

<b>DESCRIPTOR TERM:</b>  <b>Students</b>	<b>Millard District Policy</b> <b>File Code: 6105</b>  <b>Approved: 11-09-17</b>
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## **BULLYING, CYBERBULLYING, HAZING, AND ABUSIVE CONDUCT**

### **Purpose**

The purpose of the policy is to eliminate all types of bullying and hazing by and against students and employees of the Millard School District. This will be accomplished through awareness efforts, training, identification, and disciplinary action (both students and employee) against those who violate this policy.

### **Publication**

A copy of this policy shall be included in the district postal mailing and available on the Millard School District website.

### **A. 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.
2. Bullying: In general, bullying is aggressive behavior that is intended to cause distress and harm, exists in a relationship where there is an imbalance of power and strength, and is repeated over time. As specifically defined for this policy, "Bullying" means intentionally or knowingly committing a written, physical, or verbal act against a school employee or student that a reasonable person under the circumstances should know or reasonably foresee will have one of the following effects:
  - a. Causing physical or emotional harm to the school employee or student;
  - b. Causing damage to the school employee's or student's property;
  - c. Placing the school employee or student in reasonable fear of:
    - I. Harm to the school employee's or student's emotional well-being;  
or
    - II. Damage to the school employee's or student's property.

- d. Creating a hostile, threatening, humiliating, or abusive educational 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 having a safe school environment that is necessary to facilitate educational performance, opportunities, or benefits.
3. "Communication" means the conveyance of a message, whether verbal, written, or electronic.
  4. "Cyber-Bullying" means Using the Internet, a cell phone, or another device to send or post text, video, or an image with the intent or knowledge, or with reckless disregard, that the text, video, or image will hurt, embarrass, or threaten an individual, regardless of whether the individual directed, consented to, or acquiesced in the conduct, or voluntarily accessed the electronic communication. In addition, any communication of this form that is generated off-campus but causes or threatens to cause a material and substantial disruption at school or interference with the rights of students to be secure may also be considered cyber-bullying.
  5. "Hazing" means intentionally or knowingly, or recklessly committing an act or causing another individual to commit an act toward a school employee or student that:
    - a. Meets one of the following:
      - I. Endangers the mental or physical health or safety of a school employee or student; or
      - II. Involves any brutality of a physical nature, including whipping, beating, branding, excessive calisthenics, bruising, electric shocking, placing of a harmful substance on the body, or exposure to the elements;
      - III. 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 school employee or student; or
      - IV. Involves any activity that would subject a school employee or student to extreme mental stress, such as sleep deprivation, extended isolation from social contact, or conduct that subjects a

school employee or student to extreme embarrassment, shame, or humiliation; and either

- b. Is committed for the purpose of initiation into, admission into, affiliation with, holding office in, or as a condition for membership in a school or school sponsored team, organization, program, club or event; or
- c. Is directed toward a school employee or student whom the individual who commits the act knows, at the time the act is committed, is a member of, or candidate for membership in, a school or school sponsored team, organization, program, club, or event in which the individual who commits the act also participates.
- d. The conduct described above constitutes hazing, regardless of whether the person against whom the conduct is committed directed, consented to, or acquiesced in, the conduct.

*Utah Admin. Code R277-613-1 (2013)*

*Utah Code Ann. §76-5-107.5 (2011)*

*Utah Code Ann. §53A-11a-102(1) to (5) (2017)*

- 6. “Retaliate” means an act or communication intended as retribution against a person for reporting bullying, cyberbullying, abusive conduct, or hazing; or to improperly influence the investigation of, or the response to, a report of bullying, cyberbullying, abusive conduct, or hazing.

*Utah Code Ann. §53A-11a-102 (6) (2017)*

- 7. “School 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.

## **B. Bullying and Abusive Conduct Prohibited**

- 1. No school employee or student may engage in bullying and/or abusive conduct of a school employee or student; on school property, at a school related or sponsored event, on a school bus, at a school bus stop, or while the student is traveling to or from a school location or school related or sponsored event. No student may engage in abusive conduct.
- 2. Students who engage in bullying and/or abusive conduct are in violation of this policy and verified violations shall result in disciplinary action up to and including expulsion, consistent with the school district’s Safe Schools policy (6090).

3. School employees who engage in bullying and/or abusive conduct are in violation of this policy and verified violations shall result in disciplinary action up to and including termination, consistent with the school district's Orderly Termination policy (4170-4180).
4. Anonymous reports of bullying and/or abusive conduct alone cannot constitute the basis for formal disciplinary action.
5. The school or District may also report individuals who engage in bullying or abusive conduct to law enforcement if that is permitted by Utah Code 53A-11-911.

*Utah Code Ann. § 53A-11a-301 (2013)*  
*Utah Admin. Code R277-613-1 (2011)*

### **C. Hazing and Cyberbullying Prohibited**

1. No school employee or student may engage in hazing or cyberbullying of a student at any time or at any location.
2. Students who engage in hazing or cyberbullying are in violation of this policy and verified violations shall result in disciplinary action up to and including expulsion, as well as suspension or removal from a school-sponsored team or activity, including school sponsored transportation, consistent with the school district's Safe Schools policy (6090).
3. School employees who engage in hazing or cyberbullying are in violation of this policy and verified violations shall result in disciplinary action up to and including termination, consistent with the school district's Orderly Termination policy (4170-4180).
4. The school may also determine to break up or dissolve a team, organization, or other school-sponsored group for hazing violations by its members.
5. Anonymous reports of hazing or cyberbullying alone cannot constitute the basis for formal disciplinary action.
6. The school or District may also report individuals to law enforcement.

*Utah Code Ann. § 53A-11a-301 (2017)*  
*Utah Admin. Code R277-613-4 (2013)*

#### **D. Retaliation Prohibited**

1. No school employee or student may engage in retaliation against a school employee, a student, or an investigator for, or witness of, an alleged incident of bullying, harassment abusive conduct, cyberbullying, hazing, or retaliation against a school employee or student.
2. Students who engage in such retaliation are in violation of this policy and are subject to disciplinary action up to and including expulsion, consistent with the school district's Safe Schools policy (6090).
3. Anonymous reports of bullying, harassment, cyberbullying, or retaliation alone cannot constitute the basis for formal disciplinary action.
4. School employees who engage in retaliation are in violation of this policy and verified violations shall result in disciplinary action up to and including termination, consistent with the school district's Orderly Termination policy (4170-4180).
5. The school shall inform school employees and students who have reported being subject to bullying, abusive conduct, cyberbullying, or hazing and the students' parents that retaliation is prohibited and shall encourage the school employees, students and parents to be aware of and to report any subsequent problems or new incidents.

*Utah Code Ann. § 53A-11a-301 (2017)*  
*Utah Admin. Code R277-613-1,4.E (2013)*

#### **E. Making a False Report Prohibited**

1. No school employee or student may knowingly make a false allegation of bullying, cyberbullying, hazing, or retaliation against a school employee or student.
2. Students who engage in making such false allegations are in violation of this policy and are subject to disciplinary action up to and including expulsion, consistent with the school district's Safe Schools policy (6090).
3. School employees who engage in making such false allegations are in violation of this policy and verified violations shall result in disciplinary action up to and including termination, consistent with the school district's Orderly Termination policy (4170-4180).

*Utah Admin. Code R277-613-1 (2009)*

**F. Action Plan**

1. Upon receipt of a reported incident of bullying, cyber-bullying, hazing, abusive conduct, or retaliation, the school principal or designee shall determine the actions which are required to appropriately respond under this policy and to properly address and redress the conduct.
2. When it is determined that a student has been bullied, cyberbullied, or hazed, this plan of action should include consideration of what support, counseling, or other assistance the student may need to prevent such mistreatment from adversely affecting the student's ability to learn and function in the school setting.

**G. Training and Education**

1. Each school shall establish procedures for training school employees, volunteers and students to recognize and prevent bullying, abusive conduct, cyberbullying, hazing, or retaliation. Training to students, staff, and volunteers shall include:
  - a. Training specific to overt aggression that may include physical fighting such as punching, shoving, kicking, and verbally threatening behavior, such as name calling, or both physical and verbal aggression or threatening behavior;
  - b. Training specific to relational aggression or indirect, covert, or social aggression, including rumor spreading, intimidation, enlisting a friend to assault a child, and social isolation;
  - c. Training specific to prohibitions against bullying or hazing of a sexual nature or with sexual overtones;
  - d. Training specific to cyber bullying, including use of email, web pages, text messaging, instant messaging, three-way calling or messaging or any other electronic means for aggression inside or outside of school;
2. In addition to training school employees and educating students mentioned above, all volunteer coaches, employees, and students involved in any extra-curricular activity shall:
  - a. Complete bullying, cyberbullying, abusive conduct, and hazing prevention training prior to participation;
  - b. Repeat bullying, cyberbullying, abusive conduct, and hazing prevention training at least every three years;
  - c. Be informed annually of the prohibited activities list provided previously in this Policy and the potential consequences for violation of this Policy.

3. The content of this activity training shall be developed in collaboration with the Utah High School Activities Association (UHSAA) and the training shall also be provided in collaboration with UHSAA. The school shall obtain and keep signature lists of the participants in the UHSAA training.
4. Teachers should discuss this policy with their students in age-appropriate ways and should assure them that they need not endure any form of bullying, hazing, or cyberbullying.

*Utah Code Ann. § 53A-11a-301 (2013)*

## **H. Assessment**

Each school shall regularly (and at least once per year) conduct assessment through student input (surveys, reports, or other methods) of the prevalence of bullying, cyberbullying, and hazing in the school, and specifically in location where students may be unsafe and adult supervision may be required such as playgrounds, hallways, and lunch areas.

## **I. Publication and Acknowledgement**

1. A copy of this policy shall be included in student conduct handbooks, employee handbooks, shall be provided to the parent or guardian of each student enrolled in the District, and shall be available on the District website.
2. Each student and a parent or guardian of each student enrolled in the District shall annually provide a signed statement stating that the student and parent or guardian has received a copy of this policy.

## **J. Parental Notification**

1. The school shall notify the parent or guardian of a student who is involved in an incident of bullying, hazing, cyber-bullying, harassment or retaliation (whether as a perpetrator or victim).
2. The school is also required to notify the parent or guardian of a student who threatens to commit suicide. In addition, the school shall produce and maintain a record that verifies that the parent or guardian was notified of the threats or incidents listed above. The record is a private record for purposes of the Government Records Access and Management Act. The record may not be used by the school for the school's own purposes.
3. The process for notifying a parent or guardian shall consist of:
  - a. The school principal or designee shall attempt to make personal contact with a parent or guardian when the school has notice of a threat or incident listed above. It is recommended that the parent be informed of

the threat or incident with two school people present. If personal contact is not possible, the parent or guardian may be contacted by phone. A second school person should witness the phone call.

- b. Contact with the parent or guardian must be documented in a "Verification of Parent or Guardian Contact Regarding Threat or Incident."

(A copy of the "Verification of Parent or Guardian Contact Regarding Threat or Incident" is attached below.) At the request of a parent or guardian, a school may provide information and make recommendations related to an incident or threat.

*Utah Code Ann. §53A-11a-203 (2016)*

The record of parental notification shall be maintained in accordance with the Utah Student Data Protection Act, the Utah Family Educational Rights and Privacy Act, and the Federal Family Educational Rights and Privacy Act ("FERPA"). A copy of the record of parental notification shall upon request be provided to the student to whom the record relates. After the student has graduated, the District shall expunge the record of parental notification upon request of the student.

*Utah Code Ann. §53A-11a-203 (3) (b) (2016)*

## **K. Additional Notes**

1. 53A-11a-301 requires that this policy be developed with input from (1) students, (2) parents, (3) teachers, (4) school administrators, (5) school staff, or (6) law enforcement agencies.
2. All information received in a complaint, including the name of the complainant, shall be treated with the utmost confidence to the extent possible. Administrators shall notify complainant before revealing his/her name.



**VERIFICATION OF PARENT OR GUARDIAN CONTACT REGARDING  
THREAT OR INCIDENT**

I, \_\_\_\_\_, principal or principal's designee, contacted  
[Name]

\_\_\_\_\_ on \_\_\_\_\_ and notified him or her that  
[Name of parent or guardian] [Date]

\_\_\_\_\_ has made suicidal threats or was involved in an  
[Name of student]

incident of bullying, hazing, cyberbullying, harassment, or retaliation.

Contact was made:

[  ] in person

[  ] by telephone (number used: \_\_\_\_\_)

[  ] by email (email address used: \_\_\_\_\_)

[  ] by other method (specify): \_\_\_\_\_

Notice was given of:

[  ] suicide threat

[  ] bullying incident

[  ] cyber-bullying incident

[  ] harassment incident

[  ] hazing incident

[  ] retaliation incident

\_\_\_\_\_, witnessed the contact.  
[Name of school staff member]

\_\_\_\_\_  
Principal or Principal's Designee

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

\_\_\_\_\_  
School Staff Member

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date