

514 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 intimidation, harassment, violence, and offensive behavior, has the purpose or effect of creating a hostile educational environment and may place a student in reasonable fear of harm to his or her person or property. Bullying interferes with students' ability to learn and teachers' ability to educate students and, as such, is strictly prohibited in Twin Cities Academy. The purpose of this policy is to assist Twin Cities Academy in its goal of preventing and responding to acts of bullying, intimidation, violence, and other similar offensive and/or disruptive behavior.

Twin Cities Academy cannot monitor the activities of students at all times or eliminate all bullying. However, to the extent such conduct affects the educational environment of the school and the rights and welfare of its students and is within the control of the school in its normal operations, it is the Twin Cities Academy's intent to:

- Prevent bullying by teaching and modeling positive behavior, and
- Investigate, respond to, remediate, and discipline bullying behavior that has 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 school property or at school-related functions. This includes but is not limited to, prohibited conduct directed toward 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, socio-economic 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.
- B. 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 Twin Cities Academy 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 Twin Cities Academy by sending or posting e-mail messages, instant messages, text messages, digital pictures or images, or website postings, including blogs and social media sites, also may constitute an act of bullying regardless of whether such acts are committed on or off school property and/or with or without the use of school resources.
- C. No teacher, administrator, volunteer, contractor, or other employee of Twin Cities Academy

shall permit, condone, or tolerate bullying.

- D. Apparent permission or consent by a student being bullied does not lessen the prohibitions contained in this policy.
- E. Retaliation against a victim, good faith reporter, or a witness of bullying is prohibited.
- F. False accusations or reports of bullying against another student are prohibited.
- G. 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 Twin Cities Academy's policies and procedures. Twin Cities Academy may take into account the following factors:
 - a. The developmental and maturity levels of the parties involved;
 - b. The levels of harm, surrounding circumstances, and nature of the behavior;
 - c. Past incidences or past or continuing patterns of behavior;
 - d. The relationship between the parties involved; and
 - e. 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 school property and events and/or termination of services and/or contracts.

- H. Twin Cities Academy 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 Twin Cities Academy 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 verbal or electronic expression, physical act or gesture, offensive behavior, or pattern thereof, that has the purpose or effect of causing distress to one or more students and which materially and substantially interferes with educational benefits, opportunities, or performance of the student(s). Bullying, intimidating, threatening, abusive or harming conduct includes, but is not limited to, conduct against a student that a reasonable person under the circumstances knows or should know has the effect of:
 - harming a student or a group of students;
 - damaging a student's or a group of students' property;
 - placing a student or a group of students in reasonable fear of harm to person or property;
 - violating a student's reasonable expectation of privacy;
 - defaming a student or a group of students;
 - intentionally inflicting emotional distress against a student or group of students;
 - creating a hostile educational environment for a student or a group of students; or
 - subjecting a student to intimidation, ridicule, embarrassment or social isolation.

- B. "Immediately" means as soon as possible but in no event longer than 48 hours.
- C. "On school property or at school-related functions" means the school building, 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 purposes, the area of entrance or departure from school grounds, premises, or events, and all school-related functions, school-sponsored activities, events, or trips, and school technology resources. 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, Twin Cities Academy does not represent that it will provide supervision or assume liability at these locations and events.

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 an appropriate school official designated by this policy. A person may report bullying anonymously. However, Twin Cities Academy's ability to take action against an alleged perpetrator based solely on an anonymous report may be limited.
- B. Twin Cities Academy encourages the reporting party or complainant to use the report form available from the school office, but oral reports shall be considered complaints as well.
- C. The principal or the principal's designee is the person responsible for receiving reports of bullying. Any person may report bullying directly to the principal or guidance counselor.
- 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. School personnel who fail to inform the principal 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.
- 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. Twin Cities Academy 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 Twin Cities Academy's obligation to investigate, take appropriate action, and comply with any legal disclosure obligations.

V. SCHOOL ACTION

- A. Upon receipt of a complaint or report of bullying, Twin Cities Academy shall undertake or authorize an investigation by school officials or a third party designated by Twin Cities Academy.

- B. Twin Cities Academy 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. During the process of investigation, the alleged bully(ies) will be given the opportunity to present a defense to the individuals performing the investigation.
- D. Upon completion of the investigation, Twin Cities Academy 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. 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; Twin Cities Academy policies; and regulations.
- E. Twin Cities Academy is not authorized to disclose to a victim private educational or personnel data regarding an alleged perpetrator who is a student or employee of Twin Cities Academy. 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.
- F. In order to prevent or respond to bullying or other prohibited conduct committed by or directed against a child with a disability, the school district will, 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. REPRISAL

Twin Cities Academy will discipline or take appropriate action against any student, teacher, administrator, volunteer, contractor, or other employee of Twin Cities Academy 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.

VII. TRAINING AND EDUCATION

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

- D. Twin Cities Academy 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.

VIII. NOTICE

Twin Cities Academy will give annual notice of this policy to students, parents or guardians, and staff, and this policy shall appear in the student and employee handbooks.