

5517.01 - ANTI-BULLYING

It is the policy of the District to provide a safe educational environment for all students. Bullying of a student at school is strictly prohibited. This policy shall be interpreted and enforced to protect all students and to equally prohibit bullying without regard to its subject matter or motivating animus.

A. PROHIBITED CONDUCT

1. **Bullying.** Bullying of a student at school is strictly prohibited. For the purposes of this policy, "bullying" shall be defined as:

Any written, verbal, or physical acts, including cyber bullying (i.e. any electronic communication, including but not limited to electronically transmitted acts, such as internet, telephone, cell phone, personal digital assistant ("PDA"), or wireless hand held device) that without regard to its subject matter or motivating animus, is intended or that a reasonable person would know is likely to harm one or more students either directly or indirectly by doing any of the following:

- a. Substantially interfering with educational opportunities, benefits, or programs of one or more students;
 - b. Adversely affecting a student's ability to participate in or benefit from the District's educational programs or activities by placing the student in reasonable fear of physical harm or by causing substantial emotional distress;
 - c. Having an actual and substantial detrimental effect on a student's physical or mental health; or
 - d. Causing substantial disruption in, or substantial interference with, the orderly operation of the school.
2. **Retaliation/False Accusation.** Retaliation or false accusation against a target of bullying, anyone reporting bullying, a witness, or another person with reliable information about an act of bullying is strictly prohibited.
- B. **REPORTING THE INCIDENT.** If a student, staff member, or other individual believes there has been an incident of bullying in violation of this policy, s/he shall promptly report such incident to the appropriate program administrator/ designee.

A student may submit a report or complaint to any of the above designated individuals through email, voicemail, regular mail or by leaving a sealed note addressed to the individual at that person's office or desk. The student may submit a report or complaint anonymously, but this may affect the ability to fully investigate the matter, when the complaining student is not available to provide additional information during the course of the investigation. If an incident of bullying is reported to a staff member who is not the appropriate program administrator/designee or the Superintendent, the staff member shall promptly report the incident to the aforementioned individuals.

The identity of a student who reports bullying, hazing, or aggressive behavior, as well as those students who provide information during an investigation will remain confidential to the extent possible and to the extent allowable by law. Only school personnel directly involved in the investigation of the complaint or responsible for remedying any violations will be provided access to the identity of the complaining student(s) and student witnesses, and then only to the extent necessary to effectively deal with the situation.

The identity of the student who files the report or complaint will not be voluntarily shared with the alleged perpetrator(s) or the witnesses unless the students (and his/her parent/guardian) give written permission to do so. However, under certain circumstances, the District may be required by law to disclose the report and/or the student(s) names. Also, under certain circumstances, the identity of the reporting student may become obvious even without disclosure by school personnel.

Every student is encouraged and every staff member is required to report any situation that they believe to be aggressive behavior directed toward a student. Reports shall be made to those individuals identified above. While reports may be made anonymously, formal disciplinary action may not be taken solely on the basis of an anonymous report without other corroborating evidence.

Complaints Against Certain School Officials. Complaints of bullying by the program administrator or designee shall be reported to the Superintendent. Complaints of bullying by the Superintendent may be reported to the President of the Board of Education.

- C. **INVESTIGATION.** All reported allegations of a policy violation or related complaint about bullying shall be promptly and thoroughly investigated by the Program administrator / Principal or designee. A description of each reported incident, along with all investigation materials and conclusions reached by the Program administrator / Principal or designee shall be documented and filed separately with similar materials in the District's central administrative office.

To the extent appropriate and/or legally permitted, confidentiality will be maintained during the investigation process. However, a proper investigation will, in some circumstances require the disclosure of names and allegations. Further, the appropriate authorities may be notified depending on the nature of the complaint and/or results of the investigation.

- D. **NOTICE TO PARENT/GUARDIAN.** If the Program administrator / Principal or designee determines that an incident of bullying has occurred, s/he shall promptly provide written notification of any complaint or investigation as well as the results of the investigation to the extent consistent with student confidentiality requirements to the parent/guardian of the victim of the bullying and the parent/guardian of the perpetrator of the bullying.
- E. **ANNUAL REPORTS.** At least annually, the Program administrator / Principal or Superintendent shall report all verified incidents of bullying and the resulting consequence, including any disciplinary action or referrals, to the Board of Education. The annual Board report may be given in writing, in person at a regular Board meeting, or as otherwise requested by the Board of Education. The District shall report incidents of bullying to the Department of Education on an annual basis according to the form and procedures established by the Department of Education.

No later than thirty (30) days after adoption of this policy, the District shall submit a copy to the

Department of Education. Should the policy be amended or otherwise modified, the District shall submit a copy of the amended policy to the Department of Education no later than thirty (30) days after adopting the modification.

- F. **RESPONSIBLE SCHOOL OFFICIAL.** The Superintendent ("Responsible School Official") shall be responsible for ensuring the proper implementation of this policy throughout the District. The foregoing appointment shall not reduce or eliminate the duties and responsibilities of a program administrator or designee as described in this policy. The Superintendent shall be responsible for determining appropriate training for staff, students, and parents.
- G. **POSTING/PUBLICATION OF POLICY.** Notice of this policy will be:
- (a) annually circulated to all students and staff,
 - (b) posted in conspicuous locations in all school buildings and departments within the District,
 - (c) annually discussed with students, and
 - (d) incorporated into the student handbook.
- H. **DEFINITIONS**
1. "Bullying" is defined as any written, verbal, or physical acts, including cyber bullying (i.e. any electronic communication, including but not limited to electronically transmitted acts, such as internet, telephone, cell phone, personal digital assistant ("PDA"), or wireless hand held device) that without regard to its subject matter or motivating animus, is intended or that a reasonable person would know is likely to harm one or more students either directly or indirectly by doing any of the following:
- a. Substantially interfering with educational opportunities, benefits, or programs of one or more students.
 - b. Adversely affecting a student's ability to participate in or benefit from the District's educational programs or activities by placing the student in reasonable fear of physical harm or by causing substantial emotional distress.
 - c. Having an actual and substantial detrimental effect on a student's physical or mental health; or
 - d. Causing substantial disruption in, or substantial interference with, the orderly operation of the school.

Bullying can be physical, verbal, psychological, or a combination of all three. Some examples of bullying are:

- A. Physical – hitting, kicking spitting, pushing, pulling, taking and/or damaging personal belonging or extorting money, blocking or impeding student movement, unwelcome physical contact.
 - B. Verbal – taunting, malicious teasing, insulting, name calling, making threats.
 - C. Psychological – spreading rumors, manipulating social relationships, coercion, or engaging in social exclusion/shunning, extortion, or intimidation. This may occur in a number of different ways, including but not limited to notes, emails, social media postings, and graffiti.
2. "At school" means in a classroom, elsewhere on school premises, on a school bus or other school-related vehicle, or at a school-sponsored activity or event whether or not it is held on school premises. "At school" also includes any conduct using a telecommunications access device or telecommunications service provider that occurs off school premises if the device or provider is owned by or under the District's control.

3. "Telecommunications Access Device" means that term as defined in Section 219a of the Michigan Penal Code, 1931 PA 328, MCL 750.219a, as may be amended from time to time. As of January 2012, "Telecommunications Access Device" is defined to mean any of the following:
- a. Any instrument, device, card, plate, code, telephone number, account number, personal identification number, electronic serial number, mobile identification number, counterfeit number, or financial transaction device defined in MCL 750.157m (e.g., an electronic funds transfer card, a credit card, a debit card, a point-of-sale card, or any other instrument or means of access to a credit, deposit or proprietary account) that alone or with another device can acquire, transmit, intercept, provide, receive, use, or otherwise facilitate the use, acquisition, interception, provision, reception, and transmission of any telecommunications service.
 - b. Any type of instrument, device, machine, equipment, technology, or software that facilitates telecommunications or which is capable of transmitting, acquiring, intercepting, decrypting, or receiving any telephonic, electronic, data, internet access, audio, video, microwave, or radio transmissions, signals, telecommunications, or services, including the receipt, acquisition, interception, transmission, retransmission or decryption of all telecommunications, transmissions, signals, or services provided by or through any cable television, fiber optic, telephone, satellite, microwave, data transmission, radio, internet based or wireless distribution network, system, or facility, or any part, accessory, or component, including any computer circuit, security module, smart card, software, computer chip, pager, cellular telephone, personal communications device, transponder, receiver, modem, electronic mechanism or other component, accessory, or part of any other device that is capable of facilitating the interception, transmission, retransmission, decryption, acquisition, or reception of any telecommunications, transmission, signals or services.
4. "Telecommunications Service Provider" means that term as defined in Section 219a of the Michigan Penal Code, supra, as may be amended from time to time. As of January 2012, "Telecommunications Service Provider" is defined to mean any of the following:
- a. A person or entity providing a telecommunications service, whether directly or indirectly as a reseller, including, but not limited to, a cellular, paging, or other wireless communications company or other person or entity which, for a fee, supplies the facility, cell site, mobile telephone switching office, or other equipment or telecommunications service.
 - b. A person or entity owning or operating any fiber optic, cable television, satellite, internet based, telephone, wireless, microwave, data transmission or radio distribution system, network, or facility.
 - c. A person or entity providing any telecommunications service directly or indirectly by or through any distribution systems, networks, or facilities.
5. "Harassment" includes, but is not limited to, any act which subjects an individual or group to unwanted, abusive behavior of a nonverbal, verbal, written or physical nature, often on the basis of age, race, religion, color, national origin, marital status or disability, but may also include sexual orientation, physical characteristics (e.g., height, weight, complexion), cultural background, socioeconomic status, or geographic location (e.g. from rival school, different state, rural area, city, etc.).
6. "Intimidation/Menacing", includes but is not limited to, any threat or act intended to: place a person in fear of physical injury or offensive physical contact; to

substantially damage or interfere with person's property; or to intentionally interfere with or block a person's movement without good reason.

7. "Staff" includes all school employees and Board members.

8. "Third parties" include, but are not limited to, coaches, school volunteers, parents, school visitors, service contractors, vendors, or others engaged in District business, and others not directly subject to school control at inter-district or intra-district athletic competitions or other school events.

For further definition, see Policy 5516 – Hazing or Policy 5517- Harassment.

MCL 380.1310b (Matt's Safe School Law, PA 241 of 2001), PA 478 of 2014
Policies on Bullying, Michigan State Board of Education
Model Anti-Bullying Policy, Michigan State Board of Education

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