

## Bullying and Hazing Policy

### A. Definitions

- a. "**Bullying**" means intentionally or knowingly committing an act that:
- endangers the physical health or safety of a school employee or student.
  - involves any brutality of a physical nature such as whipping, beating, branding, calisthenics, bruising, electric shocking, placing of a harmful substance on the body, or exposure to the elements.
  - involves forced or involuntary consumption of any food, liquor, drug, or other substance.
  - involves forced or coerced actions or activities of a sexual nature or with sexual connotations.
  - involves other physical activity that endangers the physical health and safety of a school employee or student; or
  - involves physically obstructing a school employee's or student's
  - freedom to move; and
  - is done for the purpose of placing a school employee or student in fear of:
    - physical harm to the school employee or student; or
    - harm to property of the school employee or student.

*The conduct described above constitutes bullying, regardless of whether the person against whom the conduct is committed directed, consented to, or acquiesced in, the conduct.*

- b. "**Abusive Conduct**" means verbal, nonverbal, or physical conduct of a parent or student directed toward a school employee that, based on severity, nature and frequency of occurrence, a reasonable person would determine is intended to cause intimidation, humiliation, or unwarranted distress intended to cause intimidation, humiliation, or unwarranted distress.
- results in substantial physical or psychological harm as a result of intimidation, humiliation, or unwarranted distress; or
  - exploits an employee's known physical or psychological disability

*A single act does not constitute abusive conduct, unless it is an especially severe and egregious act that meets the standard under Subsection (A)(1), (2), or (3).*

- c. "**Hazing**" means intentionally or knowingly committing an act that:
- endangers the physical health or safety of a school employee or student.
  - involves any brutality of a physical nature such as whipping, beating, branding, calisthenics, bruising, electric shocking, placing of a harmful substance on the body, or exposure to the elements.
  - involves consumption of any food, liquor, drug, or other substance
  - involves forced or coerced actions or activities of a sexual nature or with sexual connotations.
  - involves other physical activity that endangers the physical health and safety of a school employee or student; or

- vi. involves physically obstructing a school employee's or student's freedom to move; and
- vii. is done for the purpose of initiation or admission into, affiliation with, holding office in, or as a condition for, membership or acceptance, or continued membership or acceptance, in any school or school sponsored team, organization, program, or event; or
- viii. if the person committing the act against a school employee or student knew that the school employee or student is a member of, or candidate for, membership with a school, or school sponsored team, organization, program, or event to which the person committing the act belongs to or participates in.

*The conduct described in above constitutes hazing, regardless of whether the person against whom the conduct is committed directed, consented to, or acquiesced in, the conduct.*

- d. "**Cyberbullying**" means the use of email, instant messaging, chat rooms, cell phones, or other forms of information technology to send or post text, video, or images with the intent, knowledge, or with a reckless disregard, that the text, video, or image will hurt, embarrass, or threaten another individual, regardless of whether the individual directed, consented to, or acquiesced in the conduct, or voluntarily accessed the electronic communication.
- e. "**Retaliate**" means an act or communication intended:
  - i. as retribution against a person for reporting bullying or hazing; or
  - ii. to improperly influence the investigation of, or the response to, a report of bullying or hazing.
- f. "**Communication**" means the conveyance of a message, whether verbal, written, or electronic.
- g. "**School**" means Promontory School of Expeditionary Learning.
- h. "**School board**" means the board of trustees for Promontory School of Expeditionary Learning.
- i. "**School employee**" means:
  - i. school teachers.
  - ii. school staff.
  - iii. school administrators; and
  - iv. all others employed or authorized as volunteers, directly or indirectly, by the school or school board.

## **B. Purpose**

The purpose of this policy is to eliminate all types of bullying, abusive conduct, and hazing by and against students and employees of Promontory School of Expeditionary Learning. This will be accomplished through awareness efforts, training, identification, and disciplinary action (both students and employees) against those who violate this Policy. A secondary purpose is to provide clear standards and a safe and accessible reporting process for victims of bullying and hazing.

## **c. Publication**

A copy of this policy shall be included in student conduct handbooks, employee handbooks, and available on the Promontory School of Expeditionary Learning website.

## **D. Prohibitions**

- a. No school employee or student may engage in bullying, abusive conduct, or cyberbullying a school employee or student.
  - i. on school property.
  - ii. at a school related or sponsored event
  - iii. on a school bus
  - iv. at a school bus stop; or
  - v. while the school employee or student is traveling to or from a location or event described above.

*No school employee or student may engage in hazing a school employee or student at any time or in any location.*

- b. No school employee or student may engage in retaliation against:
  - i. 1. a school employee.
  - ii. a student; or
  - iii. an investigator for, or witness of, an alleged incident of bullying, cyberbullying, hazing, or retaliation.
- c. No school employee or student may make a false allegation of bullying, cyberbullying, hazing, or retaliation against a school employee or student.
- d. No Student may make a false allegation of bullying, abusive conduct, cyberbullying, hazing, or retaliation against:
  - i. a school employee
  - ii. a student.

## **E. Actions Required of the School**

- a. The school shall establish and publish in a handbook or other readily available format:
  - i. procedures allowing for anonymous reporting of bullying, abusive conduct, hazing, retaliation, and false accusations.
  - ii. names and positions of persons responsible for taking, investigating, and responding to reports of bullying, abusive conduct, hazing, or retaliation. At least two School employees (preferably one male and one female) in appropriate positions of authority shall be identified to receive reports.
- b. In addition to the published procedures and notification above, the school shall establish procedures and plans for:
  - i. involving parents or guardians of a perpetrator or victim of bullying, abusive conduct, hazing, retaliation, or false reports, in the process of
  - ii. responding to, and resolving, conduct prohibited in this Policy.
  - iii. referring a victim of bullying, abusive conduct, cyberbullying, or hazing to counseling following parental notice and consent.
  - iv. to the extent permitted by federal and state law, including the federal Family Educational Privacy Right Act of 1974, as amended, informing the parents or guardians of a student who is a victim of bullying or hazing of the actions taken against the perpetrators of the bullying or hazing.
  - v. publicizing this policy, preferably including electronic publication and availability, to School employees, to students, and parents/guardians of students; and
  - vi. training School employees and students to recognize and prevent bullying, hazing, or retaliation.

## **F. Actions Required if Prohibited Acts are Reported**

- a. Each reported complaint shall include:
  - i. name of complaining party.
  - ii. name of offender (if known).
  - iii. date and location of incident(s).
  - iv. a statement describing the incident(s), including names of witnesses (if known).
- b. Each reported violation of the prohibitions noted previously shall be promptly investigated by a School administrator or an individual designated by a School administrator. Formal disciplinary action is prohibited based solely on an anonymous report of bullying, abusive conduct, hazing, or retaliation.
- c. Verified violations of the prohibitions noted previously shall result in consequences or penalties. Consequences or penalties may include but are not limited to:
  - i. student suspension or removal from a school-sponsored team or activity including school sponsored transportation.
  - ii. student suspension or expulsion from school or lesser disciplinary action.
  - iii. employee suspension or termination for cause or lesser disciplinary action.
  - iv. employee reassignment; or
  - v. other action against student or employee as appropriate.
- d. Actions must also include, as appropriate:
  - i. procedures for protecting the victim and other involved individuals from being subjected to:
    1. further bullying, abusive conduct, cyberbullying, or hazing, and
    2. retaliation for reporting the bullying or hazing.
  - ii. prompt reporting to law enforcement of all acts of bullying, hazing, or retaliation that constitute suspected criminal activity.
  - iii. prompt reporting to the Office of Civil Rights (OCR) of all acts of bullying, abusive conduct, cyberbullying, hazing, retaliation that may be violations of student(s)' or employee(s)' civil rights.
  - iv. procedures for a fair and timely opportunity for the accused to explain the accusations and defend his actions prior to student or employee discipline.
  - v. procedures for providing due process rights under Section 53A-8-102 (licensed staff), local employee discipline policies or Section 53A-11-903 and local policies (students) prior to long term (more than 10 day)
  - vi. student discipline or employee discipline.

## **G. Training**

The training of school employees shall include training regarding bullying, abusive conduct, cyberbullying, hazing, and retaliation. To the extent possible, programs or initiatives designed to provide training and education regarding the prevention of bullying, abusive conduct, cyberbullying, hazing, and retaliation should be implemented.

- a. In addition to training for all students and School employees, students, employees, and volunteer coaches involved in any extra-curricular activity shall:
  - i. participate in bullying, abusive conduct, cyberbullying, and hazing prevention training prior to participation.
  - ii. repeat bullying, abusive conduct, cyberbullying, and hazing prevention training at least every three years.
  - iii. be informed annually of the prohibited activities list provided previously in this Policy and the potential consequences for violation of this Policy.

## H. Additional Notes

- a. 53G-9-6 requires that this policy be developed with input from
  - i. students,
  - ii. parents,
  - iii. teachers, school administrators,
  - iv. school staff, or
  - v. law enforcement agencies.
  
- b. All information received in a complaint; names of complainants shall be treated with the utmost confidence to the extent possible. Administrators shall notify complainant before revealing his name.