submission of a good faith complaint or report of bullying will not affect the target's or reporter's future employment, grades, work assignments, or educational or work environment.<sup>5</sup>

H. The district will respect the privacy of the target, the reporter, the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the district's obligation to investigate, take appropriate action, and comply with any legal disclosure obligations.

## V. DISTRICT ACTION

A. Upon receipt of a complaint or report of bullying, the district shall undertake or authorize an investigation by District officials or a third party designated by the district, consistent with the Harassment, Violence and Discrimination Policy.

B. The district shall take immediate steps to protect the target, reporter, students, or others as necessary pending completion of an investigation of bullying, consistent with applicable law.

C. Upon completion of the investigation, the district will take appropriate action pursuant to the School Discipline Policy as outlined in the (Student/Family Handbook for students; Employee Handbook for staff). Such action may include, but is not limited to, warning; loss of privilege; restitution; suspension, exclusion or expulsion for students; remediation; leave of absence or termination for staff. The district may also contact law enforcement if the behavior is criminal in nature. Disciplinary consequences will be sufficiently severe to try to deter violations and to appropriately discipline prohibited behavior. District action taken for violation of this policy will be consistent with the requirements of applicable statutory authority, including the Minnesota Pupil Fair Dismissal Act; district policies; and regulations. Appropriate administrative and staff follow-up will be provided for targets and offenders of bullying.

D. The district is not authorized to disclose to a target or reporter private educational or personnel data regarding an alleged offender who is a student or district employee.

E. 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.

F. The district shall monitor all incidents of bullying as fully set forth in Section IX of the Harassment, Violence and Discrimination Policy.

## VI. APPEAL

If the report has not been resolved to the satisfaction of the target, s/he may appeal to the Title IX/Equity Coordinator within ten (10) school days of receipt (verbal or written) of the findings of the district investigation. The Title IX/Equity Coordinator will conduct a review of the appeal and, within ten (10) school days of receipt of the appeal, will affirm, reverse, or modify the findings of the report. The decision of the Title IX/Equity Coordinator is final.

## VII. REPRISAL

The district will discipline or take appropriate action against any student or district employee 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.

#### VIII. PROGRAMMING

The district shall implement annual bullying prevention and character development education programs for students 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.

#### IX. NOTICE

The district will give annual notice of this policy to students, parents or guardians, and staff, and this policy shall appear in the student handbook.

#### X. REVIEW OF THE POLICY

This policy will be reviewed by the Board or its designee on an annual basis and, if necessary, will be revised to conform to applicable state and federal law.

Voyageurs Expeditionary School

Adopted: December 11, 2008

Revised: August 11, 2014