

Governor’s Task Force on the Prevention of School Bullying

Bullying Definition Subcommittee members: Vangie Castro, Phil Duran, Alana Friedmen, Rep. Jim Davnie, Kirk Schneidawind – Ex-Officio Member, Marikay Litzau – MDE Staff

Definitions

Bullying

(a) “Bullying” means the use of words, images, or actions, in one or a series of incidents, either through direct or indirect interactions between individuals or through technology, that a reasonable person would or should know, under the circumstances, will have the effect of interfering with the ability of one or more individuals, including students who observe the conduct, to participate in a safe and supportive environment. Examples of bullying may include, but are not necessarily limited to, conduct that:

- I. places one or more individual(s) in reasonable fear of harm to person or property, including through intimidation;
- II. has a detrimental effect on the physical, social, or emotional health of one or more student(s)
- III. interferes with the student(s) educational performance and/or ability to participate in educational opportunities;
- IV. encourages the deliberate exclusion of one or more other students from the services, activities, or privileges provided by the school;
- V. creates or promotes an ongoing perceived imbalance of power between students;
- VI. violates the reasonable expectation of privacy of, one or more individual(s); or
- VII. relates to includes but is not limited to the actual or perceived race, color, creed, religion, national origin, sex, age, marital status, familial status, socio-economic status, physical appearance, sexual orientation, gender identity, gender expression, or disability, of that person or of a person with whom that person associates, but which would not rise to the level of harassment.

(b) “Bullying” includes, but is not limited to, conduct directed by an individual toward one or more other individuals in a school or on school-district premises; in a vehicle owned or leased by a school or school district; at any school or school district sanctioned or sponsored activity or event; in electronic forums in which at least one of the parties participates in school-related activities; or in physical or electronic forums not directly related to a school or school district but where the conduct nevertheless interferes with an individual(s) participation in a safe and supportive environment.

Harassment:

Harassment is intimidating or abusive behavior toward an individual(s), based on actual or perceived race, color, creed, religion, national origin, sex, age, marital status, familial status, socio-economic status, physical appearance, sexual orientation, gender identity or expression, or disability, that creates a hostile environment by interfering with or denying a student's [or an individual's] participation in or receipt of benefits, services, or opportunities in the school district's programs.

Harassing conduct may take many forms, including verbal acts and name-calling, as well as nonverbal behavior, such as graphic and written statements, or conduct that is physically threatening, harmful, or humiliating.

It is unwelcome if the student or employee did not request or invite it and considered the conduct to be undesirable or offensive.

The conduct is considered harassment if it creates a hostile environment by interfering with or denying a student's participation in or receipt of benefits, services, or opportunities in the school district's programs. [1]**Intimidation**

Intimidation or abusive behavior toward an individual(s), which creates a hostile environment by interfering with or denying a student's participation in or receipt of benefits, services, or opportunities in the school district's programs.

Glossary:

Actions: Actions include gestures, physical acts, and/or conduct that is physical threatening, harmful or humiliating.

Bystander: one or more students who observe the bullying conduct.

Cyber-bullying: Cyber bullying" means bullying through the use of technology or any electronic communication, including, but not limited to, a transfer of signs, signals, writing, images, sounds, or data, including a post on a social network internet web site, transmitted by the use of computers, cell phones, or other electronic devices. [2]

Gender identity or expression: A person's actual or perceived self-image or identity as expressed through dress, appearance, behavior, speech or similar characteristics, whether or not traditionally associated with the person's physical anatomy, chromosomal sex, or sex at birth.

Images: Images include pictures, and other data shared in person or through electronic means.

Off-campus conduct: Takes place elsewhere or through the use of technology, but only if the bullying also infringes on the rights of the student at school as defined in subdivision 1(a) of MSBA's model policy on harassment and violence.

Reasonable person: Taking into consideration the student's age, developmental level, and disability status to determine if the conduct was intended to harm or hurt another person.

School: means all public and private elementary and secondary educational institutions.

School district: means the unit for administration of a public school system or the governing body of one or more private elementary or secondary educational institutions.

School employee: means any person employed or contracted by the school or school district, including, but not limited to, teachers, administrations, safety personnel, and support staff.

Sexual orientation: means heterosexuality, homosexuality, or bisexuality.

Social and Emotional Development: Social and emotional development involves the acquisition of a set of skills. Key among them are the ability to:

- identify and understand one's own feelings,
- accurately read and comprehend emotional states in others,
- manage strong emotions and their expression in a constructive manner,
- regulate one's own behavior,
- develop empathy for others, and
- establish and sustain relationships. [3]

Social exclusion: is repeated conduct by one or more students with the intent to ignore, isolate, exclude, or shun one or more students.

Trained volunteer: means a person who is not employed by the school in any capacity who serves without promise, expectation, or receipt of compensation for services rendered but has received formal instruction on how to perform the duties of a volunteer position and/or the policies of the school.

Untrained volunteer: means a person who is not employed by the school in any capacity who serves without promise, expectation, or receipt of compensation for services rendered and has not received formal instruction on how to perform the duties of a volunteer position and/or the policies of the school.

Words: Words includes verbal acts, such as name-calling, demeaning jokes and teasing, and the transmission of sounds through electronic means, and nonverbal behavior, such as graffiti and written statements.

Footnotes:

[1.] The unwelcome conduct language was pulled from Title IX and the Minnesota Human Rights Act's definition of for sexual harassment:

Minn. Stat. Section 363A.03 Subd. 43. Sexual harassment.

"Sexual harassment" includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact or other verbal or physical conduct or communication of a sexual nature when:

- (1) submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining employment, public accommodations or public services, education, or housing;
- (2) submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment, public accommodations or public services, education, or housing; or
- (3) that conduct or communication has the purpose or effect of substantially interfering with an individual's employment, public accommodations or public services, education, or housing, or creating an intimidating, hostile, or offensive employment, public accommodations, public services, educational, or housing environment.

Another part of the Minnesota Human Rights Act includes the following:

363A.02 Subd. 2.Civil right.

The opportunity to obtain employment, housing, and other real estate, and full and equal utilization of public accommodations, public services, and educational institutions without such discrimination as is prohibited by this chapter is hereby recognized as and declared to be a civil right.

[2.] Cyberbullying definition was created using the Maine, California and Patchin cyberbullying definitions.

[3.] Social and Emotional Health definition taken from, National Institute for Childhood Research, "Promoting Children's Social and Emotional Development Through Preschool Education," by Judi Boyd, W. Steven Barnett, Elena Bodrova, Deborah J. Leong, and Deanna Gomby. New Jersey. March 2005.

<http://nieer.org/resources/policyreports/report7.pdf>