



Adopted: September 21, 2005

EMID 6067 Board Policy 514
(required policy)

Revised: May 16, 2007; April, 2008, December 15, 2010; May 20, 2015; October, 19, 2016; November 15, 2017

514 BULLYING PROHIBITION

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 EMID staffs' ability to educate students in a safe environment. EMID 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 EMID personnel. However, to the extent such conduct affects the educational environment of the integration programs and the rights and welfare of its students and is within the control of EMID's normal operations, it is EMID'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 EMID in its goal of preventing and responding to acts of bullying, intimidation, violence, and other similar disruptive behavior.

II. GENERAL STATEMENT OF POLICY

The Board recognizes the negative impact that bullying can have on the health and safety of students and the learning environment. Bullying can create distress, anxiety, lower levels of self-esteem, and feelings of isolation. Bullying materially and substantially disrupts the rights of others to an education and is unacceptable in the educational environment.

EMID endeavors to maintain a learning and working environment that is free of bullying. Toward that end, bullying is prohibited at EMID-sponsored events and activities, on EMID-sponsored transportation and at bus stops. EMID acknowledges that for this policy to be effective, EMID personnel must fulfill their responsibilities assigned by this policy.

- A. An act of bullying, by either an individual student or a group of students, is expressly prohibited at EMID integration programs. 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



EMID 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, staff, volunteer, contractor, or other employee of EMID by sending or posting e-mail, digital messages, images, or videos, or website or blog postings, or other like-kind communications or media, may also constitute an act of bullying regardless of whether such acts are committed on or off EMID program locations and/or with or without the use of EMID resources.

- B. No administrator or other employee of EMID 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 or other remedial responses for that act in accordance with EMID's policies and procedures. EMID may take into account the following factors:
 - 1. The levels of harm, surrounding circumstances, and nature of the behavior;
 - 2. Past incidences or past or continuing patterns of behavior;
 - 3. The relationship between the parties involved;
 - 4. The context in which the alleged incidents occurred; and
 - 5. The developmental ages and maturity levels of the parties involved.

Consequences for students who commit prohibited acts of bullying may range from positive behavioral interventions up to and including remedial responses or expulsion from a program. EMID shall employ research-based developmentally appropriate best practices that include preventative and remedial measures and effective discipline for deterring violations of this policy, and foster student, parent, and community participation. The student's resident district will be informed of any acts of bullying.

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 EMID integration programs and/or termination of services and/or contracts.

- G. EMID will act to investigate all complaints of bullying reported to the district and will discipline or take appropriate action against any student, staff, administrator, volunteer, contractor, or other employee of EMID who is found to have violated this policy.
- H. In order to provide meaningful relief for the bullying victim, the integration program supervisor may find it necessary to physically separate the parties. When separation is deemed appropriate, the preferred course of action would be to remove the bully, not the victim, from the instructional setting.

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 EMID program activities or receive program benefits, services, or privileges.

The term “bullying,” specifically includes cyberbullying as defined by this policy.

- B. “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 of 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.
- C. “Immediately” means as soon as possible but in no event longer than 24 hours.
- D. “Intimidating, threatening, abusive, or harming conduct” means, but is not limited to, conduct that does the following:
 - 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; or
 3. Is directed at any 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 characteristic defined in the Minnesota Human Rights Act (MHRA). However, prohibited conduct need not be based on any particular characteristic defined in this paragraph or the MHRA.
- E. "At EMID integration program functions" means all EMID integration program locations, contracted vehicles, the area of entrance or departure from member district grounds, premises, or events, and all EMID functions, EMID sponsored activities and integration program events or trips. While prohibiting bullying at these locations and events, EMID does not represent that it will provide supervision or assume liability at these locations and events.
- F. "Prohibited conduct" means bullying or cyberbullying as defined in this policy or retaliation or reprisal 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 a student who is the target or victim of prohibited conduct.
- H. "Student" means a student enrolled in a member district school.

IV. REPORTING PROCEDURE

- A. Any person who believes he or she has been the target or victim of bullying or any person with knowledge or belief of conduct that may constitute bullying or prohibited conduct under this policy shall report the alleged acts immediately to an appropriate EMID official designated by this policy. A person may report bullying anonymously. However, EMID may not rely solely on an anonymous report to determine discipline or other remedial responses.
- B. EMID encourages the reporting party or complainant to use the report form available from the integration program supervisor or in the EMID district office, along with electronic evidence, if appropriate, but oral reports shall be considered complaints as well.



- C. The integration program supervisor is the person responsible for receiving reports of bullying or other prohibited conduct. Any person may report bullying directly to the Executive Director. If the complaint involves the integration program supervisor, the complaint shall be made or filed directly with the Executive Director by the reporting party or complainant.

The integration program supervisor shall ensure that this policy and its procedures, practices, consequences and sanctions are fairly and fully implemented and shall serve as the primary contact on policy and procedural matters. The Executive Director shall be responsible for the investigation. The integration program supervisor shall provide information about available community resources to the target or victim of the bullying or other prohibited conduct, the perpetrator, and other affected individuals as appropriate.

- D. An EMID program supervisor shall be particularly alert to possible situations, circumstances, or events that might include bullying. Any such person who witnesses, observes, or receives a report of, or has other knowledge or belief of conduct that may constitute bullying or other prohibited conduct shall inform the integration program supervisor immediately.
- E. EMID personnel who fail to inform the integration program supervisor of conduct that may constitute bullying or other prohibited conduct or who fail to make reasonable efforts to address and resolve the bullying or prohibited conduct in a timely manner may be subject to disciplinary action.
- F. Reports of bullying or other prohibited conduct 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 integration program supervisor, in conjunction with the responsible authority, shall be responsible for keeping and regulating access to any report of bullying and the record of any resulting investigation.
- G. Submission of a good faith complaint or report of bullying or other prohibited conduct will not affect the complainant's or reporter's future employment, participation in EMID programs, or educational or work environment.
- H. EMID 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 EMID's obligation to investigate, take appropriate action, and comply with any legal disclosure obligations.

V. SCHOOL DISTRICT ACTION

- A. Within three (3) days of the receipt of a complaint or report of bullying or other prohibited conduct, EMID shall undertake or authorize an investigation by EMID



officials or a third party designated by EMID.

- B. EMID may take immediate steps, at its discretion, to protect the target or victim of the bullying or other prohibited conduct, complainant, the reporter, and student or others, pending completion of an investigation of the bullying or other prohibited conduct, consistent with applicable law.
- C. 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.
- D. Upon completion of an investigation that determines that bullying or other prohibited conduct has occurred, EMID will take appropriate action. Such action may include, but is not limited to, notification of the student's resident district, warning, suspension or exclusion from integration programs, remediation, termination, or discharge. Disciplinary consequences will be sufficiently severe to try to deter violations and to appropriately discipline prohibited conduct. Remedial responses to the bullying or other prohibited conduct shall be tailored to the particular incident and nature of the conduct and shall take into account the factors specified in section II. F of this policy. EMID action taken for violation of this policy will be consistent with the requirements of applicable statutory authority, including the Minnesota Pupil Fair Dismissal Act; and other applicable EMID policies and regulations.
- E. EMID is not authorized to disclose to a victim private educational or personnel data regarding an alleged perpetrator who is a student or employee of EMID. EMID officials will notify the parent(s) or guardian(s) of students who are targets of bullying or other prohibited conduct and the parent(s) or guardian(s) of alleged perpetrators of bullying or other prohibited conduct who have been involved in a reported and confirmed bullying incident of the remedial or disciplinary action taken, to the extent permitted by law.
- F. In order to prevent or respond to bullying or other prohibited conduct committed by or directed against a child with a disability, EMID shall, when determined appropriate by the child's individualized education program (IEP) team or Section 504 team, allow the child's IEP or Section 504 plan to be drafted to address the skills and proficiencies the child needs as a result of the child's disability to allow the child to respond to or not to engage in bullying or other prohibited conduct.

VI. RETALIATION OR REPRISAL

EMID will discipline or take appropriate action against any student, staff, administrator, volunteer, contractor, or other EMID employee who commits an act of reprisal or who retaliates against any person who asserts, alleges, or makes a good faith report of alleged bullying or prohibited conduct against any person who provides information about the



bullying or prohibited conduct, testifies, assists, or participates in an investigation of alleged bullying or prohibited conduct, or who testifies, assists, or participates in a proceeding or hearing relating to such bullying or prohibited conduct. Retaliation includes, but is not limited to, any form of intimidation, reprisal, harassment, or intentional disparate treatment. Disciplinary consequences will be sufficiently severe to deter violations and to appropriately discipline the individual(s) who engaged in the prohibited conduct. Remedial responses to the prohibited conduct shall be tailored to the particular incident and nature of the conduct and shall take into account the factors specified in section II. F. of this policy.

VII. TRAINING AND EDUCATION

- A. The district shall discuss this policy with district personnel and volunteers and provide appropriate training to district personnel regarding this policy. The district shall establish a training cycle for district personnel to occur during a period not to exceed every three years. Newly employed district personnel must receive the training within the first year of their employment with the district. The district or administrator may accelerate the training cycle or provide additional training based on a particular need or circumstance. This policy shall be included in employee handbooks, training materials, and publications on district rules, procedures, and standards of conduct, which materials shall also be used to publicize this policy.
- B. The district shall require ongoing professional development, consistent with Minn. Stat. § 122A.60, to build the skills of all district personnel who regularly interact with students to identify, prevent, and appropriately address bullying and other prohibited conduct. Such professional development includes, but is not limited to, the following:
 - 1. Developmentally appropriate strategies both to prevent and to immediately and effectively intervene to stop bullying and other prohibited conduct;
 - 2. The complex dynamics affecting a perpetrator, target, and witnesses to bullying and other prohibited conduct;
 - 3. Research on bullying and other prohibited conduct, including specific categories of students at risk for perpetrating or being the target or victim of bullying or other prohibited conduct;
 - 4. The incidence and nature of cyberbullying; and
 - 5. Internet safety and cyberbullying.
- C. EMID will annually provide education and information to students regarding bullying, including information regarding this policy prohibiting bullying, the harmful effects of bullying, and other applicable initiatives to prevent bullying and other prohibited conduct.



- D. EMID administration is directed to implement programs and other initiatives to prevent bullying, to respond to bullying in a manner that does not stigmatize the target or victim, and to make resources or referrals to resources available to targets or victims of bullying.
- E. The administration is encouraged to provide developmentally appropriate instruction and is directed to review programmatic instruction to determine if adjustments are necessary to help students identify and prevent or reduce bullying and other prohibited conduct, to value diversity in school and society, to develop and improve students' knowledge and skills for solving problems, managing conflict, engaging in civil discourse, and recognizing, responding to, and reporting bullying or other prohibited conduct, and to make effective prevention and intervention programs available to students.

The administration must establish strategies for creating a positive learning climate and use evidence-based social-emotional learning to prevent and reduce discrimination and other improper conduct.

The administration is encouraged, to the extent practicable, to take such actions as it may deem appropriate to accomplish the following:

1. Engage all students in creating a safe and supportive school environment;
2. Partner with parents and other community members to develop and implement prevention and intervention programs;
3. Engage all students and adults in integrating education, intervention, and other remedial responses into the learning environment;
4. Train student bystanders to intervene in and report incidents of bullying and other prohibited conduct to the program's primary contact person;
5. Teach students to advocate for themselves and others;
6. Foster student collaborations that, in turn, foster a safe and supportive program climate.

- F. EMID 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.
- G. The district shall inform affected students and their parents of rights they may



have under state and federal data practices laws to obtain access to data related to an incident and their right to contest the accuracy or completeness of the data.

VIII. NOTICE

- A. EMID will give annual notice of this policy to students, parents or guardians, and staff, on its website and include this policy in student handbooks for the integration programs.
- B. This policy must be given to each district employee and independent contractor who regularly interacts with students at the time of initial employment with the district.
- C. Notice of the rights and responsibilities of students and their parents under this policy must be included in the student discipline policy (See MSBA/MASA Model Policy 506) distributed to parents at the beginning of each school year.
- D. This policy shall be available to all parents and other school community members in an electronic format in the language appearing on the district's website.
- E. The district shall provide an electronic copy of its most recently amended policy to the Commissioner of Education.

IX. POLICY REVIEW

To the extent practicable, the Board shall, on a cycle consistent with other district policies, review and revise this policy. The policy shall be made consistent with Minn. Stat. § 121A.031 and other applicable law.

Legal References: Minn. Stat. § 120B.232 (Character Development Education)
Minn. Stat. § 121A.03 (Sexual, Religious and Racial Harassment and Violence)
Minn. Stat. § 120A.031 (School Student Bullying Policy)
Minn. Stat. § 120A.0311 (Notice of Rights and Responsibilities of Students and Parents under the Safe and Supportive Minnesota Schools Act)
Minn. Stat. § 120A.05, Subd. 9, 11, 13, and 17 (Definition of Public School)
Minn. Stat. §§ 121A.40-121A.56 (Pupil Fair Dismissal Act)
Minn. Stat. § 121A.69 (Hazing Policy)
Minn. Stat. Ch. 13 (Minnesota Government Data Practices Act)
Minn. Stat. Ch. 363A (Minnesota Human Rights Act)

Cross References: EMID Policy 403 (Discipline, Suspension, and Dismissal of District Employees)
EMID Policy 413 (Harassment and Violence)
EMID Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)
EMID Policy 423 (Employee-Student Relationships)
EMID Policy 501 (Weapons Policy)
EMID Policy 506 (Student Discipline)
EMID Policy 507 (Corporal Punishment)
EMID Policy 515 (Protection and Privacy of Pupil Records)



- EMID Policy 521 (Student Disability Nondiscrimination)
- EMID Policy 522 (Student Sex Nondiscrimination)
- EMID Policy 524 (Internet Acceptable Use and Safety Policy)
- EMID Policy 525 (Violence Prevention)
- EMID Policy 526 (Hazing Prohibition)
- EMID Policy 529 (Staff Notification of Violent Behavior by Students)
- EMID Policy 709 (Student Transportation Safety)