

Bullying

What is bullying?

Bullying can take many forms. Under Montana law, bullying means any harassment, fear, hazing, or threatening, insulting, or mean gesture or physical contact, including any planned written, verbal, or electronic communication or threat directed against a student that is severe or repeated.

Why should it be taken seriously?

Bullying creates an environment of fear and disrespect that can seriously hurt the physical and mental health of victims and create conditions that negatively affect learning. This takes away from the ability of students to do their best in school.

What forms can bullying take?

- Verbal: name-calling, insults, teasing, harassment
- Physical: hitting, punching, shoving, stealing, destroying property
- Social: spreading rumors, leaving people out on purpose, breaking up friendships
- Cyberbullying: using the Internet, cell phones or social media to harm others

This pamphlet is meant to give basic legal information, not legal advice about your problem. The law changes often and each case is different. We recommend you talk to an attorney about your legal problem.

What does The Bully-Free Montana Act do?

The Bully-Free Montana Act protects students from physical harm, property damage, or reasonable fear of either.

The Act protects against bullies who create an unfriendly environment by interfering with or denying a student's access to an educational opportunity or benefit. It also prohibits behavior that significantly and greatly disrupts the orderly operation of a school.

It also includes protection for payback against a victim or witness who reports information about an act of bullying. This includes acts of hazing associated with athletics or school-sponsored organizations or groups.

Under Montana law a bully can be any student or employee of a public K-12 school.

Who is protected?

Students enrolled in a public K-12 school are protected.

What are schools required to do?

The law requires that a victim first use all administrative solutions. Every school district is required to have policies and ways for dealing with the issues of bullying and cyber-bullying. Ask to see your district's policy and learn how your school is implementing the policy.

Sexual Assault at School

Sexual assault takes many forms including attacks such as rape or attempted rape, as well as any unwanted sexual contact or threats. Usually a sexual assault occurs when someone touches any part of another person's body in a sexual way without that person's consent.

An important part of being helpful to a survivor of sexual assault is providing information about options and resources.

You may wish to help the victim, or their parent or guardian connect with the following resources:

- **Montana Coalition Against Domestic and Sexual Violence:** The Sexual Assault Legal Services (SALS) projects serves survivors ages 11 and up. For more information and to apply, please see: <http://mcadsv.com/what-we-do/sexual-assault-legal-services-program/> Phone: (406) 443-7794.
- **Local Police / Law Enforcement**
- **Local Health Care Providers**
- **School Administrators** if the incident is school-related
- **Victim Advocates in your area:** <http://mcadsv.com/about/victim-service-programs-by-region/>

What legal remedies do victims of violence in schools have access to?

Protection Orders

An Order of Protection is a court order designed to stop violent and harassing behavior, and to protect you from someone who has harmed or threatened you and is causing you fear.

Access to Education

Students have a right to education; no child may be denied equal access to schooling in the state where they reside. Schools are required to address anything that interferes with that right, including discrimination, bullying, and crime.

Recovering from Injury

Bullying and violence can cause both physical and mental damage. Victim recovery may include a lawsuit for medical, financial, legal and emotional damages.

Restitution

Restitution is the offender's debt to you, the victim, for losses resulting from the crime. A judge can order this part of the offender's sentence in a criminal case.

Crime Victim Compensation (CVC)

Montana's CVC program strives to reduce some of the financial burdens related to a crime. CVC can help with medical expenses, including counseling.

How can I get help?

Apply Online

You can apply online with Montana Legal Services Association at www.mtlsa.org. After you submit an online application, an MLSA staff member will contact you to schedule an appointment to complete your application.

Apply By Phone

You can also call the MLSA HelpLine at (800) 666-6899 to talk with an MLSA staff member. The HelpLine hours are limited.

What help can I find at MLSA?

- Legal advice and representation;
- Referrals to volunteer attorneys and other providers;
- Self-help clinics and materials.

MLSA has limited resources and cannot help everyone who applies.

Where can I find more information?

www.MontanaLawHelp.org -



Can't find what you want? Click on the Live Help chat box icon to get help finding the information you need.

www.MTLSA.org -

Find copies of all our brochures online. They are all available for free download.

This project was supported by Grant No. 2014-XV-BX-K011 and No. 16-V01-91927 awarded by the Montana Board of Crime Control (MBCC) through the Office of Justice Programs, US Department of Justice. Points of view in this document are those of the author and do not necessarily represent the official position or policies of the US Department of Justice.

Violence in Schools: Bullying, Assault, and Sexual Assault



*Providing, protecting, and
enhancing access to justice*

Rev. 08/2017

