

## **5084 – BULLYING PROHIBITION POLICY**

### **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. The Duluth School District 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. However, to the extent such conduct affects the educational environment of the Duluth School District and the rights and welfare of its students and is within the control of the Duluth School District in its normal operations, it is the Duluth School 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. The purpose of this policy is to assist the Duluth School District in its goal of preventing and responding to acts of bullying, intimidation, violence, and other similar disruptive behavior.~~

The purpose of this policy is to prohibit bullying behavior and assist the Duluth School District in its goal of preventing and responding to acts of bullying, intimidation, violence, and other similar disruptive behavior.

The Duluth School District strives to provide safe, secure and respectful learning environments for all students in school buildings, on school grounds, school buses and at school-sponsored activities. A safe and civil environment is needed for students to learn and attain high academic standards and to promote healthy human relationships.

This policy protects all students against bullying behavior including bullying behavior on the basis of actual or perceived race, ethnicity, color, creed, 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, military status, association with a person or group with one or more of the aforementioned actual or perceived characteristics, or any other distinguishing characteristic defined in Minnesota Human Rights Act (Chapter 363A).

### **II. GENERAL STATEMENT OF POLICY**

~~A. An act of bullying, by either an individual student or a group of students, is expressly prohibited on Duluth 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 that interferes with or obstructs the mission or operations of the Duluth School District or the safety or welfare of the student, other students, or employees. The misuse of technology including, but not limited to, teasing, intimidating, defaming, threatening, or terrorizing another student, teacher, administrator, volunteer, contractor, or other employee of the Duluth School District by sending or posting e-mail messages, instant messages, text messages, digital pictures or images, or~~

- website postings, including blogs, also may constitute an act of bullying regardless of whether such acts are committed on or off Duluth School District property and/or with or without the use of Duluth School District resources.
- ~~B. No teacher, administrator, volunteer, contractor, or other employee of the Duluth School District shall permit, condone, or tolerate bullying.~~
  - ~~C. Apparent permission or consent by a student being bullied does not lessen the prohibitions contained in this policy.~~
  - ~~D. Retaliation against a victim, 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 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 Duluth School District's policies and procedures. The Duluth 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 nature 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 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 Duluth School District property and events and/or termination of services and/or contracts.~~

- ~~G. The Duluth School District will act to investigate all complaints of bullying and will discipline or take appropriate action against any student, teacher, administrator, volunteer, contractor, or other employee of the Duluth School District 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 and:~~
  - ~~1. an actual or perceived imbalance of power exists between the student engaging in the prohibited conduct and the target of the prohibited conduct, and the conduct is repeated or forms a pattern; or~~
  - ~~2. 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.~~

~~The term, "bullying," specifically includes cyber bullying as defined in this policy.~~

~~"Cyber bullying" means bullying using technology or other electronic communication, including, but not limited to, a transfer of a sign, signal, writing, image, sound, or~~

~~data, including a post on a social network Internet website or forum, transmitted through a computer, cell phone, or other electronic device. The term applies to prohibited conduct which occurs on school premises, on school district 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.~~

~~B. —“Immediately” means as soon as possible but in no event longer than 24 hours.~~

~~B. —“On Duluth School District property or at school related functions” means all Duluth 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 Duluth 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. Duluth 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 Duluth School District does not represent that it will provide supervision or assume liability at these locations and events.~~

"Bullying" means intimidating, threatening, abusive, or harming conduct that is objectively offensive and:

- A. there is an actual or perceived imbalance of power between the student engaging in prohibited conduct and the target of the behavior and
- B. the conduct is repeated or forms a pattern; or
- C. materially and substantially:
  - 1. 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. Places the student in reasonable fear of harm to the student’s person or property.
  - 3. Causes a substantially detrimental effect on the student's physical or mental health.

“Cyber bullying” means bullying using technology or other electronic communication, including, but not limited to, a transfer of a sign, signal, writing, image, sound, or data, including a post on a social network Internet website or forum, transmitted through a computer, cell phone, or other electronic device. The term applies to prohibited conduct which occurs on school premises, on school district 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.

"Remedial response" means a measure to stop and correct prohibited conduct, prevent prohibited conduct from recurring, and protect, support, and intervene on behalf of the student who is the target of the prohibited conduct. Remedial response also means a measure to stop and correct retaliation for asserting, alleging, reporting or providing information about prohibited conduct (retaliation) or knowingly making a false report about prohibited conduct (false report), prevent retaliation or

false reports from recurring and protect, support and intervene on behalf of the student who is the target of the prohibited conduct.

“Immediately” means as soon as possible but in no event longer than 24 hours.

“District employee” includes school board members, administrators, educators, aides, school counselors, social workers, psychologists, other school mental health professionals, nurses and other school-based/linked medical providers/health professionals, cafeteria workers, custodians, bus drivers, athletic coaches, extracurricular activities advisors, paraprofessionals, school employees, agents, volunteers, contractors, or persons subject to the supervision and control of the district and its students.

“On Duluth School District property or at school-related functions” means all Duluth 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 Duluth 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. Duluth 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 Duluth School District does not represent that it will provide supervision or assume liability at these locations and events.

#### IV. STATEMENT OF PROHIBITION

An act of bullying, by either an individual student or a group of students, is expressly prohibited on Duluth 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.

Bullying of a student or group of students is prohibited:

- A. During any school-sponsored or school-sanctioned programs, activities, events or trips.
- B. In school buildings, school property, on school buses or other school district-provided transportation, and at designated locations for students to wait for buses and other school district-provided transportation.
- C. Through the transmission of information from a school district computer or computer network, or other electronic school equipment.
- D. When communicated through any electronic technology or personal electronic device while on school property, on school buses or other school-provided transportation, at bus stops, and at school sponsored or school-sanctioned events or activities.
- E. When using Off campus communication and use of electronic technology which seriously disrupts any student’s education.

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

Retaliation against a victim, good faith reporter, or a witness of bullying is prohibited.

False accusations or reports of bullying against another student are also prohibited.

No teacher, administrator, volunteer, contractor, or other employee of the Duluth School District shall permit, condone, or tolerate bullying.

#### V. 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 an appropriate Duluth School District official designated by this policy. A person may report bullying anonymously. However, the Duluth School District's ability to take action against an alleged perpetrator based solely on an anonymous report may be limited.~~
- B. ~~The Duluth School District encourages the reporting party or complainant to use the report form available from the principal of each building or available from the Duluth School District office, but oral reports shall be considered complaints as well.~~
- C. ~~The building principal, the principal's designee, or the building supervisor (hereinafter building report taker) is the person responsible for receiving reports of bullying at the building level. Any person may report bullying directly to a Duluth School District human rights officer or the superintendent. If the complaint involves the building report taker, the complaint shall be made or filed directly with the superintendent or the Duluth School District human rights officer by the reporting party or complainant.~~
- D. ~~A teacher, school administrator, volunteer, contractor, or other school employee 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 report taker immediately. Duluth School District personnel who fail to inform the building report taker of conduct that may constitute bullying in a timely manner 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.~~
- G. ~~The Duluth School District will respect the privacy of the complainant(s), the individual(s) against whom the complaint is file~~
- 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.~~
- d, ~~and the witnesses as much as possible, consistent with the Duluth School District's obligation to investigate, take appropriate action, and comply with any legal disclosure obligations.~~

It is everyone's responsibility to report bullying behavior, not just the person targeted. Any student 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 the Building Principal or designee, either verbally or in writing.

A person may make an initial report to any Duluth School District Employee and may report bullying anonymously. However, the Duluth School District's ability to take action against an alleged perpetrator based solely on an anonymous report may be limited.

The Duluth School District has made available to the reporting party or complainant the use of a report form. See the Parent & Student Handbook, contact the Principal, District Climate Coordinator, or visit [www.isd709.org](http://www.isd709.org) to access a "Bullying Report Form".

The building principal, the principal's designee, or the building supervisor (hereinafter building report taker) is the person responsible for receiving reports of bullying at the building level. If the complaint involves the building report taker, the complaint shall be made directly with the Assistant Superintendent or Superintendent of the Duluth School District. Please see our Parent & Student Handbook or Duluth School District Website at [www.isd709.org](http://www.isd709.org) for Principal and Duluth School District contact information.

A teacher, school administrator, volunteer, contractor, or other school employee 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 report taker immediately. Duluth School District personnel who fail to inform the building report taker of conduct that may constitute bullying in a timely manner may be subject to disciplinary action.

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.

The Duluth 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 Duluth School District's obligation to investigate, take appropriate action, and comply with any legal disclosure obligations.

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.

## VI. DULUTH SCHOOL DISTRICT ACTION PREVENTION/INVESTIGATION/RESPONSE

- ~~A. Upon receipt of a complaint or report of bullying, the Duluth School District shall undertake or authorize an investigation by Duluth School District officials or a third party designated by the Duluth School District.~~
- ~~B. The Duluth School District may take immediate steps, at its discretion, to protect the complainant, reporter, students, or others pending completion of an investigation of bullying, consistent with applicable law.~~
- ~~C. Upon completion of the investigation, the Duluth School District will take appropriate action. Such action may include, but is not limited to, warning, suspension, exclusion, expulsion, transfer, remediation, termination, or discharge. Disciplinary consequences will be sufficiently severe to try to deter violations and to appropriately discipline prohibited behavior. Duluth School District 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; Duluth School District policies; and regulations.

- ~~D. The Duluth 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 Duluth School District. 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.~~

Many student conflicts can be resolved immediately and do not require reporting or creation of an incident report or office discipline referral. Schools must 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 problem behaviors and performance.

It is the Duluth School District's responsibility to prevent bullying and to take action to investigate, respond, remediate, and discipline those involved in acts of bullying which have not been successfully prevented - to the extent possible given that such conduct affects the educational environment of Duluth Schools and the rights and welfare of its students, and is within the control of Duluth School District in its normal operations.

Prevention - Each school will utilize research-based developmentally appropriate best practice prevention strategies. These prevention strategies may include but are not limited to: teaching respect and acceptance of difference between people, positive behavior interventions and supports, social emotional learning, intentionally creating positive student and staff relationships, and preparing students for when bullying behavior does occur.

Investigation - Investigation of a bullying incident shall be initiated within 24 hours of receipt of a report and be completed within 10 school days, unless the principal/designee grants in writing an additional five-day extension due to extenuating circumstances. The Duluth School District may take immediate steps, at its discretion, to protect the complainant, reporter, students, or others pending completion of an investigation of bullying, consistent with applicable law. When investigating a complaint, the principal/designee may take into account following factors:

- The developmental ages and maturity levels of the parties involved.
- The potential for culturally misinterpreting behavior.
- The levels of harm, surrounding circumstances, and nature of the behavior.
- Past incidences or past or continuing patterns of behavior.
- The relationship between the parties involved.
- The context in which the alleged incidents occurred.

Remedial Response - Upon completion of the investigation, the Duluth School District will take appropriate action with the student harmed and with the student who violated the prohibited conduct policy.

- For the student harmed: Protect, support, and intervene on behalf of the student who is the target of the prohibited conduct. Support may include: safety planning, student conference(s), referral to student support staff for one-to-one support or social skills training; check-in and/or check-out with a trusted adult in the school; and choice to participate in a restorative process - facilitated by a trained facilitator.

When an incident includes documentation through an office discipline referral, information regarding the student harmed will be included on the referral.

- For the student who violated the prohibited conduct policy: Schools may use multi-tiered levels of response that are individualized, consistent, reasonable, fair, and age-appropriate and should match the severity of the student's behavior and their developmental age. The response must be a natural and logical match to the prohibited behavior; consequences must be paired with meaningful instruction and guidance; and must be carefully planned with well-defined outcomes. Responses may include but are not limited to:
  - Safety planning
  - Student conference(s)
  - Working with parents of involved students
  - Teaching/reteaching of desired skills or behavior
  - Reinforcing desired skills or behaviors
  - School disciplinary action (detention, suspension, etc.)
  - Connecting students/families to school, district, community resources
  - Consideration of a restorative process if all parties are prepared and willing

Duluth School District 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; Duluth School District policies; and regulations.

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. The Duluth 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 Duluth School District.

Appeal - Any party who is not satisfied with the outcome of the investigation may appeal to the district's Office of the Assistant Superintendent within 10 school days of notification of the principal/designee's decision. The Assistant Superintendent or designee will conduct a review of the appeal and, within 10 school days of receipt of the appeal, will affirm, reverse or modify the findings of the report. The Assistant Superintendent or designee shall notify the party requesting the appeal and the principal that its decision is final and shall document that notification with the appeal.

District Employees - When it is determined that a district employee was aware prohibited conduct was taking place but failed to report it, the employee will be considered to have violated this policy. The employee's supervisor shall consider employee discipline for such violations, making reference to any applicable collective bargaining agreement. Remedies for offending contractors should be imposed according to their Duluth School District contracts.

## VII. REPRISAL

The Duluth School District will ~~discipline or~~ take appropriate action against any student, teacher, administrator, volunteer, contractor, or other District employee of the Duluth School District 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, reprisal, harassment, or intentional disparate treatment.

#### VIII. RECORDS

Information gained when investigating and remediating reports of bullying will be recorded and kept by the Building Principal or designee. Information regarding the number of reports of bullying and the action taken to resolve the reports will be provided to Duluth School District Climate Coordinator by the Building Principal or designee annually.

#### IX. PROFESSIONAL DEVELOPMENT TRAINING AND EDUCATION

- ~~A. The Duluth School District annually will provide information and any applicable training to Duluth School District staff regarding this policy.~~
- ~~B. The Duluth School District annually will provide education and information to students regarding bullying, including information regarding this Duluth School District policy prohibiting bullying, the harmful effects of bullying, and other applicable initiatives to prevent bullying.~~
- ~~C. The administration of the Duluth 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.~~

~~C. The Duluth 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, respect for authority, diligence, gratefulness, self-discipline, patience, forgiveness, respect for others, peacemaking, and resourcefulness.~~

Staff - Professional development will:

- A. Be required on a three year cycle for all school personnel to prevent, identify, and respond to bullying behavior.
- B. Be offered annually to build the skills of all district employees to implement this policy. The content of such professional development shall include, but not be limited to:
  - 1. Developmentally appropriate strategies to prevent incidents of bullying and to intervene immediately and effectively to stop them in a manner that does not stigmatize the victim.
  - 2. Information about the complex interaction and power differential that can take place between and among an actor, target and witness to the bullying.
  - 3. Research findings on bullying, including information about specific categories of students who have been shown to be particularly at risk and any specific interventions that may be particularly effective for addressing bullying behavior related to bias.
  - 4. Recognizing, responding to and reporting bullying.
  - 5. Information about the incidence and nature of cyber bullying.
  - 6. Information about Internet safety issues as they relate to cyber bullying.
  - 7. Student staff relationships and initial responses to students making a report.

8. A review of the district's reporting requirements related to bullying and cyber bullying.

Student Education - Each school shall incorporate into the school curriculum developmentally appropriate programmatic instruction to help students identify, prevent and reduce bullying and create a safe learning environment.

The Duluth School District will work with the Minnesota Department of Education Technical Assistance Center and provide resources for instruction and topics including but not limited to: evidence-based social-emotional learning to prevent and reduce discrimination and other improper conduct to engage all students in creating a safe and supportive school environment.

#### X. NOTICE

- A. The Duluth School District will give annual notice of this policy to students, parents or guardians, and staff, ~~and this policy shall appear in the student handbook through the following practices-:~~

1. The Duluth School District will give annual notice of this policy to students, parents or guardians, and staff through the following practices:
2. A script, orally or in writing, using age appropriate language, will be shared with all students during the fall of each school year.
3. This policy shall fully appear in the Parent/Student Handbook with notice of the policy in the Employee Handbook.
4. This policy shall be given to each school district employee and independent contractor at the time of entering into the person's employment contract.
5. Information regarding this policy will be included in information communicated to volunteers at time of entering into volunteer agreement.
6. A report will be given to the School Board at the June Education Committee Meeting, where a summary will be given of the number of bullying reports and the action taken to resolve the reports. This will be done without releasing any case specific information or personnel data.

- ~~B. A report will be given to the School Board at the June Regular Meeting where a summary will be given of the number of bullying complaints, types of complaints, and the action taken to resolve the complaint. This will be done without releasing any case specifics information or personnel data.~~

*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:* MDE Model Policy, November 2014 (Model Student Bullying Prohibition Policy)  
MSBA/MASA Model Policy 514 (Bullying Prohibition Policy)

Adopted: 08-19-2014 ISD 709  
Revised: (06-16-2015)