

DESCRIPTOR TERM:**Students****Millard District Policy
File Code: 6105****Approved: 03-09-17****BULLYING, CYBERBULLYING, HARASSMENT, HAZING, AND RETALIATION****Purpose**

The purpose of this policy is to implement bullying, cyberbullying, hazing, and harassment policies district and school wide; to provide for regular and meaningful training of school employees and students; to provide for enforcement of these policies in schools and in athletic programs; to require school personnel to notify parents of specific bullying, cyberbullying, hazing, harassment, and suicide threat incidents; and to ensure documentation as required by law.

A. Definitions**1. "Bullying"**

- a. means intentionally or knowingly committing an act that:
 - i. endangers the physical health or safety of a school employee or student;
 - ii. 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;
 - iii. involves consumption of any food, liquor, drug or other substance;
 - iv. involves other physical activity that endangers the physical health and safety of a school employee or students; or
 - v. involves physically obstructing a school employee's or student's freedom to move; and
- b. is done for the purpose of placing a school employee or student in fear of:
 - i. physical harm to the school employee or student; or
 - ii. harm to property of the school employee or student.

- c. The conduct described above constitutes bullying, regardless of whether the person against whom the conduct is committed directed, consented, or acquiesced in the conduct.
 - d. Bullying is commonly understood as aggressive behavior that:
 - i. is intended to cause distress and harm;
 - ii. exists in a relationship in which there is an imbalance of power and strength; and
 - iii. is repeated over time.
2. **“Civil Rights Violations”** for purposes of this policy, means bullying, cyberbullying, hazing or harassing that is targeted at a federally protected class.
 3. **“Communication”** means the conveyance of a message, whether verbal, written, or electronic.
 4. **“Cyberbullying”** 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 cyberbullying.
 5. **“Federally Protected Class”** means any group protected from discrimination on the basis of race, color, national origin, sex, disability, religion, gender identity or expression, sexual orientation, religious affiliation, marital status, citizenship, pregnancy or breastfeeding status, genetic information, age, veteran status, or any other characteristic protected by law (Policy 1010 “Non-Discrimination”).
 6. **"Harassment"** means repeatedly communicating to another individual, in an objectively demeaning or disparaging manner, statements that contribute to a hostile learning or work environment for the individual.
 7. **“Hazing”** means intentionally or knowingly committing an act that:
 - a. endangers the physical health or safety of a school employee or student;

- b. 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;
- c. involves consumption of any food, liquor, drug, or other substance;
- d. involves other physical activity that endangers the physical health and safety of a school employee or student; or
- e. involves physically obstructing a school employee's or student's freedom to move; and either
 - i. 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
 - ii. 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.
- f. 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 (2016)

Utah Code Ann. §76-5-107.5 (2011)

Utah Code Ann. §53A-11a-102 (2011)

- 8. **“Parent”** means a student's legal guardian.
- 9. **“Participant”** means any student, employee, or volunteer participating in a school sponsored athletic program, both curricular and extracurricular, or extracurricular club or activity.
- 10. **“Policy”** means standards and procedures that define bullying, cyberbullying, harassment, hazing, and retaliation; prohibit bullying, cyberbullying, harassment, hazing, and retaliation; require regular annual discussion and training designed to prevent bullying, cyberbullying, harassment, hazing, and retaliation among school employees and students; and provide for enforcement through employment action and/or student discipline.

11. **“Retaliate or Retaliation”** means an act or communication intended as retribution against a person for reporting bullying, cyberbullying, harassment, or hazing; or to improperly influence the investigation of, or the response to, a report of bullying, cyberbullying, harassment, or hazing.
12. **“School employee”** means school teachers; school staff; school administrators; and all others employed or authorized as volunteers, directly or indirectly, by the school, school board, or school district.

Utah Code Ann. §53A-11a-102 (2011)

B. Bullying and Harassment Prohibited

1. No school employee or student may engage in bullying and/or harassment 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.
2. Students who engage in bullying and/or harassment 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 harassment 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).
4. Anonymous reports of bullying and/or harassment alone cannot constitute the basis for formal disciplinary action.
5. The school or district may also report individuals to law enforcement.

Utah Code Ann. § 53A-11a-301 (2013)

Utah Admin. Code R277-613 (2016)

C. Hazing and Cyberbullying Prohibited

1. No school employee or student may engage in hazing or cyberbullying of a student or employee 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).
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 (2013)

Utah Admin. Code R277-613 (2016)

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, cyberbullying, harassment, 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). Anonymous reports of bullying, cyberbullying, harassment, hazing, or retaliation alone cannot constitute the basis for formal disciplinary action.
3. 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). Anonymous reports of bullying, cyberbullying, harassment, hazing, or retaliation alone cannot constitute the basis for formal disciplinary action.
4. The school shall inform students who have reported being subject to bullying, cyberbullying, harassment, or hazing and these students' parents that retaliation is prohibited. The school shall encourage and assist harassed students and their parents in reporting any subsequent problems and/or new incidents. Strong responsive action will be taken against retaliation.

Utah Code Ann. § 53A-11a-301 (2013)
Utah Admin. Code R277-613 (2016)

E. Making a False Report Prohibited

1. No school employee or student may make a false allegation of bullying, cyberbullying, harassment, 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).

Utah Admin. Code R277-613 (2016)

F. Parental Notification

1. The school shall notify the parent or guardian of a student who is involved in an incident of bullying, cyberbullying, harassment, hazing, or retaliation (both the perpetrator and the victim). Notification shall take place in a timely manner.
2. The school shall 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. This record is the "Verification of Parent or Guardian Contact Regarding Threat or Incident" and is included at the end of this policy. The record is a private record for purposes of the Government Records Access and Management Act.
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 employees present. If personal contact is not possible, the parent or guardian may be contacted by phone. A second school employee 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."
- c. 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 (2015)

- 4. The "Verification of Parent or Guardian Contact Regarding Threat or Incident" record of parental notification shall be maintained in accordance with Policy 6170 (Student Records Policy) and kept in the student's cumulative folder. A copy of this record shall, upon request, be provided according to the procedures outlined in Policy 6170.
 - a. Upon request of the eighteen year-old student or his/her parent or guardian, the district shall expunge the "Verification of Parent or Guardian Contact Regarding Threat or Incident" immediately after the student's actual or intended date of graduation from high school.
 - b. If no request for expungement or retrieval is made, the "Verification of Parent or Guardian Contact Regarding Threat or Incident" record will automatically be destroyed five years after the student's actual or intended date of graduation from high school.

Utah Code Ann. §53A-11a-203 (2015)

G. Evaluation of Student Support Needs

When it is determined that a student has been bullied, cyberbullied, harassed, hazed, or retaliated against, consideration should be given to 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.

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, harassment, hazing, or retaliation in the school, and specifically in locations where students may be unsafe and adult supervision may be required such as playgrounds, hallways, and lunch areas.

Utah Admin. Code R277-613 (2016)

I. School Discipline Plans

1. School Discipline Plans (see Student Conduct Policy 6100) shall provide direction for dealing with bullying, cyberbullying, harassment, hazing, retaliation and disruptive students. School Discipline Plans shall:
 - a. determine the range of behaviors and establish the continuum of administrative procedures that may be used by school personnel to address the behavior of habitually disruptive students;
 - b. provide for identification, by position(s), of individual(s) designated to issue notices of disruptive student and bullying, cyberbullying, harassment, hazing, or retaliation behavior;
 - c. designate to whom notices shall be provided;
 - d. provide for documentation of disruptive student behavior prior to referral of disruptive students to Juvenile Court;
 - e. include strategies to provide for necessary adult supervision;
 - f. be clearly written and consistently enforced;
 - g. include administration, instruction and support staff, students, parents, community council and other community members In policy development, training and prevention implementation so as to create a community sense of participation, ownership, support and responsibility; and
 - h. provide notice to employees that violation(s) of this policy may result in employment discipline or action.
2. School Discipline Plans should include a component addressing the ongoing suicide prevention program required for students, as well as the suicide prevention training required for licensed educators once every five years.
3. The School Discipline Plan should complement existing safe and drug free school policies.

J. Training and Education for School Employees and Students

1. Each school shall establish procedures for training school employees, volunteers and students to recognize and prevent bullying, cyberbullying, harassment, hazing, and retaliation. Training to students, staff, and volunteers shall include:

- a. Training specific to overt aggression that may include physically threatening behaviors such as fighting, punching, shoving, kicking; verbally threatening behavior such as name calling; and/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 cyberbullying, 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;
 - e. Training regarding civil rights violations and appropriate reporting and investigative procedures. "Civil rights violations" refer to bullying, cyberbullying, harassment, hazing, or retaliation targeted at a "federally protected class" and includes such conduct based upon students' actual or perceived identities and conformance or failure to conform to stereotypes.
2. Training should also include awareness and intervention skills such as social skills training for students and staff, including aides, custodians, kitchen and lunchroom workers, secretaries, paraprofessionals, bus drivers, and coaches.
 3. Training on bullying, cyberbullying, harassment, hazing, and retaliation required in this policy should complement the suicide prevention program required for students and the suicide prevention training required for licensed educators. It should also complement existing safe and drug free school policies and school discipline plans.
 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.
 5. In-depth training for school employees should occur at least once every five years, and can be part of the suicide prevention training required by state statute. An abbreviated training module shall be included as part of new employee induction on an annual basis.

K. Training and Education for School Athletic Programs and School Clubs

1. Prior to any student, employee or volunteer coach participating in a school-sponsored athletic program (both curricular and extracurricular), or an extracurricular club or activity, the student, employee or coach shall participate in bullying, cyberbullying, harassment, hazing, or retaliation prevention training. This training shall be offered to new participants on an annual basis and to all participants at least once every three years.
2. The district may collaborate with the Utah High School Activities Association to develop and provide the training.
3. Student athletes and extracurricular club members, as well as coaches and advisors, shall be informed of prohibited activities and notified of potential consequences for violation of the policy and law.
4. Training curriculum outlines, training schedules, and participant lists or signatures shall be maintained by the district and provided to the Utah State Board of Education upon request.
5. All coaches shall act consistent with professional standards (R277-515) in all responsibilities and activities of their assignments. Failure to act consistently toward students, colleagues, and parents may result in discipline against an educator's license or termination of volunteer services.

Utah Code Ann. § 53A-11a-301 (2013)
Utah Admin. Code R277 (2016)

L. Publication

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

M. Policy Development

1. Utah Code 53A-11a-301 requires that this policy be developed with input from students, parents, teachers, school administrators, school staff, or law enforcement agencies.

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

This form is a record required to be maintained securely and confidentially by the school consistent with 53A-11a-203(3) following parent notification of student suicide threat, bullying, incident, cyberbullying incident, harassment incident, hazing incident, or retaliation incident. THIS FORM SHOULD NOT BE USED TO NOTIFY PARENTS OF THE INCIDENT.

I, _____, school employee, 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.

Brief description of incident: _____

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
- cyberbullying incident
- harassment incident
- hazing incident
- retaliation incident

Principal or Principal's Designee Title Date

School Employee Title Date