

Chapter 5. Bullying Prohibition

5.501 PURPOSE

The purpose of the Statute is to prohibit the act of bullying on the lands of the Tribe.

(Source: WOS 2011-004, February 22, 2011, Section I)

5.502 DEFINITIONS

A. “Bullying” means the repeated use, by one or more minor and/or adults, of a written, verbal or a physical act or gesture or any combination thereof, directed at a victim that causes physical or emotional harm to the victim or damage to the victim’s property or places the victim in reasonable fear of harm to themselves or damage to their property. Bullying can also be defined as the use of information and communication technologies to support deliberate, repeated, and hostile behavior by an individual or group that is intended to harm others.

B. “Minor” means a person under the age of 18 years.

C. “Tribe means the Little Traverse Bay Bands of Odawa Indians

D. “Tribal property” means property either owned of leased by the Tribe or property that is held in trust for the benefit of the Tribe.

E. “Victim” means a person whom bullying, retaliation or stalking has been perpetrated against.

(Source: WOS 2011-004, February 22, 2011, Section II)

5.503 PROHIBITION OF BULLYING

A. Bullying shall be prohibited on any Tribal property and shall be deemed a civil offense.

B. A law officer has the authority to issue a notice of violation citation when:

2. When the violation is committed in the officer’s presence;

3. If an officer investigating the violation has reasonable cause to believe that the alleged perpetrator involved has committed a violation.

C. Retaliation against a person who reports bullying, provides information during an investigation of bullying, witnesses or has reliable information about bullying shall be prohibited and shall be deemed a civil offense.

D. Minors or adults who knowingly make a false accusation of bullying or retaliation shall be subject to a civil offense.

(Source: WOS 2011-004, February 22, 2011, Section III)

5.504 PARENTAL RESPONSIBILITY

A. The parent of any juvenile has a continuous responsibility to exercise reasonable control and supervision over the juvenile and prevent the juvenile from committing or participating in the commission of any bullying act.

B. A law officer has the authority to issue a notice of violation citation to parents for lack of reasonable control and supervision over their juveniles.

(Source: WOS 2011-004, February 22, 2011, Section IV)

5.505 SEVERABILITY

If any section, subsection, paragraph, sentence, phrase or portion of this Statute is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

(Source: WOS 2011-004, February 22, 2011, Section V)

5.506 EFFECTIVE DATE

Effective upon signature of the Executive or thirty (30) days from Tribal Council approval whichever comes first or if the Executive vetoes the legislation, then upon Tribal Council override

of the veto.

(Source: WOS 2011-004, February 22, 2011, Section VI)