

*Adopted: November 14, 2005*  
*Revised: November 8, 2007*  
*Revised: May 9, 2011*

*White Bear Lake Area  
School District Policy 514*

## **514 BULLYING PREVENTION POLICY**

### **I. PURPOSE**

A safe and civil environment is desired 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. The school district cannot monitor at all times or eliminate all incidents of bullying between students, particularly when students are not under the direct supervision of school personnel. However, to the extent bullying behavior affects the educational environment of the school district and the rights and welfare of its students and is within the control of the school district in its normal operations, it is the school district's intent to prevent bullying and to take action to investigate, respond to, remediate, and, when appropriate, discipline acts of bullying which have not been successfully prevented. The purpose of this policy is to assist the school 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 is expressly prohibited on school district property or at school-related functions. 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 behavior that interferes with or obstructs the mission or operations of the school district or the safety or welfare of the student, other students, or school personnel or visitors. In addition, the use of technology to tease, intimidate, defame, threaten, or terrorize and/or otherwise cause harm to a student, group, school personnel, or visitors by communicating in any form, including, but not limited to, e-mail messages, instant messages, text messages, digital pictures or images, website postings, including blogs or other means, also may constitute an act of bullying regardless of whether such acts are committed on or off school district property and/or with or without the use of school district resources.
- B. No school personnel, student, or visitor of the school district shall permit, condone, or tolerate bullying.
- C. Apparent or perceived permission or consent by a student being bullied does not lessen the prohibitions contained in this policy.
- D. Retaliation against a bully or victim, good faith reporter, or a witness of bullying is prohibited.

- E. False accusations or reports of bullying against a student are prohibited.
- F. A student who engages in an act of bullying, reprisal, or false reporting of bullying or permits, condones, or tolerates bullying shall be subject to discipline for that act in accordance with school district policies and procedures. The school district 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 details of the behavior;
  - 3. Past incidences and/ 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 behavioral interventions up to and including suspension and/or expulsion. Consequences for school district personnel 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 district property and events and/or termination of services and/or contracts.

- G. The school district will act to investigate all complaints of bullying and will discipline or take appropriate action against any person 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 any written, electronic, or verbal expression, physical act or gesture, or pattern thereof, by a student that is intended to cause or is perceived as causing distress to a student or a group of students and which substantially interferes with another student’s or students’ educational benefits, opportunities, or performance. Bullying includes, but is not limited to, conduct by a student against another student or a group that a reasonable person under the circumstances knows or should know has the effect of:
  - 1. harming a student or a group of students;
  - 2. damaging a student’s or a group of students’ property;

3. placing a student or a group of students in reasonable fear of harm to person or property;
  4. creating a hostile environment for a student or a group of students; or
  5. intimidating a student or group of students.
- B. “Immediately” means as soon as possible but in no event longer than one (1) school day following the report.
- C. “On school district property or at school-related functions” means: all school 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 school district 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 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 and events, the school district does not represent that it will provide supervision or assume liability at these locations and events.
- D. “School District Personnel” means School Board members, school employees, agents, volunteers and contractors subject to the supervision and control of the School District.

#### **IV. REPORTING PROCEDURE**

- A. Any person who believes he or she has been the victim of bullying or any person with knowledge or belief of conduct that may constitute bullying shall report the alleged acts immediately to any school employee. It is the responsibility of that employee to document the concern and forward it to a school administrator. A student may report bullying anonymously. However, the school district’s ability to take action against an alleged perpetrator based solely on an anonymous report may be limited.
- B. The school district encourages the reporting party to submit a written complaint to school administration, but oral reports shall be considered official complaints as well.
- C. The building administrator or designee is the person responsible for receiving reports of bullying at the building level. Bullying may also be reported directly to a school district human rights officer or to the superintendent. If the complaint involves the building administrator, the complaint may be made or filed directly with the superintendent or designee, or to the school district human rights officer.
- D. School district personnel 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 administrator or designee immediately. School district personnel who fail to inform the building administrator or designee of conduct that may constitute bullying in a timely manner (preferably within one (1) school day) may be subject to disciplinary action.

- E. 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.
- F. Submission of a good faith complaint or report of bullying will not affect the complainant's or reporter's future employment, grades, or work assignments, or educational or work environment.
- G. The school district 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 district's obligation to investigate, take appropriate action, and comply with any legal disclosure obligations.

## **V. SCHOOL DISTRICT ACTION**

- A. Upon receipt of a complaint or report of bullying, the school district shall undertake or authorize an investigation by school district officials or a third party designated by the school district.
- B. The school district may take immediate steps, at its discretion, to protect the complainant, reporter, students, or others, including the perpetrator, pending completion of an investigation of bullying, consistent with applicable law.
- C. Upon completion of the investigation, the school district will take appropriate action. School district action will be taken to deter violations and to prevent future incidents of bullying. School district action taken for violation of this policy will be consistent with the requirements of applicable statutory authority, including the Minnesota Public Fair Dismissal Act; school district policies; and regulations.
  - 1. For students such action may include, but is not limited to, a warning, education, counseling, remediation, loss of privileges, detention, exclusion, restorative measures, mediation, referral to outside agencies, (including, but not limited to, law enforcement), suspension, expulsion, or transfer.
  - 2. For staff such action may include, but is not limited to a warning, education, restorative measures, mediation, suspension, exclusion, expulsion, or transfer. remediation, termination, or discharge. Action against staff will be also be consistent with the requirements of applicable collective bargaining agreements.

- D. The school district 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 district. School officials will respond to the parent(s) or guardian(s) of students involved in a bullying incident with a summary of the investigation and relevant information, to the extent permitted by law.

## **VI. RETALIATION PROHIBITED**

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

## **VII. TRAINING AND EDUCATION**

- A. The school district annually will provide information and training to school district personnel regarding this policy.
- B. The school district annually will provide education and information to students regarding bullying, including information regarding this school district policy prohibiting bullying, the harmful effects of bullying, and other applicable initiatives to prevent bullying.
- C. The administration of the school district 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 and offenders.
- D. The school district 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, self advocacy, respect for authority, diligence, gratefulness, self-discipline, patience, forgiveness, respect for others, peacemaking, and resourcefulness.

## **VIII. NOTICE**

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

### ***Legal References:***

- Minn. Stat. § 120B.232 (Character Development Education)
- Minn. Stat. § 121A.03 (Sexual, Religious and Racial Harassment and Violence)

Minn. Stat. § 121A.0695 (School Board Policy; Prohibiting Intimidation and Bullying)

Minn. Stat. §§ 121A.40-121A.56 (Pupil Fair Dismissal Act)

Minn. Stat. § 121A.69 (Hazing Policy)

***Cross References:*** WBLASB Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)  
WBLASB Policy 413 (Harassment and Violence)  
WBLASB Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)  
WBLASB Policy 415 (Mandated Reporting of Maltreatment of Vulnerable Adults)  
WBLASB Policy 423 (Employee-Student Relationships)  
WBLASB Policy 501 (School Weapons Policy)  
WBLASB Policy 506 (Student Discipline)  
WBLASB Policy 507 (Corporal Punishment)  
WBLASB Policy 515 (Protection and Privacy of Pupil Records)  
WBLASB Policy 521 (Student Disability Nondiscrimination)  
WBLASB Policy 522 (Student Sex Nondiscrimination)  
WBLASB Policy 525 (Violence Prevention)  
WBLASB Policy 526 (Hazing Prohibition)  
WBLASB Policy 529 (Staff Notification of Violent Behavior by Students)  
WBLASB Policy 709 (Student Transportation Safety Policy)  
WBLASB Policy 711 (Videotaping on School Buses)  
WBLASB Policy 712 (Video Surveillance Other Than on Buses)