

**THE ARCHDIOCESE OF SAINT PAUL AND MINNEAPOLIS**

**SCHOOL LAW DAY**

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**“TWEET THIS!”  
A POLICY PRIMER ON SOCIAL  
MEDIA AND BULLYING**

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**NOTE:** The information set forth in these materials is intended to provide an outline of the law existing as of the presentation date. It is not intended as, nor should it be considered, “legal advice.” If you are presented with a specific issue, you should consult with legal counsel.

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# “TWEET THIS!” A POLICY PRIMER ON SOCIAL MEDIA AND BULLYING

PRESENTED BY JOHN C. GUNDERSON

## I. Introduction

Social media is here to stay; Facebook: Tops One Billion users in October 2012; 95% of teens between 12-17, now online (Pew Research Survey); Nearly 75% of 7th through 12th graders on social media (Kaiser Family Foundation).

The recent conflict between Israel and Hamas was waged on Twitter by the Israeli Defense Force (IDF) and Hamas. Social media may have had a significant impact on the U.S. Presidential election. Schools will need to continue to understand the dynamics of social media and develop policies to manage it.

Bullying, especially “cyber bullying”, continues to be an issue that will need to be addressed by comprehensive policies. New legislation is anticipated soon.

## II. Electronic Media and Social Network Policies for Catholic Schools

### A. Forms of electronic media and social media:

- Social Networks - Facebook; LinkedIn;
- Bookmarking Sites - Delicious; StumbleUpon
- Social News - Digg; Reddit
- Media Sharing - YouTube; Flickr; Instagram (can also be a Social Network)
- Microblogging - Twitter
- Blog Comments and Forums - (many)
- School Website
- Internet Use in School
- Cell Phone and Smart Phone Use in School

### B. What issues do electronic media and social networking policies address?

- Business Reputation
- Confidentiality

- Student fraternization
- Employer Liability
- Plagiarism
- Time-Wasting and Goofing Off
- Bullying
- School Policies, Mission and Morals
- Privacy
- Copyright Laws (including use of the school’s logo)
- Ipads (use in school and/or issued by school)

C. How many policies do you need? At least three: An acceptable use policy, a social media policy and a bullying policy.

1. Acceptable Use Policy. (See attached Archdiocese Model Acceptable Use and Responsibility Policy for Electronic Communications.)

Broad policies set standards for use of all electronic communications, including:

- E-mail
- Telephones, Cell Phones
- Computers
- Internet, smart phones, laptops
- Audio and video and related media

2. Social Media Policy. (See attached Archdiocese Model Social Media Policy and Protocol.)

*“The church can use social media to encourage respect, dialogue and honest relationship, in other words, ‘true friendship’ (43rd World Communication Day Message). To do so requires us to approach social media as a powerful means of evangelization and to consider the Church's role in providing a Christian perspective to digital literacy.” (Archdiocese model policy).*

Administration of website or social network profile. There should be at least two site administrators (preferably more) for each social media site, for continuous monitoring at least daily. And the administrator must take prompt remedial action against inappropriate activity on the site. Video sharing sites should not be used unless your administrator can monitor regularly.

❖ “Friend-ing” students

Should teachers “friend” students?

❖ Model Policy: Social networking with minors

Users must have appropriate permission from a minor's parent or guardian before contacting a minor via social media or before posting any pictures that may identify a minor. See attached Archdiocese model consent form for minors.

❖ Children's Online Privacy Protection Act

Federal legislation that oversees how Web sites interact with children under age 13. Children under age 13 are not permitted to use FaceBook or other social media sites that collect information.

Tension between social media "friend-ing" with students and First Amendment. Example: 2011 Missouri Law - Banned any private communications on social media between teachers and students. After teachers filed First Amendment lawsuits, the statute was quickly repealed. On the other hand, teachers have been fired for communications with students that are too friendly; treating students as peers.

3. Bullying Policy. Discussed below.

D. Coordination of Policies

Acceptable use Policy, Social Media Policy, Bullying Policy, Discipline Policy, School Mission Statements or any other policies should be consistent and coordinated.

E. Student Misuse of Social Media

- New types of academic misconduct using technology: Using a camera phone to take pictures of a test for friends. Sharing answers via text messages during a test. Posting answers to a test.
- Inappropriate posting or text message.

Discipline of Students: What to Consider

- The extent to which the behavior will affect what happens in school;
- The nature of the offense; and
- Do you have a policy? What policy was violated? Was the student given notice of the policy?

### Minnesota Pupil Fair Dismissal Act

- Not applicable to non-public schools, but sets forth principles to follow;
- Willful violation of any reasonable school board regulation of which “clear and definite” notice has been given;
- Willful conduct that “significantly disrupts the rights of others to an education or the ability of personnel to perform their duties, or school sponsored extracurricular activities” or
- Willful conduct that “endangers the pupil or other pupils, or surrounding persons, including school employees, or the property of the school.”

### Discipline for Off-Campus Behavior

- The misconduct is a continuation of, or has a nexus with, improper conduct that occurred on school grounds; or
- The student’s actions have a direct and immediate effect on the general safety and welfare.

### First Amendment Limits

First Amendment prohibits rules that suppress freedom of speech because the speech is offensive or disagreeable. However, a private school can place more restrictions on free speech. Include strong mission statements and catholic teaching statements in school policies. First Amendment provides guidance when developing and enforcing policies.

Courts balance student speech rights against school’s right to be free from speech that:

- substantially disrupts or materially interferes with school activities;
- is vulgar, lewd, sexually explicit or obscene;
- is inconsistent with its “basic educational mission” and is reasonably related to legitimate pedagogical concerns;
- promotes drug use.

- Threats of serious physical harm are not protected by the First Amendment

### Key to Deciding Whether to Discipline for Off-Campus Speech

A balancing of student speech rights against school's right to be free from speech that "materially and substantially" disrupts the school environment or creates reasonable risk of substantial disruption at school.

#### F. When does off-campus misconduct become your problem if you become aware of it at school?

Sexting is a felony. There is no "sexting" law, but it is covered under existing pornography laws.

Minnesota Statute Section 617.247: Possession of pornographic work involving minors.

Subd. 3. Dissemination prohibited. (a) A person who disseminates pornographic work to an adult or a minor, knowing or with reason to know its content and character, is guilty of a felony and may be sentenced to imprisonment for not more than seven years and a fine of not more than \$10,000 for a first offense and for not more than 15 years and a fine of not more than \$20,000 for a second or subsequent offense.

Subd. 4. Possession prohibited. (a) A person who possesses a pornographic work or a computer disk or computer or other electronic, magnetic, or optical storage system or a storage system of any other type, containing a pornographic work, knowing or with reason to know its content and character, is guilty of a felony and may be sentenced to imprisonment for not more than five years and a fine of not more than \$5,000 for a first offense and for not more than ten years and a fine of not more than \$10,000 for a second or subsequent offense.

Minnesota Statute Section 617.246:

"Pornographic work" means:

- an original or reproduction of a picture, film, photograph, negative, slide, videotape, videodisc, or drawing of a sexual performance involving a minor; or

- any visual depiction, including any photograph, film, video, picture, drawing, negative, slide, or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means that:
  - uses a minor to depict actual or simulated sexual conduct;
  - has been created, adapted, or modified to appear that an identifiable minor is engaging in sexual conduct; or
  - is advertised, promoted, presented, described, or distributed in such a manner that conveys the impression that the material is or contains a visual depiction of a minor engaging in sexual conduct.

**G. Mandated Reporting. Minnesota Statute Section 626.556. Reporting of Maltreatment of Minors**

Includes definition of “Substantial Child Endangerment” as “use of a minor in sexual performance under Section 617.246.” (See above under sexting).  
 Example: MSU-Mankato IT Department reported cell phone images on coach’s phone to school officials, who made report to Department of Public Safety, who turned it over to Sheriff.

**H. Harassment and Stalking Crimes**

- Minnesota Statute 609.749 Harassment; Stalking; Penalties

**I. Terroristic Threats Crime**

- Minnesota Statute 609.713

**J. Minnesota Identity Theft**

- Minnesota State 609.527

**III. Bullying Policies for Catholic Schools**

**A. Current Minnesota Law on Bullying**

- Statute not directly applicable to non-public schools;



- School districts must implement written policies prohibiting intimidation and bullying of any student. This policy must address “electronic forms and forms involving Internet use.” Minn. Stat. § 121A.0695.

**B. Why have a written bullying policy if the statute does not apply to private schools?**

- A private school can still be subject to liability, for example:

Minnesota Human Rights Act

Freedom from discrimination. (a) It is the public policy of this state to secure for persons in this state, freedom from discrimination: in education because of race, color, creed, religion, national origin, sex, marital status, disability, status with regard to public assistance, sexual orientation, and age.

- If you want to impose discipline for bullying you want a policy.

Catholic Schools are in a unique position to implement policies that have high standards for morals and adherence to Catholic teaching.

**C. Minnesota law on bullying is about to change**

Federal Department of Education gave Minnesota poor marks on the current bullying statute.

Unique challenges of “Cyber bullying” or social media misconduct:

- The identity of the bully may be in question
- There may not be the typical power imbalance
- It follows the victim home, on the bus, on vacation....
- It can spread quickly to multiple “bullies” participating
- Parent roles may be different
- There are no “witnesses”

**D. Minnesota Prevention of School Bullying Task Force Report, August 1, 2012**

On February 21, 2012, Governor Mark Dayton established a Task Force on the Prevention of School Bullying. The Task Force recommended immediate and urgent action to repeal the current bullying statute and replace it with strong and effective laws incorporating the Task Force recommendations. Included in the

report is the creation of a “School Climate Center” within the Department of Education.

Task Force Definitions:

(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 student(s) educational performance and/or ability to participate in educational opportunities;
- iv. Encourages the deliberate exclusion of one or more 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 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 or 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 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 educational environment.

(c) "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.

Task force recommendations for a new law:

Minnesota's Statute should contain the following components:

- Prohibition and Purpose Statement
- Statement of Scope
- Prohibited Behavior
- Enumeration of Groups
- Development and Implementation of Policies
- Review of Policies
- Components of Policies: Statutes should require that the baseline policy and local policies include six components. These include:
  - a. Definitions: A definition of bullying, harassment and intimidation consistent with the definitions specified in state law.
  - b. Reporting: A procedure for students, students' families, staff, and others to report incidents of bullying, harassment and intimidation including a process to submit such information anonymously and *with protection from retaliation*. The procedure identifies and provides contact information for the appropriate school personnel responsible for receiving the report and investigating the incident.
  - c. Investigating: A procedure for promptly investigating and responding to any report of an incident of bullying, harassment and intimidation, including immediate intervention strategies for

protecting the victim from additional bullying or retaliation, and includes notification to parents of the victim, or reported victim, of bullying and the parents of the alleged perpetrator, and, if appropriate, notification to law enforcement officials.

- d. Written Records: A procedure for maintaining written records of all incidents of bullying, harassment and intimidation and the resolution.
- e. Restorative Practices and Sanctions: A requirement that local policies contain a description of a graduated range of restorative practices, consequences and sanctions for bullying.
- f. Referrals: A procedure for referring the victim, perpetrator, and others to counseling and mental and other health services, as appropriate.

- Review of Policies
- Communications
- Training and Prevention
- Transparency and Monitoring
- Right to Pursue Other Legal Remedies

E. Example of Bullying Statute that may be a model for new law

North Dakota Bullying Statute: NDCC § 15.1-19-17 through §15.1-19-22.

1. “Bullying” means:

- a. Conduct that occurs in a public school, on school district premises, in a district owned or leased school bus or school vehicle, or at any public school or school district sanctioned or sponsored activity or event and which:
  - Is so severe, pervasive, or objectively offensive that it substantially interferes with the student's educational opportunities;

- Places the student in actual and reasonable fear of harm;
  - Places the student in actual and reasonable fear of damage to property of the student; or
  - Substantially disrupts the orderly operation of the public school; or
- b. Conduct that is received by a student while the student is in a public school, on school district premises, in a district owned or leased school bus or school vehicle, or at any public school or school district sanctioned or sponsored activity or event and which:
- Is so severe, pervasive, or objectively offensive that it substantially interferes with the student's educational opportunities;
  - Places the student in actual and reasonable fear of harm;
  - Places the student in actual and reasonable fear of damage to property of the student; or
  - Substantially disrupts the orderly operation of the public school.

2. “Conduct” includes the use of technology or other electronic media.

§ 15.1-19-19. Professional Development Activities

Each school district shall include, in professional development activities, information regarding the prevention of bullying and shall provide information regarding the prevention of bullying to all volunteers and non-licensed personnel who have contact with students.

§ 15.1-19-20. Bullying Prevention Programs

Each school district shall provide bullying prevention programs to all students from kindergarten through grade twelve.

§ 15.1-19-21. Causes of Action-Immunity-School Districts

- Sections 15.1-19-17 through 15.1-19-22 do not prevent a victim from seeking redress pursuant to any other applicable civil or criminal law. Sections 15.1-19-17 through 15.1-19-22 do not create or alter any civil cause of action for monetary damages against any person or school district, nor do sections 15.1-19-17 through 15.1-19-22 constitute grounds for any claim or motion raised by either the state or a defendant in any proceedings.
- Any individual who promptly, reasonably, and in good faith reports an incident of bullying, reprisal, or retaliation to the school district employee or official designated in the school district bullying policy is immune from civil or criminal liability resulting from or relating to the report or to the individual's participation in any administrative or judicial proceeding stemming from the report.
- A school district and its employees are immune from any liability that might otherwise be incurred as a result of a student having been the recipient of bullying, if the school district implemented a bullying policy, as required by section 15.1-19-18 and substantially complied with that policy.

§ 15.1-19-22. Causes of action-Immunity-Nonpublic Schools

- Sections 15.1-19-17 through 15.1-19-22 do not prevent a victim from seeking redress pursuant to any other applicable civil or criminal law. Sections 15.1-19-17 through 15.1-19-22 do not create or alter any civil cause of action for monetary damages against any person or nonpublic school, nor do sections 15.1-19-17 through 15.1-19-22 constitute grounds for any claim or motion raised by either the state or a defendant in any proceedings.
- Any individual who promptly, reasonably, and in good faith reports an incident of bullying, reprisal, or retaliation to the nonpublic school employee or official designated in the school's bullying policy is immune from civil or criminal liability resulting from or relating to the report or to the individual's participation in any administrative or judicial proceeding stemming from the report.
- *A nonpublic school and its employees are immune from any liability that might otherwise be incurred as a result of a student having been the recipient of bullying, if the school implemented a bullying policy, similar to that required by section 15.1-19-18 and substantially complied with that policy.*

- F. Minneapolis Public Schools Bullying Policy. (See attached policy.)
- Regulation of off-campus conduct. Example from Minneapolis policy: *“This policy applies to any misuse of technology that is bullying or hazing behavior regardless of whether such acts are committed on or off District property and/or without the use of school district resources”*
  - Do you want to create a duty and/or an expectation that the school administration will attempt to regulate off-campus conduct on private phones/computers? And does the school then have an obligation to investigate complaints and impose discipline for this conduct?
- G. What to expect - new legislation on bullying will be forthcoming
- H. Cyberbullying Cases
- Kowalski v. Berkeley Co. Schools, (4th Cir. 2011) Real-life Mean Girl. Created a discussion group web page on MySpace and targeted one student, and invited 100 classmates. Bully was suspended and sued school. The Court upheld the suspension and ruled that student could be disciplined for off-campus conduct because of a substantial disruption to the school environment.
  - R.S. v. Minnewaska area S.D No. 2149 (D. Minn. 2012) 12 year-old girl punished for FaceBook postings. School forced her to surrender her FaceBook and e-mail passwords when school learned she had an out-of-school sex related conversation. Court ruled that her statements were protected by the First Amendment. Not threats, did not pose a serious safety risk or other substantial disruption to school.

IV. Model Policies (attached)

- Archdiocese Acceptable Use and Responsibility Policy for Electronic Communications
- Archdiocese Model Social Media Policy and Protocol
- Archdiocese Minor Consent Form
- Minneapolis Public Schools Bullying and Hazing Prohibition Policy and Definitions

BASED ON NATIONAL BEST PRACTICES, THIS MODEL ACCEPTABLE USE POLICY IS INTENDED FOR USE AS A TEMPLATE FOR PARISHES AND SCHOOLS TO DEVELOP THEIR OWN POLICIES. PLEASE EXERCISE RESTRAINT IN MODIFICATIONS. ADOPTION OF A COMPARABLE POLICY TO THIS MODEL IS RECOMMENDED BY THE ARCHDIOCESE OF SAINT PAUL AND MINNEAPOLIS AND CATHOLIC MUTUAL.

**Acceptable Use and Responsibility Policy for Electronic Communications**  
[“(insert name of parish/school) **AUP**”]

All information used in the course and scope of activities for or on behalf of (insert name of parish/school) is an asset of (insert name of parish/school). Electronic information and communications require particular safeguards and impose unique responsibilities on all Users. (insert name of parish/school) maintains a system of information security to protect our proprietary data. Integral parts of this system are the policies, standards and procedures designed for Users. All Users must adhere to these policies, standards and procedures for the complete system to remain viable.

These policies, standards and procedures apply to all (insert name of parish/school) employees and clergy working directly for (insert name of parish/school) who are users of technology (“Users”) for or on behalf of the (insert name of parish/school)

These policies, standards and procedures include, but are not limited to, maintaining data confidentiality, maintaining the confidentiality of data security controls and passwords, and immediately reporting any suspected or actual security violations. (insert name of parish/school) prohibits the use or alteration of (insert name of parish/school) data and/or information technology without proper authorization. All Users have an obligation to protect the confidentiality and nondisclosure of proprietary, confidential and privileged data, as well as personally identifiable information.

1. Definitions

- a. Electronic communications systems include, but are not limited to, electronic mail, telecommunications systems including telephone, voice mail, and video, facsimile transmissions, stand-alone or networked computers, intranet(s), extranet(s), the Internet and any other communications systems that may be created in the future.
- b. Electronic communications devices include, but are not limited to, regular and mobile telephones (cell phones, smart phones, walkie-talkies), facsimile machines, computers, laptops, electronic notebooks, audio and video equipment, flash drives, memory sticks, media players, and any other communications devices that may be created in the future.



- c. Electronic communications materials include, but are not limited to, DVDs, CDs, laser discs, audio and video-tape, audio and visual recordings, films, microfiche, audio and visual broadcasts, computer operating systems, software programs, electronically stored data and text files, computer applications, emails, text messages, instant messages, and all other downloaded, uploaded, retrieved, opened, saved, forwarded or otherwise accessed or stored content.

## 2. Electronic Communications Systems, Devices and Materials and Users Covered

- a. All electronic communications systems, devices and materials located on (insert name of parish/school) property (the Premises) or belonging to (insert name of parish/school).
- b. All electronic communications devices and materials taken from the Premises for use at home or elsewhere.
- c. All personal devices and materials brought from home and used on the Premises during regular business hours
- d. All personal devices and materials, regardless of where they are situated, that are used in such a manner that (insert name of parish/school) may be implicated in their use
- e. All Users of electronic communications systems, devices and materials.

## 3. Ownership and Control of Communications

- a. All systems, devices and materials located on the Premises, and all work performed on them, are property of (insert name of parish/school). These systems, devices, and materials are to be used primarily to conduct official (insert name of parish/school) business, not personal business.
- b. The (insert name of parish/school) reserves the right to monitor, access, retrieve, read and disclose all content created, sent, received, or stored on (insert name of parish/school) systems, devices, and materials (including connections made and sites visited) to law enforcement officials or others, without prior notice.

## 4. Guidelines for Electronic Communications

- a. All Users of (insert name of parish/school) communications systems and devices should use care in creating email, text, video, still images, instant, or voice mail messages or in any postings on any social networking site. (See separate document "(insert name of parish/school) Social Media Policy and Protocol".) Even when a message has been

deleted, it may still exist on a backup system, be restored, downloaded, recorded, printed out, or may have been forwarded to someone else without its creator's knowledge. The contents of email and text messages are the same as other written documentation and cannot be considered private or confidential.

- b. Email and other electronic communications are not necessarily secure, and therefore should be treated accordingly.
- c. As with paper records, proper care should be taken in creating and retaining electronic records for future use, reference, and disclosure, in accord with (insert name of parish/school) policy.
- d. Mass emails or intranet/extranet/Internet postings to "All Employees," "All Parents" and the like must be approved by the appropriate department director or (insert position title) before they are sent/posted.
- e. Use of personal electronic communications devices and materials during regular business hours should be kept to a minimum and limited mainly to emergencies.
- f. (insert name of parish/school) systems, devices, and materials are not private and security cannot be guaranteed. Passwords and user IDs are intended to enhance system security; not to provide Users with personal privacy. In addition, all Users do not have an expectation of privacy.
- g. User IDs and passwords should not be disclosed to unauthorized parties. User accounts are intended to be used only by the assigned party.
- h. All information systems that create, store, transmit or otherwise publish data or information must have authentication and authorization systems, as approved or provided by (insert name of parish/school), in place to prevent unauthorized use, access, and modification of data and applications. Systems that transmit or publish approved information that is intended for the general public may allow unauthenticated (anonymous) access as long as such systems do not allow unauthorized posting and modification of the published information.
- i. Computer networks must be protected from unauthorized use. Both local physical access and remote access must be controlled.
- j. Information systems hardware should be secured against unauthorized physical access.
- k. Minors are prohibited from using (insert name of parish/school) systems, devices, or materials unless appropriate permission is given.

- l. If any User knowingly communicates privately with a minor as a part of his or her duties for or on behalf of (insert name of parish/school), reasonable steps must be taken to send the minor's parent/guardian the same communication content, not necessarily via the same technology.
- m. All files downloaded from the Internet, all data received from outside sources, and all content downloaded from portable memory devices must be scanned with updated or current virus detection software. Immediately report any viruses, tampering, or other system breaches to (insert position/title).
- n. It is the responsibility of Users to ensure that they save important content to an (insert name of parish/school) approved location in accord with (insert name of parish/school) policy.
- o. Only certain individuals, identified per (insert name of parish/school) Social Media Policy and Protocol, may post information to social media sites or (insert name of parish/school)'s website(s) as an official representative of the (insert name of parish/school) . (See separate document "(insert name of parish/school)Social Media Policy and Protocol")
- p. If a User identifies himself or herself or has reason to be identified as a (insert name of parish/school) employee or clergy working directly for the (insert name of parish/school) in any personal posting or distribution of communication, that User must post the following disclaimer: "The views expressed on this site are mine alone and do not necessarily reflect the views of (insert name of parish/school) or the Archdiocese of Saint Paul and Minneapolis."

## 5. Prohibited Practices

Users of (insert name of parish/school) electronic communication systems, devices, or materials and Users of personal devices and materials on the Premises under circumstances when the (insert name of parish/school) may become implicated in the use may not:

- a. Violate any federal, state or local laws or regulations.
- b. Violate any archdiocesan codes of conduct, archdiocesan codes of ethics, archdiocesan safe environment or other archdiocesan policies, or policies of (insert name of parish/school), including but not limited to those that apply to communications or the use of information.
- c. Post or cause to be distributed any personally identifying information about a person without permission or review by the person or the person's parent or guardian, if the person is under 18, unless required by the User's job duties or assigned responsibilities. Personal identifying information includes, but is not limited to, images, names or screen

names; telephone numbers; home or workplace addresses; email addresses, and web addresses (URLs) of social networking sites or blogs.

- d. Post or distribute any communications, video, music, or pictures which a reasonable person may consider to be defamatory, discriminatory, offensive, harassing, disruptive, derogatory, or bullying.
- e. Post or distribute any communications, video, music, or pictures which are inconsistent with the faith or moral teachings of the Catholic Church.
- f. Engage in improper fraternizing or socializing.
- g. Engage in pirating or unauthorized copying, acquisition, or distribution of copyrighted, trademarked, patented materials, music, video, or film or upload, download, view, or otherwise receive or transmit trade secrets, or other confidential, private, or proprietary information or other materials to which the User does not have access rights. Regarding copyrighted materials, certain exceptions are given for educational and liturgical purposes. It is the responsibility of the User to determine copyright status
- h. Use electronic communications devices for designing, developing, distributing, or storing any works of programming or software unless required by the duties of the job or assignment.
- i. Post or send chain letters or engage in "spamming" (sending annoying, unnecessary, or unsolicited commercial messages).
- j. Record any telephone, video, or other conversation or communication without the express permission of the other participants to the conversation or communication, except where allowed by law.
- k. Arrange for the purchase or sale of any drugs, alcohol, or regulated substances and goods, or participate in Internet gambling.
- l. Upload, download, view, or otherwise receive or transmit indecent, sexually explicit, or pornographic material.
- m. Make fraudulent offers of products, items, or services originating from any (insert name of parish/school) account.
- n. Damage, alter, disrupt, or gain unauthorized access to computers or others' systems; e.g. use others' passwords, trespass on others' folders, work, or files or alter or forward email messages in a manner that misrepresents the original message or a message chain.

- o. Give unauthorized persons access to (insert name of parish/school) systems, provide access to confidential information, or otherwise jeopardize the security of the electronic communications systems (e.g. by unauthorized use or disclosure of passwords).
- p. Transmit confidential, proprietary, or sensitive information unless the transmission falls within the scope of the User's job duties or assigned responsibilities.
- q. Introduce or install any unauthorized software, virus, malware, tracking devices or recording devices onto any system.
- r. Bypass (via proxy servers or other means), defeat or otherwise render inoperative any network security systems, firewalls or content filters.
- s. Allow any minor to use the (insert name of parish/school) systems, devices, or materials without appropriate permission.
- t. Use electronic communications devices or systems to transmit any radio frequency signal that is not permitted and/or licensed by the Federal Communication Commission ("FCC") or that would violate FCC rules or policies.
- u. Access or manipulate services, networks, or hardware without express authority.
- v. Provide information about, or lists of, (insert name of parish/school) employees, clergy or other propriety information from the (insert name of parish/school) database(s) to outside parties. Certain exceptions to this prohibition may be made with written approval from (insert position title). Mailing addresses should only be provided in hardcopy (in label or other format as appropriate).

## 6. Consequences of Violations of Electronic Communications Policy

- a. Violations of this policy, including breaches of confidentiality or security, may result in suspension of electronic communication privileges, confiscation of any electronic communication device or materials, and disciplinary action, pursuant to Justice in Employment, up to and including termination of employment, canonical review, referral to law enforcement, and other appropriate disciplinary action.

The Archdiocese of Saint Paul and Minneapolis and (insert name of parish/school) gratefully acknowledges the Archdiocese of Los Angeles, which has made its Acceptable Use and Responsibility Policy ("Archdiocesan AUP") available for reference, guidance and copying.

BASED ON NATIONAL BEST PRACTICES, THIS MODEL SOCIAL MEDIA POLICY IS INTENDED FOR USE AS A TEMPLATE FOR PARISHES AND SCHOOLS TO DEVELOP THEIR OWN POLICIES. PLEASE EXERCISE RESTRAINT IN MODIFICATIONS. ADOPTION OF A COMPARABLE POLICY TO THIS MODEL IS RECOMMENDED BY THE ARCHDIOCESE OF SAINT PAUL AND MINNEAPOLIS AND CATHOLIC MUTUAL.

**(insert name of parish/school)Social Media Policy and Protocol (“Social Media Policy”)**

## **INTRODUCTION**

### **The Need to Engage in Social Media**

*“The world of digital communication, with its almost limitless expressive capacity, makes us appreciate all the more Saint Paul’s exclamation: ‘Woe to me if I do not preach the Gospel’ ” (1 Cor 9:16) – Pope Benedict XVI, May 16, 2010, 44<sup>th</sup> World Day of Communication Message.*

Social media is the fastest growing form of communication in the United States, especially among youth and young adults. Our Church cannot ignore it, but at the same time we must engage social media in a manner that is safe, responsible, civil, and purposeful.

As Pope Benedict XVI noted in his message for the [44<sup>th</sup> World Day of Communication](#), this new form of media "can offer priests and all pastoral workers a wealth of information and content that was difficult to access before, and facilitate forms of collaboration and greater communion in ways that were unthinkable in the past."

The Church can use social media to encourage respect, dialogue and honest relationships – in other words, “true friendship” ([43rd World Communication Day Message](#)). To do so requires us to approach social media as a powerful means of evangelization and to consider the Church’s role in providing a Christian perspective to digital literacy.

The online encyclopedia Wikipedia defines social media as “... media designed to be disseminated through social interaction, using highly accessible and scalable publishing techniques. Social media use web-based technologies to transform and broadcast media monologues into social media dialogues”.

### **Opportunities and Challenges**

Social media offers both opportunities and challenges to Catholic organizations. These can be grouped into three primary categories:

- Visibility
- Community
- Accountability

## **Visibility**

Online social media communities are vast and growing at a rapid pace. Given the size and scope of these communities, they offer excellent forums for the Church's visibility and evangelization.

Therefore the key question that faces us is not "Should we engage", but:, "How will we engage?" This engagement must be undertaken with the knowledge that this is a serious commitment. Social media requires constant input and monitoring to maintain visibility and awareness of the Church's presence through that particular social media. To keep members, a social networking site must have new content on a regular basis. Therefore it is important that site administrators determine how often posts will be made, so that our "followers" can become accustomed to our schedule.

## **Community**

Social media can be a powerful tool for strengthening community, although social media interaction should not be viewed as a substitute for face -to-face gatherings. Social media can support communities in a myriad of ways: connecting people with similar interests, sharing information about in-person events, providing ways for people to dialogue, etc. A well-considered use of social media has the ultimate goal of encouraging "true friendship" and of understanding the human longing for meaningful community.

## **Accountability**

Social media provides a tool for building community. Membership in communities also requires accountability and responsibility. People who use social media expect site administrators to allow dialogue, to provide information, and to acknowledge mistakes. The explosion of information available to social media consumers has meant that they often only use information from trusted sites or sites recommended by those whom they trust.

While not every demand or inquiry can be met, it is important that creators and site administrators of social media understand how different social media is from mass media and the expectations of its consumers. Many communication experts are describing the adaption of social media as a paradigm shift in how humans communicate, as important a development as that of the printing press and the discovery of electronic communication.

## **POLICY**

All Users ("Users" as defined in the (insert name of parish/school) AUP) who are (insert name of parish/school) employees or clergy working directly for the (insert name of parish/school) who utilize social media for or on behalf of the (insert name of parish/school) must abide by this Social Media Policy, the (insert name of parish/school) Acceptable Use and Responsibility Policy for Electronic Communications, the Archdiocese of Saint Paul and Minneapolis Code of

Pastoral Conduct, the Code of Canon Law and complementary legislation, applicable state and federal law, and the policies of the social media sites they use.

(insert name of parish/school) will engage in social media in a thoughtful way, focusing its efforts in specific, (insert name of parish/school) -approved virtual venues.

Social media presences will be established for (insert name of parish/school) departments and initiatives following the "Site Establishment" policy below.

Certain (insert name of parish/school) employees and/or volunteers will be identified as site administrators for these (insert name of parish/school)-approved social media venues. This identification will be made by (insert position title).

Recognizing that certain Users currently maintain their own personal social media presences (including Facebook page(s), Twitter account(s) and blog(s), it is recommended that such Users abide by this Social Media Policy, the (insert name of parish/school) AUP, the Archdiocese of Saint Paul and Minneapolis Code of Pastoral Conduct, the Code of Canon Law and complementary legislation, applicable state and federal law, and the policies of the social media sites they use.

Social media site visitors are also asked to abide by the Site Code of Conduct (below) and will be blocked from use of the site if they violate the Code more than once.

Site Code of Conduct:

All posts and comments should be marked by Christian charity and respect for the truth. They should be on topic and presume the good will of other posters. Discussion should take place primarily from a faith perspective. No ads please.

### **Site Establishment**

Websites or social networking profile pages are the centerpiece of any social media activity. These guidelines apply to a profile, or fan, page on Facebook, a Twitter account, a video sharing site account, and any future sites determined for use as noted below.

- Any site establishment for or on behalf of the (insert name of parish/school) will be approved by (insert position title).
- All (insert name of parish/school) social media site(s) administrators will be identified by (insert position title).
- There should be at least two site administrators (preferably more) for each social media site, to allow rapid response and continuous monitoring of the site.
  - Social media site administrators must monitor a site at least daily and take prompt remedial action if the administrator notices inappropriate posts or other in appropriate interactions, including, but not limited to: bullying, harassment, vulgar language, sexual innuendo, and inappropriate personal information.



- Steps for dealing with bullying/harassing behavior align with (insert name of parish/school) bullying/harassment prevention policy and may include:
  - Document, if possible, and remove offensive posts
  - Inform (insert position title) at (insert name of parish/school)
  - Contact parents/guardians of offenders and bullied children/youth under the age of 18
  - Remind offenders and bullied children/youth and their parents/guardians of the social media site code of conduct and the comment policy which prohibit bullying/harassing and state consequences for such behavior
  - Offer appropriate assistance to bullied children/youth
  
- Do not use personal sites for (insert name of parish/school) programs or other purposes for or on behalf of (insert name of parish/school).
  - A parish or school leader or staff person's inappropriate personal posts may be seen by parish, school or archdiocesan leadership which could potentially result in employment consequences
  
- Passwords and names of sites should be registered with (insert position title). More than one designated site administrator should also have access to this information for each site.
- Administrators establishing a site must follow these rules:
  1. Abide by (insert name of parish/school) Social Media Guidelines and Acceptable Use Policy
  2. Abide by archdiocesan policy. (Code of Conduct, etc.)
  3. Do not claim to represent the official position of the (insert name of parish/school) or the teachings of the Church, unless authorized to do so.
  4. Abide by state and federal law, including copyright, fair use, and financial disclosure laws.
  5. Do not divulge confidential information of others.
  6. Do not cite others, post photos or videos of them, link to their material, etc., without their approval.
  7. Practice Christian charity.
  8. Refer to established trusted sources, including resources on the Archdiocese's website(s) and the USSCB website, to ensure accuracy.

**Social networking with minors**

Users must have appropriate permission from a minor's parent or guardian before contacting a minor via social media or before posting pictures, video, or other information that may identify that minor. Do not tag minors in visual images or otherwise post minors' names in connection with visual images of those minors.

If any User knowingly communicates privately with a minor as a part of his or her duties for or on behalf of the (insert name of parish/school), reasonable steps must be taken to send the

minor's parent/guardian the same communication content, not necessarily via the same technology.

Church personnel should be encouraged to take reasonable steps to memorialize and preserve private communications with youth, especially those which concern the personal sharing of a teen or young adult, as appropriate. All Users must abide by the Children's Online Privacy Protection Act, which is federal legislation that oversees how Web sites interact with children under age 13. A summary is available at <http://www.ftc.gov/privacy/privacyinitiatives/childrens.html>. Children under age 13 are not allowed to use Facebook or other social media sites which collect information. A site administrator should not knowingly allow a child under age 13 to engage in Facebook or other applicable social media sites.

Social media primarily intended for minors must utilize appropriate privacy settings.

## **PROTOCOL**

### **How to post, monitor, and respond**

Approved site administrators should use their judgment when deciding whether to respond to any post. It is not necessary to respond to every post. Some posts are too outrageous to be dealt with and are best left alone. Report these to (insert position title) via email, copying other site administrators. In some instances, if applicable and appropriate, the ability to comment can and should be disabled.

An FAQ page (or pages) should be developed on (insert parish website) to which to refer people with common questions/comments. Visitors can then be referred to the appropriate FAQ page. Websites for the Archdiocese, USCCB, Vatican and other entities may also be appropriate resources. This saves time and ensures a consistent response.

Common sense is the best guide when deciding whether to post information in any way relating to (insert name of parish/school) in particular or the Church in general.

Above all, please remember to be professional, kind, and discreet.

All Users should report to (insert position title) any 'unofficial' sites that carry the (insert name of parish/school) logo or name or otherwise purport to be an official site of the (insert name of parish/school).

All Users should report to (insert position title) any misinformation regarding (insert name of parish/school) they find on a site. This is especially important when responding to an incorrect wiki, such as Masstimes.org, etc.

### **(insert name of parish/school)'s Social Media Goals**

- Make the name of Jesus Christ known and loved

- Educate visitors about the teachings of the Church
- Share (insert name of parish/school)'s, and where appropriate, the Archdiocese's goals/messages/initiatives
- Drive traffic to (insert name of parish/school)'s website and where appropriate, the Archdiocese's website, the USCCB's website or other appropriate websites

### **Social Media Site Posting Guidelines**

- Do not disclose any information that is confidential or proprietary to (insert name of parish/school) or the Archdiocese
- Write in thoughtful language consistent with the message of the Catholic faith (no insults, slurs or obscenities, or "chat" language)
- Do not instigate conflict, and be the first to admit and correct a mistake
- If it gives you pause, pause. Reread your comments for tone and accuracy before posting.

Examples of topics for acceptable and encouraged posts:

- (insert name of parish/school) information – blog posts, current campaigns, new initiatives, etc.
- Upcoming (insert name of parish/school) events
- Links to articles believed to be of interest to the audience
- Recent news releases (as directed by position title)
- Anything appropriate that fans or followers would benefit from knowing

### **How to Deal with Negative Feedback on Facebook**

- 1) Determine what type of feedback the site has received. Not all posts warrant a response. Negative feedback can come in a variety of forms and is best dealt with by a response tailored to the comment.
  - **Straightforward Problems** – Someone has an issue with (insert name of parish/school) in particular or the Church in general.
  - **Constructive Criticism** – The comment comes with a suggestion attached. This type of feedback may point out a perceived "flaw" with policy or practice and is negative, but it can be helpful to receive.
  - **Trolling/Spam** – Trolls leave groundless attacks and try to incite conflict. Spammers try to use a parish, school or archdiocesan page to promote their products.
- 2) Once it is determined what type of feedback has been received, the appropriate response must be determined.
  - **Straightforward Problem Response:** This is on a case-by-case basis, but the best responses educate rather than defend. For example:

- Straightforward Problem Post: (In regards to the new Missal) I think prayer which touches the heart and can be felt in a personal way as it is proclaimed is so much more beautiful than prayer that does not flow. To me, this new translation is awkward.
  - (insert name of parish/school) Response: For any questions or concerns you may have regarding the new translations of the Roman Missal, we encourage you to visit the following website: <http://www.archspm.org/departments/worship/roman-missal.php>
- Constructive Criticism Response: Thank the site visitor for their suggestion. For example:
  - Constructive Criticism Post: Dear Communications Office: Please have your FB page admin set wall posts on this page to "Admins Only." It's an easy thing to do and takes mere seconds. It will not prevent Facebook site visitors from posting comments or expressing opinions. It will cause comments to respond to relevant topics. Thanks and God bless!
  - (insert name of parish/school) Response: @xxxx: Thank you for the suggestion. It is something we have been considering. We will continue to monitor the page closely and evaluate our options.
- Trolling/Spam Response: This is designed either to bait a site administrator into an unnecessary and image-damaging fight/discussion: do not respond.
  - Trolling Post: The Catholic Church hates everyone.
  - Spam Post: Add me up guys. Thanks.
  - (insert name of parish/school) Response: Do not respond. Delete the post and block the troller/spammer. Report to (insert position title), if appropriate.

### **How to Moderate a Facebook Page**

(insert name of parish/school) Facebook site administrators are determined by (insert position title).

We have the right to delete comments that violate our comment policy (below).

If a poster blatantly disregards the Code of Conduct posted for visitors of the site (i.e. uses vulgar language, maliciously attacks another poster, etc.), we operate under a one strike policy - we let poster know once, and only once (by a personal message), that they are violating our comment policy. If a poster has been warned and disregards the warning by continuing to post comments that go against our Facebook policy, we reserve the right to ban them from posting on the page.

If there is a fan who needs to be warned, please bring it to the attention of the (insert position/title) via email, including the poster's name and inappropriate/unacceptable comment. The (insert position title) will warn the poster, and monitor as needed.

(insert name of parish/school) '**s Facebook Comment Policy to be Posted on All** (insert name of parish/school)'**s Facebook Sites**

The purpose of this Facebook page is to provide an interactive forum where readers can gather and discuss information about the wide range of issues involving (insert name of parish/school).

Followers are encouraged to post questions, comments and concerns, but should remember this is a moderated online discussion hosted by the (insert name of parish/school).

The (insert name of parish/school) appreciates healthy, constructive debate and discussion; that means we ask that comments be kept civil in tone and reflect the charity and respect that marks Christian discourse.

It is understood that comments made by visitors do not necessarily reflect the positions of the (insert name of parish/school) and/or the teachings of the Catholic Church. Comments will not be removed simply because they express opinions in disagreement with the teachings of the Catholic Church. However, comments that may be deleted include those that contain:

- Vulgar language
- Personal attacks/bullying/harassment/inflammatory remarks against a person or group
- Links to sites that contain offensive material or attack the Catholic Church
- Spam
- Promotion of services, products, political organizations/agendas
- Information that is factually incorrect
- Content/comments off topic

The (name of parish/school) reserves the right to remove posts which/block posters who violate this policy.

### **How to Deal with Negative Feedback on Twitter**

- 1) Determine what type of feedback the site has received. Not all posts warrant a response. Negative feedback can come in a variety of forms and is best dealt with by a response tailored to the comment.
  - **Straightforward Problems** – Someone has an issue with the (insert name of parish/school) in particular and/or the Church in general and has laid out why.

- **Constructive Criticism** – The comment comes with a suggestion attached. This type of feedback may point out a perceived “flaw” with policy/practices and is negative, but it can be helpful to receive.
  - **Trolling** – Trolls leave groundless attacks.
- 2) Once it is determined what type of feedback has been received, the appropriate response must be determined
- **Straightforward Problem Response:** This is on a case-by-case basis, but the best responses educate rather than defend. For example:
    - Straightforward Problem Tweet: @ARCHSPM I don’t like the Missal Changes!
    - (insert name of parish/school) Response: @xxxx Find out more about why these Missal changes are happening throughout the English speaking world at <http://www.archspm.org/departments/worship/roman-missal.php>
  - **Constructive Criticism Response:** Thank the site visitor for their suggestion. For example:
    - Constructive Criticism Tweet: @ARCHSPM You need to get the word out about your calendar of events, you should tweet events.
    - (insert name of parish/school) Response: Thanks, @xxxx. That’s a great idea. We will try to implement that ASAP.
  - **Trolling Response:** This is designed to bait administrators into an unnecessary and image-damaging fight:
    - Do not respond.

### **Video Sharing Site**

- 1) Comments on video sharing site(s) should be disabled, unless you are able to commit to monitoring regularly.

(insert name of parish/school) gratefully acknowledges the assistance of the United States Conference of Catholic Bishops Communications Office in the development of this policy.

**(Insert Name of parish/school) CERTIFICATION, ACKNOWLEDGEMENT AND AUTHORIZATION FOR CONSENT AND RELEASE FORM FOR SOCIAL MEDIA OR OTHER ELECTRONIC COMMUNICATION INVOLVING MINORS**

I am the parent or legal guardian of \_\_\_\_\_ (full name of minor) (“My Child”).

I certify that My Child is at least 13 years old.

I have been made aware of the (insert name of parish/school) Acceptable Use Policy for Electronic Communication and the Social Media Policy of (insert name of parish/school).

I authorize staff or other leaders of (insert name of parish/school) (“Staff or Leader”) to communicate with My Child electronically, including via social media, in accordance with the Acceptable Use Policy for Electronic Communication.

I acknowledge that to review or receive public communications shared via social media with My Child, I would need to become a fan or follower of the same social media. I understand that communications may be accessible or viewable by others who are also fans or followers of the same social media. I also acknowledge that, in accordance with the Acceptable Use Policy for Electronic Communication and the Social Media Guidelines, if any Staff or Leader knowingly communicates privately with a minor as a part of his or her duties for or on behalf of the (insert name of parish/school), reasonable steps must be taken to send the minor’s parent/guardian the same communication content, not necessarily via the same technology.

I authorize and consent that (insert name of parish/school) and the Archdiocese of Saint Paul and Minneapolis be permitted to use and publish for general communications, advertising, commercial or publicity purposes, the likeness of my child and my child’s original work or for any other lawful purpose whatsoever, including video, photographic portraits, pictures, reproductions, made through any medium, including social or other electronic media, in accordance with the Acceptable Use Policy for Electronic Communication and the Social Media Guidelines. I release (name of school), the Archdiocese of Saint Paul and Minneapolis, or anyone authorized by (name of school) or Archdiocese of Saint Paul and Minneapolis with such use.

This consent is valid for one year.

If I choose to rescind my consent to the Authorization, I agree that I will inform (insert name of parish/school) in writing and that my rescission will not take effect until it is received by (insert name of parish/school). I understand however that it may not be possible to recall any work or photos that have been published prior to receipt of my written rescission.

I have read this certification, acknowledgement and release, have had the opportunity to consider its terms, and understand it. I execute it voluntarily and with knowledge of its significance.

Parent/ Guardian Name (please print): \_\_\_\_\_

Email address: \_\_\_\_\_

Address: \_\_\_\_\_

Phone number: \_\_\_\_\_

Signature of Parent/Guardian: \_\_\_\_\_

Date: \_\_\_\_\_

5201

## Bullying and Hazing Prohibition

*Policy*

Original Adoption: 12/16/1997

Effective Date: 05/28/2008

Revision Dates: 10/26/2004, 05/27/2008

### I. PURPOSE

The purpose of this policy is to maintain a safe learning environment for students and staff that is free from bullying or hazing. The District cannot monitor the activities of students at all times and eliminate all incidents of bullying between students or hazing, particularly when students are not under the direct supervision of school personnel. However, to the extent such conduct affects the educational environment of the District's schools and the rights and welfare of its students and is within the control of the District in its normal operations, it is the District's intent to prevent bullying and/or hazing. It is also the District's intent to take action to investigate, respond to, remediate, and discipline those acts of bullying and hazing which have not been successfully prevented.

### II. GENERAL STATEMENT OF POLICY

- A. Bullying or hazing activities of any type are inconsistent with the educational goals of the school district and are prohibited at all times.
1. This policy 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 District or the safety or welfare of the student, other students or employees of the District.
  2. This policy applies to any misuse of technology including, but not limited to conduct that is:
    - a. teasing,
    - b. intimidating,
    - c. defaming,
    - d. threatening, or
    - e. terrorizing.
  3. This policy applies to any misuse of technology that directs the conduct identified above toward any student, teacher, administrator, volunteer, contractor or other personnel of the District.
  4. This policy applies to any misuse of technology that is bullying or hazing behavior regardless of whether such acts are committed on or off District property and/or with or without the use of school district resources.



- B. No student, employee or other personnel of the District shall plan, direct, encourage, aid or engage in bullying and/ or hazing.
- C. No employee or other personnel of the District shall permit, condone or tolerate bullying and/ or hazing.
- D. Apparent permission or consent by a person being hazed does not lessen the prohibitions contained in this policy.
- E. In the case of behavior that constitutes hazing this policy applies to behavior that occurs on or off school property and during and after school hours.
- F. A person who engages in an act that violates school policy or law in order to be initiated into or affiliated with a student organization shall be subject to discipline for that act.
- G. It shall be a violation of this policy to retaliate against any person who:
  - 1. makes a good faith report of alleged bullying or hazing,
  - 2. acts as a witness in any fact finding or investigation,
  - 3. testifies, assists or participates in any
    - a. fact-finding or investigation
    - b. hearing
    - c. proceeding
- H. Submission of a good faith complaint or report of bullying or hazing will not affect the complainant or reporter's future employment, grades, course credit acquisition, or work assignments.
- I. Any student or employee who supplies information in a complaint or investigation that is determined to have been falsely and maliciously supplied shall be subject to discipline.
- J. The District shall act to investigate all complaints of bullying or hazing.
- K. The District shall discipline or take appropriate action against any student, employee or other personnel of the District who is found to have violated this policy. Discipline shall be consistent with the requirements of applicable collective bargaining agreements, applicable statutory authority, including the Minnesota Pupil Fair Dismissal Act, school district policies and regulations.

**III. RESPONSIBILITY**

- A. The Superintendent is authorized to promulgate regulations to support the implementation of this policy.
- B. Notice of this policy shall be given to students, parents, employees and other personnel of the district.
- C. Teachers, administrators, volunteers, contractors and other personnel of the school district shall be particularly alert to possible situations, circumstances or events which might include bullying and hazing. Any such person who receives a report of, observes, or has other knowledge or belief of conduct which may constitute bullying and hazing shall inform the building principal or site administrator immediately.
- D. The District will provide information and applicable training to school district staff regarding this policy.
- E. The administration of the District is directed to implement programs and other initiatives to prevent bullying, provide education and information to students regarding bullying and to respond to bullying in a manner that does not stigmatize the victim, and to make resources or referrals available to victims of bullying or hazing.
- F. The District may implement violence prevention, character development and pro-social skills education programs to prevent and reduce policy violations.

***Legal References:***

- Minn. Stat. § 120B.22 (Violence Prevention Education)
- Minn. Stat. § 120B. 232 (Character Development Education)
- Minn. Stat. § 121A.0695 (School Board Policy: Prohibiting Intimidation and Bullying)
- Minn. Stat. § 121A. 40 - 121A.56 (Pupil Fair Dismissal Act)
- Minn. Stat. § 121A.69 (Hazing Policy)

***Cross References:***

- MPS Policy 4002 (Harassment and Violence Prohibition)
- MPS Policy 5200 (Citywide Discipline)
- MPS Regulation 5201 A (Reporting Procedures and District Action: Bullying and Hazing)
- MPS Regulation 5201 B (Definitions: Bullying and Hazing)

## 5201 B

### Definitions:

## Bullying and Hazing

### *Regulation*

Original Adoption: 05/27/2008

Effective Date: 05/28/2008

Revision Dates:

#### **I. PURPOSE**

The purpose of this regulation is to define terms as they apply to policy 5201, Bullying and Hazing Prohibition, and the regulations that implement that policy.

#### **II. DEFINITIONS:**

##### A. "Bullying" means any act that

1. is intended to cause or is perceived as causing distress to one or more students, and
2. substantially interferes with another student's or students' educational
  - a. benefits,
  - b. opportunities, or
  - c. performance.
3. Behaviors include, but are not limited to:
  - a. written or verbal expressions, including
    - (1) threats,
    - (2) taunts,
    - (3) teasing,
    - (4) calling names,
  - b. physical acts or gestures, including
    - (1) hitting,
    - (2) pushing,
    - (3) kicking,
    - (4) intentionally tripping,
    - (5) pinching,
    - (6) restraining,
    - (7) making faces,
    - (8) displaying gang signs or obscene gestures
  - c. intentionally excluding someone from a group.
  - d. instigating or spreading derogatory rumors about another;
  - e. misuse of technology,
  - f. a pattern of above behaviors over time.

- B. “Hazing” means committing an act against a student, or coercing a student into committing an act, that creates a substantial risk of harm to a person, in order for the student to be initiated into or affiliated with a student organization, or for any other purpose. The term includes, but is not limited to:
1. Any type of physical brutality such as:
    - a. whipping
    - b. beating
    - c. striking
    - d. branding
    - e. electronic shocking
    - f. or placing a harmful substance on the body.
  2. Any type of physical activity that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student, such as:
    - a. sleep deprivation
    - b. exposure to weather
    - c. confinement to a restricted area
    - d. calisthenics
  3. Any activity involving the consumption of any alcoholic beverage, drug or medication, tobacco product or any other food, liquid, or substance that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student.
  4. Any activity that
    - a. intimidates or threatens the student with ostracism
    - b. subjects the student to extreme mental stress, embarrassment, shame or humiliation,
    - c. adversely affects the mental health or dignity of the student, or
    - d. discourages the student from attending or remaining in school.
  5. Any activity that causes or requires a student to perform a task that involves a violation of state or federal law or of school district policies or regulations.
- C. “Immediately” means as soon as possible, but in no event longer than 24 hours (excluding holidays and weekends).
- D. “Misuse of technology means” to bully or haze using technological, digital, or electronic means including use of the Internet whether or not such acts are committed on or off school district property and/or with or without the use of District resources, including, but not limited to sending or posting:

1. e-mail messages
  2. instant messages
  3. text messages
  4. digital pictures or images
  5. to Web site pages, locations, groups, networks or blogs (web logs).
- E. “On school district property or at school-related functions”
1. includes the following:
    - a. school district buildings, whether owned or leased;
    - b. school grounds
    - c. school property or property immediately adjacent to school grounds
    - d. school bus stops
    - e. school buses
    - f. school vehicles, whether owned, leased or contracted,
    - g. any other vehicle approved for District purposes
    - h. the area of entrance or departure from school grounds, premises or events
    - i. all school sponsored activities, events or trips.
  2. may include the following,
    - a. a student’s walking route to or from school for purposes of attending school or school-related functions, activities or events.
    - b. a student’s walking route to or from their school bus stop.
  3. While prohibiting bullying at these locations and events, the District does not represent that it will provide supervision or assume liability at these locations and events.
- F. “Student organization” means
1. a group, club or organization having students as its primary members or participants. It includes, but is not limited to:
    - a. grade levels,
    - b. classes,
    - c. teams,
    - d. activities,
    - e. particular school events,
  2. any of the groups identified in II.C.1 above whether or not such group is an official school organization.

***Legal References:***

Minn. Stat. § 121A.0695 (School Board Policy: Prohibiting Intimidation and Bullying)

Minn. Stat. § 121A.40 - 121A.56 (Pupil Fair Dismissal Act)



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Minn. Stat. § 121A.69 (Hazing Policy)

***Cross References:***

MPS Policy 4002 (Harassment and Violence Prohibition)

MPS Policy 5200 (Citywide Discipline)

MPS Policy 5201 (Bullying and Hazing Prohibition)

MPS Regulation 5201 A (Reporting Procedures and District Action: Bullying or Hazing)