

Article VIII.B.9. Prohibition of Bullying, Cyberbullying, Hazing, and Retaliation

A. Statement of Purpose

The Board of Education recognizes that bullying, cyberbullying, hazing, and retaliation are prohibited by federal and state laws and regulations and such conduct greatly reduces the likelihood students or employees will be successful in school or work. Indeed, bullying and related conduct may increase the risk among victims of mental health related issues, including depression and suicide. The purpose of this policy, therefore, is to stop and prevent bullying, cyberbullying, hazing, and retaliation or any other form of intimidation in District schools.

B. Definitions

1. "Abusive conduct" means verbal, nonverbal, or physical conduct of a parent or student directed toward a school employee that, based on its severity, nature, and frequency of occurrence, a reasonable person would determine is intended to cause intimidation, humiliation, or unwarranted distress. (Abusive conduct by District employees is covered in District Policy, Article IX.a.4.c.).
2. "Bullying" means intentionally committing a written, verbal, or physical act against a student or District employee that a reasonable person under the circumstances should know or reasonably foresee will have the effect of:
 - a. causing physical or emotional harm to the student or District employee;
 - b. causing damage to the student's or District employee's property;
 - c. placing the student or District employee in reasonable fear of
 - i. harm to his/her physical or emotional well-being or
 - ii. damage to his/her property;
 - d. creating a hostile, threatening, humiliating, or abusive environment due to
 - i. the pervasiveness, persistence, or severity of the actions or
 - ii. a power differential between the bully and the target; or
 - e. substantially interfering with a student or employee having a safe environment necessary for performing duties or accessing programming, opportunities, or benefits.
3. "Cyberbullying" means using or causing another to use the Internet, a cell phone, or other device to send or post text, video, or images to intentionally, knowingly, or recklessly harm, embarrass, threaten, or intimidate an individual, regardless of whether the individual directed, consented to, or acquiesced in the conduct or voluntarily accessed the electronic communication.

4. “District employee” means:
 - a. school teachers;
 - b. school staff;
 - c. school administrators; and
 - d. all others employed or authorized as volunteers, directly or indirectly, by the school, school board, or school district.

5. “Hazing” means a student or ~~school~~District employee intentionally, knowingly, or recklessly committing an act or causing another individual to commit an act toward an individual for the purpose of initiation, admission, affiliation, holding office, or as a condition of membership, acceptance, or continued membership or acceptance on or into any school sponsored team, organization, program, club, or event regardless of whether the individual against whom the conduct is committed consented to, or acquiesced in the conduct, which also:
 - a. endangers the mental or physical health or safety of a student or District employee;
 - b. involves any brutality of a physical nature including but not limited to whipping, beating, branding, calisthenics, bruising, electric shocking, placing of a harmful substance on the body, or exposure to the elements;
 - c. involves consumption of any food, alcoholic product, drug, or other substance or other physical activity that endangers the mental or physical health and safety of a student or District employee; or
 - d. involves any activity that would subject a ~~school~~District employee or student to extreme mental stress, such as sleep deprivation, extended isolation from social contact, or conduct that subjects a student or District employee to extreme embarrassment, shame, or humiliation.

6. “Protected class” refers to any individual or group of individuals protected from discrimination under federal and state laws or regulations including:
 - a. Title IV and Title VI of the Civil Rights Act of 1964, which prohibit discrimination on the basis of race, color, sex, religion, or national origin by public schools or any public program receiving federal financial assistance;
 - b. Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex;
 - c. Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990, which prohibit discrimination on the basis of disability; and
 - d. Utah Antidiscrimination Act, which prohibits discrimination in employment practices.

7. “Retaliation” means an act or communication intended:
 - a. as retribution against a person for reporting bullying, hazing, or cyberbullying;
 - b. to improperly influence the investigation of, or the response to, a report of bullying, hazing, or cyberbullying; or
 - c. as retribution for engaging in some other protected activity.

C. Prohibitions

1. No student or ~~school-~~District employee may engage in bullying or cyberbullying a student or ~~school-~~District employee;
 - a. on school property;
 - b. at a school related or sponsored event;
 - c. on a school bus;
 - d. at a school bus stop; or
 - e. while the student or District employee is traveling to or from a location or event described above.
2. No student or District employee may engage in hazing a student or ~~school-~~District employee at any time or in any location.
3. No student or District employee may engage in retaliation against a student, a District employee, an investigator, or a witness of an alleged incident of bullying, cyberbullying, hazing, or retaliation.
4. No student or District employee may make a false allegation of bullying, cyberbullying, hazing, or retaliation against a student or District employee.
5. No student or patron of the District shall engage in abusive conduct toward any employee of the District.

D. Reporting

1. Any person who witnesses or believes he/she has been subjected to bullying, cyberbullying, hazing, retaliation, or abusive conduct involving a student, employee, or other person affiliated with the District may submit, personally or through a representative, a written or verbal report of the alleged prohibited conduct to school administrators, department supervisor, or another District administrator.

2. Administrators shall timely notify parents or guardians of alleged perpetrators and victims whenever students are involved in any incident(s) of bullying, cyberbullying, hazing, or retaliation or provide indication of suicidal ideation.
 - a. The school shall create and maintain a record that verifies that parents or guardians of both the alleged victims and perpetrators have been notified of the incident(s).
 - b. The school shall disclose the record only as authorized in Utah Code, 53G-9-604 and consistent with federal laws and regulations.
 - c. The school shall expunge the record after a student of his/her class has graduated and after a written request for expungement has been made consistent with Utah Code, 53G-9-604.

E. Administrative Action

1. An administrator or a designee shall promptly investigate all reports of violations of this policy. Administrators shall take appropriate steps to eliminate the offending conduct, address its effects, and prevent its recurrence. Administrators shall work collaboratively with parents, guardians, and patrons to resolve issues at the lowest possible level.
2. With respect to the rights of an accused student or District employee, the investigation shall include verbal or written notice of the allegations and an opportunity to respond.
3. Appropriate discipline shall be administered for the offending conduct. Any student who engages in bullying, cyberbullying, hazing, or retaliation may be subject to discipline up to and including parent/guardian conferences, suspension, alternative placement, or expulsion. Any employee who engages in such behavior may be subject to discipline up to and including termination. The District shall determine the appropriate corrective action for each complaint.
4. A District employee who has experienced abusive conduct from a student or patron as defined in this policy may file a grievance by reporting the alleged conduct to a supervising administrator in writing.
 - a. The matter will be investigated, and appropriate action will be taken to mitigate disruption and protect the employee. This action may include but is not limited to restricting communication of the student or patron and/or restricting access to school property.

- b. If the abusive conduct is not mitigated, the employee may request an administrative review, further investigation, and further administrative action as required.
5. Prohibitions of this policy shall be enforced for conduct occurring outside of school, school hours, or school-related activities and events if the conduct materially disrupts the educational environment.
6. Information collected during investigations shall be kept confidential to the extent possible consistent with the District's legal obligations and the necessity to thoroughly investigate and take appropriate administrative action. The District retains the right to disclose the identity of parties and witnesses in appropriate circumstances.
7. Allegations of bullying, cyberbullying, hazing, retaliation, or abusive conduct with criminal implications shall promptly be reported to law enforcement.

F. Civil Rights Violations

1. When conduct constituting bullying, cyberbullying, hazing, or retaliation is directed at an individual because of the individual's protected class or conformance or non-conformance with a real or perceived stereotype, it may constitute a violation of federal and state civil rights laws.
2. With respect to potential civil rights violations, administrators shall take additional administrative action.
 - a. Administrators shall follow procedures outlined in District Policy, Article V.C.1., Prohibition of Discrimination, Harassment, and Retaliation.
 - b. Administrators shall take appropriate steps to report offending conduct with appropriate identifying information related to protected classes in the District's computer system for student discipline.
 - c. The District shall make reports of any civil rights violations to appropriate state and federal agencies.
3. If concerns cannot be resolved at the school or District levels, complaints of civil rights violations may be filed with the Office for Civil Rights, Region VIII, U.S. Department of Education, Federal Building, Suite 310, 1244 Speer Boulevard, Denver, Colorado 80204.

G. Information Disseminated by Each School

1. Each school shall produce, post, and/or make available:
 - a. this policy, or a short form of this policy, to students and patrons in registration materials and other locations;
 - b. a school-wide behavior plan that addresses prevention measures, strategies, potential consequences, and the overall school-level approach to, addressing bullying, cyberbullying, hazing and retaliation;
 - c. procedures for reporting bullying, cyberbullying, hazing, or retaliation; and
 - d. the names, positions, and contact information for at least two school employees to receive reports of bullying, cyberbullying, hazing, and retaliation.
2. Each School Community Council shall review school procedures, to include training of students and District employees, regarding bullying, cyberbullying, hazing, and retaliation and make recommendations consistent with state and federal law to the school administration.

H. District Responsibilities

The Superintendent shall assign and provide authority to District departments and/or committees, as needed, to ensure compliance with federal and state law, administrative rules and guidance, and District policies related to bullying, cyberbullying, hazing, and retaliation. The District will engage in compliance efforts including those referenced below.

1. The District shall collect a signed statement from employees, students, and parents/guardians indicating receipt of the District policy regarding bullying, cyberbullying, hazing, and retaliation.
2. The District shall provide additional resources for prevention and alternative means for reporting incidents of bullying, cyberbullying, hazing, and retaliation.
3. The District shall provide schools training, leadership, professional development, and other support in preventing bullying, cyberbullying, hazing, and retaliation.
4. The District shall provide bullying, cyberbullying, and hazing prevention training to employees, volunteers, and students ~~participating in school-sponsored athletic programs or in school-sponsored extracurricular programs. Such training shall be offered to new participants on an annual basis, and to all other participants every~~

~~three years~~ subject to statutory and regulatory requirements.

5. The District shall conduct student surveys and collect data regarding the prevalence of bullying, cyberbullying, and hazing in schools and identify better prevention strategies, student support and interventions, and supervision in physical locations where it may be needed.
6. The District shall involve parents and other community members in the development of resources and the dissemination of materials and information.
7. The District shall maintain a continuum of intervention strategies that emphasize education, multi-tiered systems of supports, and positive behavior intervention and supports to assist students whose conduct falls short of reasonable expectations.
8. The District shall take appropriate disciplinary action against District employees who engage in or fail to prevent or correct bullying, cyberbullying, hazing, and retaliation.

References

Utah Code, §53G-8-201 et seq., School Discipline and Conduct Plans

Utah Code, §53G-9-602 et seq., Bullying, Hazing, and Cyber-Bullying Prohibited

Utah Admin. Code, R277-613, LEA Bullying, Cyber-Bullying, Hazing, and Harassment Policies and Training