



5201

Bullying and Hazing Prohibition

Policy 5201

Original Adoption: 12/16/1997

Effective Date: 10/15/2014

Revision Dates: 10/26/2004, 05/27/2008, 10/14/2014

Review Dates: July 17, 2013

I. PURPOSE

The purpose of this policy is to maintain a safe and supportive learning environment for students and staff that is free from bullying or hazing. The District cannot monitor the activities of students at all times and eliminate all incidents of bullying between students or hazing, particularly when students are not under the direct supervision of school personnel. However, to the extent such conduct affects the educational environment of the District's 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/or hazing. It is also the District's intent to take action to investigate, respond to, remediate, and impose 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 inconsistent with the educational goals of the school district and are prohibited..
1. This policy applies to any student whose conduct interferes with or obstructs the mission or operations of the District or the safety or welfare of the student, other students or employees of the District and, as it applies to behavior against other students:
 - a. Where there is an actual or perceived imbalance of power between the student acting and the target of that behavior, and
 - b. Where the conduct is repeated or forms a pattern, or
 - c. Where the conduct 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.
 2. The policy applies to conduct that occurs:
 - a. on school premises,
 - b. at school functions or activities,
 - c. on school provided transportation
 - d. by use of electronic technology and communications on school premises, during school functions or activities, on school provided transportation, on school provided technology, networks, forums or mailing lists;
 - e. by use of electronic technology and communications off school premises when such use substantially and materially disrupts student learning or the school environment..
 3. This policy applies to any harming conduct that
 - a. causes physical harm to a student or a student's property or
 - b. causes a student to be in reasonable fear of harm to person or property, or



- c. violates a student's reasonable expectation of privacy, or
- d. constitutes intentional infliction of emotional distress against a student;
- e. is directed at a student or students based on the actual or perceived student's:
 - (1) race
 - (2) ethnicity
 - (3) color,
 - (4) creed,
 - (5) religion
 - (6) national origin
 - (7) immigration status
 - (8) gender,
 - (9) marital status,
 - (10) familial status,
 - (11) socioeconomic status,
 - (12) physical appearance,
 - (13) sexual orientation,
 - (14) gender identity or expression
 - (15) academic status related to student performance
 - (16) disability,
 - (17) status with regard to public assistance,
 - (18) age,
 - (19) other protected class characteristic under the Minnesota Human Rights Act

- 4. This policy also applies to conduct that is characterized as, but is not limited to:
 - a. teasing,
 - b. abusive;
 - c. intimidating,
 - d. defaming,
 - e. threatening,
 - f. terrorizing,
 - g. exclusionary, or
 - h. provocative conduct that induces or causes others to act in violation of this policy.

This policy applies to any misuse of technology that directs the conduct identified above toward any student.

- B. No student, employee or other personnel of the District shall plan, direct, encourage, aid or engage in bullying and/ or hazing.
- C. No employee or other personnel of the District shall permit, condone or tolerate bullying and/ or hazing.



- D. Apparent permission or consent by a person being hazed does not lessen the prohibitions contained in this policy.
- E. In the case of behavior that constitutes hazing this policy applies to behavior that occurs on or off school property and during and after school hours.
- F. A person who engages in an act that violates school policy or law in order to be initiated into or affiliated with a student organization shall be considered hazing and is subject to discipline for that act.
- G. It shall be a violation of this policy to retaliate against any person who:
 - 1. makes a good faith report of alleged bullying or hazing,
 - 2. acts as a witness in any fact finding or investigation,
 - 3. testifies, assists or participates in any bullying or hazing
 - a. fact-finding or investigation
 - b. hearing, or
 - c. proceeding.
- H. Submission of a good faith complaint or report of bullying or hazing will not affect the complainant or reporter's future employment, grades, course credit acquisition, or work assignments.
- I. Any student or employee who supplies information in a complaint or investigation that is determined to have been falsely and maliciously supplied shall be subject to discipline.
- J. The District shall act to initiate an investigation of all complaints of bullying or hazing within three (3) school days of a report of alleged conduct prohibited by this policy.
- K. The District shall discipline or take appropriate action against any student, employee or other personnel of the District who is found to have violated this policy. Discipline shall be consistent with the requirements of applicable collective bargaining agreements, applicable statutory authority, including the Minnesota Pupil Fair Dismissal Act, the district's Behavior Standards Policy and other district policies.
- L. Remedial and restorative responses to prohibited conduct shall be offered to actors, targets and bystanders that are tailored to the particular behavior or conduct, the students' developmental ages and behavioral histories.
- M. Within the limitations of appropriate data protection requirements, parents of students alleged to have engaged in prohibited conduct and parents of alleged targets of that



conduct, shall be notified of the alleged conduct and the investigation into the allegations.

III. RESPONSIBILITY

- A. The Superintendent is authorized to promulgate regulations to support the implementation of this policy.
- B. This policy shall be given to students, parents, employees and other personnel of the district.
- C. Teachers, administrators, volunteers, contractors and other personnel of the school district shall be particularly alert to possible situations, circumstances or events which might include or encourage bullying or hazing. Any such person who receives a report of, observes, or has other knowledge or belief of conduct which may constitute bullying or hazing shall inform the building principal or site administrator immediately. Employees and district contractors shall intervene in observed conduct that constitutes bullying or hazing to protect the target of the prohibited conduct.
- D. The District will provide information and applicable training to school district staff regarding this policy at least every three years
- E. The administration of the District is directed to implement programs and other initiatives to prevent bullying, provide education and information to students regarding bullying and to respond to bullying in a manner that does not stigmatize the target, and to make resources or referrals available to targets of bullying or hazing and their families.
- F. The principal or site administrator of a school is the primary contact person to receive reports of prohibited conduct, and is responsible to assure that this policy is administered and implemented in a full and fair fashion. The principal, or principal's designee, shall conduct the required investigation into allegations of bullying.
- G. The District may implement violence prevention, character development and pro-social skills education programs to prevent and reduce policy violations.

Legal References:

Minn. Stat. § 120B.22 (Violence Prevention Education)
Minn. Stat. § 120B. 232 (Character Development Education)
Minn. Stat. §121A.031 (School Student Bullying Policy)
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Minn. Stat. § 121A. 40 - 121A.56 (Pupil Fair Dismissal Act)
Minn. Stat. § 121A.69 (Hazing Policy)



Cross References:

MPS Policy 4002 (Harassment and Violence Prohibition)

MPS Policy 5200 (Behavior Standards)

MPS Regulation 5201 A (Reporting Procedures and District Action: Bullying and Hazing)

MPS Regulation 5201 B (Definitions: Bullying and Hazing)