

Adopted: 3/16/2018
Reviewed: 4/28/2023
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514 BULLYING PROHIBITION POLICY

I. PURPOSE

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

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 charter 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. However, to the extent such conduct affects the educational environment of the charter school and the rights and welfare of its students and is within the control of the charter school in its normal operations, it is the charter school'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.

II. GENERAL STATEMENT OF POLICY

- A. An act of bullying by either an individual student or a group of students is expressly prohibited on charter school property or at school-related functions. This policy applies not only to students who directly engage in the 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 charter school 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 employees of the charter school by sending or posting e-mail messages, instant messages, text messages, digital pictures or images, or Web site postings, including blogs, also may constitute an act of bullying regardless of whether such acts are committed on or off charter school property and/or with or without the use of charter school resources.
- B. No teacher, administrator, volunteer, contractor, or other employee of the charter school 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.

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- D. Retaliation against a victim, good faith reporter, or witness of bullying is prohibited.
- E. False accusations or reports of bullying against another student are prohibited.
- F. A person who engages in the act of bullying, reprisal, or false reporting of bullying or permits, condones or tolerates bullying shall be subject to discipline or other remedial responses for that act in accordance with the charter school's policies and procedures. The charter school 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 remedial responses or 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 charter school property and events and/or termination of services and/or contracts.

- G. The charter school will act to investigate all complaints of bullying. It will discipline or take appropriate action against any student, teacher, administrator, volunteer, visitor, contractor, or other employees of the charter school 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 any written or verbal expression, physical act or gesture, or pattern thereof, or sending or posting harmful or cruel text messages or images using the Internet or other digital communication devices like cell phones, PDA's web, cams, etc. by a student that is intended to cause or is perceived as causing distress to one or more students and which substantially interferes with another student's or students' educational benefits, opportunities, or performance.
- B. "Bullying" means intimidating, threatening, abusive, or harming conduct that is

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objectively offensive and:

1. There is an actual or perceived imbalance of power between the student engaging in prohibited conduct and the target of the behavior 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.
- C. "Cyberbullying" 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 devices.
- D. Intimidating, threatening, abusing, or harming conduct may involve, but is not limited to, conduct that:
1. Causes physical harm to a student or a student's property or causes a student to be in reasonable fear of harm to person or property;
 2. Under Minnesota common law, violates a student's reasonable expectation of privacy, defames a student, or constitutes intentional infliction of emotional distress against a student;
 3. Is directed at a student or students, including those based on a person'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, or status with regard to public assistance, age, or any additional characteristics defined in chapter 363A. However, prohibited conduct need not be based on any particular characteristic defined in this paragraph or chapter 363A.
- E. "On charter school property or at school-related functions" means all charter school 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 charter school purposes, the area of entrance or departure from school grounds, premises, or events, and all school-related functions, school-sponsored activities, events, or trips. Charter school 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 charter school does not represent that it will provide

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supervision or assume liability at these locations and events.

- F. “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.
- G. “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.

IV. STUDENT EXPECTATIONS

SciTech Academy Charter School students must not bully others, must not be a bystander to bullying, and must report bullying to an adult. Students are expected to do the following:

- A. Treat others with kindness and respect;
- B. Refuse to bully others;
- C. Refuse to let others be bullied;
- D. Refuse to watch, laugh, or join in when someone is being bullied;
- E. Try to include everyone in activities, especially those who are often left out; and
- F. Report bullying to an adult.

V. STAFF EXPECTATIONS

Teachers and staff at SciTech Academy Charter School are expected to do the following things to prevent bullying and help children feel safe at school:

- A. Closely supervise students in all areas of the school;
- B. Watch for signs of bullying and stop it when it happens;
- C. Respond quickly and sensitively to bullying reports using an appropriate response process;
- D. Make reasonable efforts to address and resolve the prohibited conduct when the teacher or staff member witness prohibited conduct or have reliable information that would lead a reasonable person to suspect a student is a target of prohibited conduct;
- E. Report bullying to SciTech Academy’s Charter School’s director or the director’s

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designee;

- F. Notify the executive director when efforts to address the bullying prove unsuccessful; and
- G. Help create a school culture of respect and kindness by modeling and fostering these traits.
- H. 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 charter school's director if the prohibited conduct does not terminate upon classroom intervention. School personnel who fail to inform the director or designee in a timely manner of conduct that may constitute bullying may be subject to disciplinary action.

VI. EXPECTATIONS FOR SCHOOL ADMINISTRATORS

SciTech Academy Charter School administrators are expected to foster a school culture of respect and kindness. Administrators are expected to oversee the following, at a minimum:

- A. The administration of the charter school 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;
- B. Ensure that the topic of bullying prevention is addressed on a regular basis at staff meetings;
- C. Create a reporting and investigation procedure for reports of prohibited conduct;
- D. Provide appropriate training for all school personnel to prevent, identify, and respond to prohibited conduct. SciTech Academy Charter School will establish a training cycle, to be at most a period of three school years, for school personnel under this paragraph. Newly employed school personnel must receive training within the first year of their employment with the district or school;
- E. Ensure that this policy is periodically discussed with all charter school staff, volunteers, and students;
- F. Ensure that this policy appears on SciTech Academy Charter School's website, in the languages appearing on the charter school's website;
- G. Ensure that this policy is included in the student handbook on school policies and

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submitted electronically to the commission of the Minnesota Department of Education;

- H. Post a summary form of this policy conspicuously in the administrative offices of SciTech Academy Charter School;
- I. Make reasonable efforts to address and resolve the prohibited conduct when the administrator witnesses prohibited conduct or have reliable information that would lead a reasonable person to suspect a student is a target of prohibited conduct;
- J. Require ongoing professional development, consistent with Minn. Stat. § 122A.60, to build the skills of all school personnel who regularly interact with students to identify, prevent, and appropriately address prohibited conduct. The professional development includes, but is not limited to, information about:
 - 1. Developmentally appropriate strategies both to prevent and to immediately and effectively intervene to stop prohibited conduct;
 - 2. The complex dynamics affecting an actor, target, and witnesses to prohibited conduct;
 - 3. Research on prohibited conduct, including specific categories of students at risk for prohibited conduct in school;
 - 4. The incidence and nature of cyberbullying; and
 - 5. Internet safety and cyberbullying.
- M. The charter school 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.

VII. REPORTING PROCEDURE

- A. Any person who believes he or she is or has been a victim of or has any knowledge of bullying or other prohibited conduct under this policy should immediately report any information they have about the bullying or other prohibited conduct to the building report taker.
- B. A student may report bullying anonymously. However, the charter school's ability to take action against an alleged perpetrator based solely on an anonymous report may

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be limited.

- C. The charter school encourages the reporting party or complainant to use the report form available from the charter school office, but oral reports shall be considered complaints as well.
- D. The charter school's director or the director's designee is the person responsible for receiving reports of bullying at the building level. Any person may report bullying directly to a charter school human rights officer or the director. The charter school's director will also ensure the policy and its procedures, including restorative practices, consequences, and sanctions, are fairly and fully implemented, and serve as the primary contact on policy and procedural matters implicating both SciTech Academy Charter School and the department of education.
- E. 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 person who receives a report of, observes, or has other knowledge or belief of conduct that may constitute bullying shall inform the charter school's director immediately. School personnel who fail to inform the director or designee in a timely manner of conduct that may constitute bullying may be subject to disciplinary action.
- 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 complainant's or reporter's future employment, grades, work assignments, or educational or work environment.
- H. The charter school 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 charter school's obligation to investigate, take appropriate action, and comply with any legal disclosure obligations.

VIII. CHARTER SCHOOL'S ACTIONS

- A. Within three school days of the receipt of a complaint or report of bullying or other prohibited conduct, the charter school shall undertake or authorize an investigation by the building report taker or a third party designated by the charter school.
- B. Opportunity to Present Defense. The alleged perpetrator of the bullying or other prohibited conduct shall be allowed the opportunity to present a defense during the investigation or prior to the imposition of discipline or other remedial responses.

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- C. The charter school may take immediate steps, at its discretion, to protect the complainant, reporter, students, or others pending the completion of an investigation of bullying, consistent with applicable law.
- D. Depending on the severity and nature of the bullying or other prohibited conduct, SciTech Academy Charter School will take one or more of the following steps, as appropriate:
 - 1. Intervention, Warning, and Redirection. A teacher, principal, or staff member will ensure that the immediate behavior stops and reinforce to the student that bullying will not be tolerated. The staff member will redirect the student and may help the student identify better choices the student can make in the future.
 - 2. Notification of Parents. School staff will notify the parents of involved students and inform affected students and parents of their rights under state and federal data practices law to obtain access to data related to the incident and their right to contest the accuracy or completeness of the data. The parents may be asked to meet with the principal or other members of the school staff, including the student's teacher and/or the school counselor.
 - 3. Resolution with the Target of the Bullying. A student who violates this policy may be required to participate in appropriate resolution, including restorative justice activities.
 - 4. Referral to Professional School Support Staff. A student who violates this policy may be asked to meet with a school counselor or other staff to work on positive behavioral interventions to help prevent future violations.
 - 5. Loss of School Privileges. The student may lose recess for one or more days, may lose school privileges, or be suspended, as appropriate.
 - 6. Disciplinary Consequences. Disciplinary consequences will be sufficiently severe to try to deter violations and to discipline prohibited behavior appropriately. In cases of severe or repeated bullying, the student may be suspended, excluded, expelled, remediated, or transferred. Charter school action taken for violation of this policy will be consistent with the requirements of applicable statutory authority, including the Minnesota Pupil Fair Dismissal Act, charter school policies, and regulations.
 - 7. Staff Consequences. SciTech Academy Charter School employee who engages in prohibited conduct may be subject to disciplinary action up to and including termination or discharge. A charter school employee who fails to immediately and appropriately address bullying may be asked to participate in additional staff training or maybe be mentored. A staff member's repeated failure to address bullying behavior may result in discipline up to and including discharge, as

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appropriate. Charter school action taken for violation of this policy will be consistent with the requirements of applicable collective bargaining agreements, applicable statutory authority, charter school policies, and regulations.

8. Community Resources. SciTech Academy Charter School may provide information about available community resources to the target, actor, or other affected individuals.
9. The student with a Disability. The Student's individualized education program or Section 504 plan may be used to address the skills and proficiencies the student needs to respond to or not engage in the prohibited conduct.
10. If the bullying or prohibited conduct violates the law or any other school rules or policy, additional actions may be taken by the charter school against the student for the violation as appropriate.

IX. REPRISAL

The charter school will discipline or take appropriate action against any student, teacher, administrator, volunteer, contractor, or other employees of the charter school 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.

Legal References: Minn. Stat. § 124E.03 (Charter Schools – Applicable Law)
Minn. Stat. §121A.03 (Model Policy)
Minn. Stat. § 121A.031 (School Student Bullying Policy)
Minn. Stat. § 121A.0311 (Notice of the Rights & Responsibilities of Students & Parents under the Safe & Supportive Minnesota Schools Act)
Minn. Stat. § 120B.232 (Character Development Education)
Minn. Stat. §§ 121A.40-121A.56 (Pupil Fair Dismissal Act)

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The Board of Directors: reviewed and approved on April 28, 2023.