



<b>Policy Title &amp; Number</b>	514- Bullying Prohibition
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<b>Date Created:</b>	July 1, 2014
<b>Past Policy Revision Date(s):</b>	July 1, 2018
<b>Related Policy(ies):</b>	
<b>Policy Type (Operating, Board)</b>	Operating

**A. Purpose**

TrekNorth strives to provide safe, secure, and respectful learning environments for all students in school buildings, on school grounds, on school buses, and at school-sponsored activities. Bullying is conduct that interferes with a student’s ability to learn and a teacher’s ability to educate. This policy protects students against bullying and retaliation by other students. This policy also protects any student who voluntarily participates in any district function or activity from prohibited conduct, whether the student is enrolled in the district or not. This policy can be found in the school’s student handbook, within the school and district administrative offices, and electronically at [www.treknorth.org](http://www.treknorth.org). The policy is also provided to all school employees, independent contractors, and volunteers who interact with students.

**B. Definitions**

**“Bullying”** is objectively offensive intimidating, threatening, abusive or harmful conduct directed by a student toward one or more students when either (1) there is a real or perceived imbalance of power between those involved and the conduct reoccurs or forms a pattern; or, (2) the conduct repeatedly, materially and substantially interferes with the student’s educational opportunities, performance, or ability to participate in school functions, activities or programs. Bullying can be, but need not be, based on an individual’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, status with regard to public assistance, age, or any additional characteristic defined in Minnesota Statutes, Chapter 363A (commonly referred to as the Minnesota Human Rights Act). Bullying in this policy includes “cyber bullying,” as defined below.

**“Cyber bullying”** is bullying that occurs when an electronic device, including, but not limited to, a computer or cell phone, is used to transfer a sign, signal, writing, image, sound or data and includes a post to a social network, Internet website or forum.

“Intimidating, threatening, abusive, or harming conduct” may involve, but is not limited to, conduct that causes physical harm or reasonable fear of harm to a student or a student's property, violates a student's reasonable expectation of privacy under Minnesota common law, defames a student, or constitutes intentional infliction of emotional distress against a student or retaliation for, or knowingly making a false report.

**“Prohibited conduct”** means bullying or cyberbullying as defined under this subdivision or retaliation for asserting, alleging, reporting, or providing information about such conduct or knowingly making a false report about bullying.

**“Remedial response”** is appropriately prompt action taken to intervene, investigate, correct and prevent bullying from recurring, including protecting and supporting a student subjected to bullying and those who provided aid and support to the student.

### C. Policy Statement

#### **PROHIBITED CONDUCT**

##### **Bullying is prohibited:**

1. On school property, school district-provided transportation, or at designated locations for students to wait for school district-provided transportation.
2. During any school-sponsored or school-sanctioned program, activity, event or trip.
3. Using school computers, electronic technology, networks, forums or mailing lists.
4. Using electronic technology off the school premises that materially and substantially disrupts a student's learning or school environment.

A parent permission or consent by a student does not mean that bullying should be tolerated or allowed. Retaliation is prohibited, by any student or district employee, against anyone who in good faith asserts, alleges, reports, or provides information pertaining to an alleged incident of prohibited conduct. TrekNorth will take appropriate action against any student or district employee who engages in retaliation. Filing a false accusation of bullying is also prohibited.

*This policy may be revised at any time without notice. All revisions supersede prior policy and are effective immediately upon approval by the Director.*

### D. Associated Procedures or Other Information

#### **INITIAL RESPONSE AND REPORTING**

**Assistant Director and School Social Worker** are the people responsible for receiving reports of bullying at TrekNorth. These designees will ensure this policy and its procedures are fairly and fully implemented and serve as the primary persons to address policy and procedural matters. If the complaint involves or is a conflict of interest for the Assistant Director and/or the School Social Worker, the

complaint shall be made to the Executive Director.

**Students:** Students who believe that they have been bullied or have witnessed bullying are strongly encouraged to bring their concerns as soon as possible to the Assistant Director or School Social Worker but may bring their concerns to any school employee.

**School Employees:** Any employee who witnesses an incident or who possesses reliable information that would lead a reasonable person to believe that bullying has occurred shall:

1. Immediately intervene to protect the safety of the student subjected to the incident and other students involved, as appropriate to the context.
2. Make reasonable efforts to address and resolve the incident, including reporting the incident to the Assistant Director, as deemed appropriate.
3. Cooperate fully in any investigation and resolution of the bullying incident.

**Independent Contractors/Volunteers:** Any independent contractor or volunteer who witnesses bullying or who possesses reliable information that would lead a reasonable person to believe that bullying has occurred is strongly encouraged to report the bullying incident to the Assistant Director or any school employee and cooperate fully in any investigation and resolution of the bullying incident. Anonymous reports will be accepted, however, no disciplinary action will be determined solely on the basis of an anonymous report.

## **INVESTIGATION**

### **Information Pertaining to Bullying Incidents:**

The use of, access to, and disclosure of information pertaining to reports and investigations of prohibited conduct are subject to state and federal data practices laws. TrekNorth will notify affected individuals, including students and parents, of their rights related to information provided to and obtained by the school, in accordance with the school's legal obligations. Information provided to TrekNorth is subject to the Minnesota Government Data Practices Act. This law classifies certain information as available to the public on request.

### **Procedure:**

Investigation of an alleged bullying incident shall be initiated as soon as possible, but in no instance after more than three school days of receipt of a report, and completed in a timely manner. Investigative records shall be maintained and regulated by the Assistant Director. The investigation should determine whether the reported incident constitutes a case of bullying. The determination should take into consideration the totality of the facts and circumstances surrounding the incident, including, but not limited to:

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

In all cases, the alleged actor will be entitled to raise a defense and any other recourse in the district discipline policy.

## **REMEDIAL RESPONSE**

Administration shall design and implement remedial measures to correct and prevent further prohibited

conduct, protect and provide support for the target of the bullying, and take corrective action for documented systemic problems related to bullying. When possible, TrekNorth will encourage and support a Restorative Justice approach to providing avenues to restore damaged relationships within the school community.

Many student conflicts can be resolved immediately and do not require reporting or creation of an incident report. TrekNorth will respond to bullying in a manner tailored to the individual incident, considering the nature of the behavior, the developmental age of the student, and the student's history of prohibited conduct and performance.

When a student engages in bullying, TrekNorth will respond in an individualized, consistent, reasonable, fair, age-appropriate manner ensuring consequences match the severity of the student's behavior and developmental age. When appropriate, TrekNorth shall provide the target, actor, and other affected individuals with information about available community resources to aid in the remedial process.

## E. Associated Forms

**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. § 124D.10 (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 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)