



NEBO SCHOOL DISTRICT BOARD OF EDUCATION POLICIES AND PROCEDURES

SECTION: J – Students
G - Personnel

POLICY TITLE: Prohibition of Bullying, Hazing, and Retaliation

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1. PURPOSE AND PHILOSOPHY

The Board of Education is committed to providing all students and District employees with a safe and secure learning and working environment. Bullying, cyber-bullying, hazing, abusive conduct, and retaliation can reduce a student's ability to achieve academically and an employee's ability to perform job responsibilities. Such conduct can directly affect a student's or employee's health and well-being and may contribute to excessive absences, physical illness, mental and emotional anguish, or long-term social and psychological consequences. The Board encourages educators, employees, students, parents, and local law enforcement agencies to develop procedures to stop and prevent bullying, cyber-bullying, hazing, abusive conduct, and retaliation.

2. DEFINITIONS

2.1 "Abusive Conduct" means verbal, nonverbal, or physical conduct of a parent/guardian or student directed toward an 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. A single act does not necessarily constitute "abusive conduct."

2.2 "Bullying" means an employee or student intentionally committing a written, verbal, or physical act against an employee or student that a reasonable person under the circumstances should know or reasonably foresee will have the effect of:

2.2.1 Causing physical or emotional harm to the employee or student;

2.2.2 Causing damage to the employee's or student's property;

2.2.3 Placing the employee or student in reasonable fear of: (a) harm to the employee's or student's physical or emotional well-being; or (b) damage to the employee's or student's property;

- 2.2.4** Creating a hostile, threatening, humiliating, or abusive educational environment due to: (a) the pervasiveness, persistence, or severity of the actions; or (b) a power differential between the bully and the target; OR
- 2.2.5** Substantially interfering with a student having a safe school environment that is necessary to facilitate educational performance, opportunities, or benefits.
- 2.3** **“Cyber-Bullying”** means using the Internet, a cell phone, or other 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, intimidate, , express aggression towards, or threaten an individual, regardless of whether the individual directed, consented to, or acquiesced in the conduct, or voluntarily accessed the electronic communication.
- 2.4** **“Hazing”** means an employee or student intentionally, knowingly, or recklessly committing an act or causing another individual to commit an act toward an employee or student that: (a) endangers the mental or physical health and safety of an employee or student; (b) involves brutality of a physical nature, including whipping, beating, branding, calisthenics, bruising, electric shocking, placing 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 an employee or student; or (d) involves any activity that would subject an employee or student to extreme mental stress, such as sleep deprivation, extended isolation from social contact, or conduct that subjects an employee or student to extreme embarrassment, shame, or humiliation; AND:
- 2.4.1** Is committed for the purpose of initiation into, admission into, affiliation with, holding office in, or a condition for membership in any school or school-sponsored team, organization, program, club, or event; OR
- 2.4.2** Is directed toward an employee or student whom the individual who commits the acts 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.
- The conduct described herein constitutes hazing, regardless of whether the employee or student against whom the conduct is committed directed, consented to, or acquiesced in the conduct.
- 2.5** **“Retaliation”** or **“Retaliate”** means an act or communication intended: (a) as retribution against a person for reporting bullying, cyber-bullying, hazing, or abusive conduct; or (b) to improperly influence the investigation of, or the response to, a report of bullying, cyber-bullying hazing, or abusive conduct.

3. PROHIBITION OF BULLYING, CYBER-BULLYING, HAZING, ABUSIVE CONDUCT AND RETALIATION

- 3.1** Nebo School District prohibits bullying of students or employees by other students or employees at school/work, while on school or District property, at school/work-related or sponsored activities and events, on a school bus, at a school bus stop, or while the student or employee is traveling to or from any of the above. The District encourages all victims of bullying and all persons with knowledge of bullying to report the incident(s) immediately.
- 3.2** Nebo School District prohibits the hazing or cyber-bullying of students or employees by other students or employees at any time or in any location. The District encourages all victims of hazing or cyber-bullying, and all persons with knowledge of hazing or cyber-bullying, to report the incident(s) immediately.
- 3.3** Nebo School District prohibits abusive conduct directed towards an employee by a student or parent/guardian at any time or in any location. The District encourages all employee victims

of abusive conduct, and all persons with knowledge of abusive conduct, to report the incident(s) immediately.

- 3.4 No student or employee may engage in retaliation against a student, employee, investigator, or witness of an alleged incident of bullying, cyber-bullying, hazing, abusive conduct, or retaliation. The District encourages all victims of retaliation, and all persons with knowledge of retaliation, to report the incident(s) immediately.
- 3.5 No student or employee may make a false allegation of bullying, cyber-bullying, hazing, abusive conduct, or retaliation against a student or employee.

4. REPORTING

- 4.1 A student victim of bullying, cyber-bullying, hazing, or retaliation shall inform his/her teacher or any of his/her school's administrators. Students shall follow the complaint procedures outlined in Policy #JDC, *Student Discrimination and Harassment*. A student alleging bullying, cyber-bullying, hazing, or retaliation by the school administration shall report the conduct to the District's Student Services Coordinator.
- 4.2 An employee victim of bullying, cyber-bullying, hazing, abusive conduct, or retaliation shall inform his/her supervisor. Employees shall follow the complaint procedures outlined in Policy #GBEB, *Employee Discrimination and Harassment*. An employee alleging bullying, cyber-bullying, hazing, abusive conduct, or retaliation by the employee's principal or supervisor shall report the conduct to the District's Director of Human Resources.
- 4.3 A parent, teacher, or any other individual who is aware of bullying, cyber-bullying, hazing, abusive conduct, or retaliation at school should inform school administration. A school teacher or administrator to whom a complaint is made or who otherwise becomes aware of an incident of bullying, cyber-bullying, hazing, abusive conduct, or retaliation shall, as soon as is reasonably possible, report it to the principal or his/her designee.
- 4.4 Each reported incident under this section shall provide the following information: (a) the name of the complaining party; (b) the name of the victim (if known); (c) the name of the alleged perpetrator (if known); (d) the date and location of the incident(s); and (e) a statement describing the incident(s), including names of witnesses (if known). Individuals making reports or complaints under this policy should use the complaint forms associated with Policies #GBEB and #JDC.

5. INVESTIGATION

The principal/supervisor or designee to whom a complaint of bullying, cyber-bullying, hazing, abusive conduct, or retaliation is reported shall promptly inform the Director of Human Resources (for employee victims) or the Student Services Coordinator (for student victims). The Director of Human Resources or Student Services Coordinator, as applicable, shall direct and coordinate an investigation of the complaint through the school, department, or District. Procedures set forth in Nebo School District Policy #GBEB, *Employee Discrimination and Harassment* and Nebo School District Policy #JDC, *Student Discrimination and Harassment* regarding the investigation and resolution of complaints should be followed. All acts of bullying, cyber-bullying, hazing, abusive conduct, or retaliation that constitute criminal activity will be promptly reported to law enforcement. Any bullying, cyber-bullying, hazing, abusive conduct, or retaliating that is found to be targeted at an individual because of his/her race, color, religion, sex, national origin, disability, and/or any other classification protected by law is further prohibited under federal anti-discrimination laws and is subject to compliance procedures from the U.S. Department of Education, Office for Civil Rights. To the extent permitted by federal and state law, District policies, and confidentiality and privacy rights, and to assure the integrity of the investigation and corrective action, the parents or legal guardians of a student perpetrator or victim may be involved in the process of responding to and resolving conduct prohibited by this policy.

6. PARENTAL NOTIFICATION

Pursuant to Utah Code Ann., Section 53A-11a-203, each school administrator who finds that an incident of bullying, cyber-bullying, hazing, abusive conduct, or retaliation has occurred shall notify the parent/guardian of each student involved. Likewise, each school administrator shall notify the parent/guardian of any student who threatens to commit suicide. The school administrator who notifies a parent/guardian under this section shall keep a record verifying that the parent/guardian was notified using the *Parent/Guardian Notification Record of Student Bullying Incident or Suicide Threat* form. This form shall contain the date, time, and manner of notification and indicate the type of threat or incident. This form, along with any related written communication, must be maintained in accordance with the requirements of the *Student Data Protection Act* (Utah Code Ann., Section 53A-1-1401, et seq.), Utah Code Ann., Sections 53A-13-1301 and 1302, and the *Family Educational Rights and Privacy Act*, 20 U.S.C. 1232g, and 34 C.F.R. Part 99. At the request of a parent/guardian, the school administrator may provide information and make recommendations related to an incident or threat, as described herein. If a student requests a copy of the records of an incident or threat, as described herein, that specifically relates to the student, the school administrator shall provide the student a copy of the form and related written communication. If a student who has graduated from high school and specifically requests that records of an incident or threat, as described herein, be expunged, the school administrator shall destroy such form and related written communication.

7. DISCIPLINE

- 7.1** Any student who engages in bullying, cyber-bullying, hazing, abusive conduct, or retaliation, as described herein, is in violation of this policy and shall be subject to disciplinary action. Consequences should be firm and fair and correspond to the severity of the infraction. A continuum of consequences should be utilized along with implementing positive behavioral interventions and support strategies. Disciplinary action may include, but is not limited to, suspension; expulsion; exclusion from, or loss of participation in, extracurricular activities; dissolution of a team, organization, or other group; probation; alternate educational placement; and/or referral to law enforcement authorities for criminal acts. In imposing such discipline, all facts and circumstances of the incident(s) shall be taken into account. Formal disciplinary action may not be based solely on an anonymous report of bullying, cyber-bullying, hazing, abusive conduct, or retaliation. Disciplinary due process procedures shall be followed as set forth in Nebo School District Policy #JD, *Student Conduct and Discipline*. To the extent permitted by federal and state law, District policies, and confidentiality and privacy rights; the parents or legal guardians of a student who is a victim of bullying, cyber-bullying, hazing, or retaliation may be generally informed that disciplinary action has been taken against the perpetrator(s), but specific details concerning a student's disciplinary action may be protected from disclosure as per the Family Educational Rights and Privacy Act (FERPA).
- 7.2** Any employee who engages in bullying, cyber-bullying, hazing, or retaliation, as described herein, is in violation of this policy and shall be subject to disciplinary action, up to and including employment termination. Consequences should be firm and fair and correspond to the severity of the infraction. Professionally licensed employees may be referred to the Utah Professional Practices Advisory Commission (UPPAC), along with any and all evidence, for investigation and possible disciplinary action against professional licensing. Criminal acts will also result in referral to law enforcement authorities. Disciplinary due process procedures shall be followed as set forth in applicable District Employee Handbooks and policies.
- 7.3** Any parent/guardian who engages in abusive conduct, as described herein, is in violation of this policy and may be subject to the following: (a) the parent/guardian may be issued a trespass notice prohibiting them from coming onto school or District property; (b) the parent/guardian may be subject to communication protocols wherein parameters and restrictions are placed upon them in regards to communicating with school or District personnel; (c) the parent/guardian may be subject to other appropriate school or District imposed restrictions; and/or (d) the parent/guardian may be subject to appropriate legal action.

8. ADDRESS EFFECTS ON VICTIMS

If an investigation concludes that an employee or student was a victim of bullying, cyber-bullying, hazing, abusive conduct, or retaliation, the District shall take prompt, appropriate action to end it and implement necessary remedial action with the intent to eliminate or reduce the adverse effects. The District may refer the victim to the school counselor or psychologist or to appropriate counseling services provided by the District, as applicable.

9. DISSEMINATION OF POLICY

This policy shall be posted on the District's website and may also be published in student registration materials, student and employee handbooks, parent information guides, and other appropriate school publications as directed by the District.

10. EDUCATION AND TRAINING

10.1 Nebo School District recognizes the importance of educating its employees and students regarding the prevention of bullying, cyber-bullying, hazing, abusive conduct, and retaliation. To these ends, the District will provide ongoing training and education in this area. Notice of this policy will be distributed and annual training will be conducted for employees and students of the District. Training shall provide strategies for employees and students regarding: (a) how to recognize and be aware of bullying, cyber-bullying, hazing, abusive conduct, and retaliation; (b) intervention and social skills; and (c) the implementation of positive behavioral interventions and support strategies. Training shall be specific as to the following areas:

10.1.1 Acts of overt aggression, such as physical fighting (i.e., punching, shoving, and kicking) and verbal threatening behavior (i.e., name calling);

10.1.2 Relational aggression or indirect, covert, or social aggression (i.e., rumor spreading, intimidation, enlisting a friend to assault another person, and social isolation);

10.1.3 Bullying or hazing of a sexual nature or with sexual overtones; and

10.1.4 Cyber-bullying (i.e., use of e-mail, websites, text messaging, instant messaging, three-way calling or messaging, and other electronic means for aggression inside or outside of school).

10.2 Before a student, coach, or advisor may participate in a District-sponsored athletic program (curricular or extracurricular) or an extracurricular student club or activity, the student, coach, or advisor shall participate in bullying and hazing prevention training. Such training may be in collaboration with the Utah High School Activities Association (UHSAA). Student athletes and extracurricular student club members shall be informed of prohibited activities under Utah law and this policy and notified of potential consequences for violations. The District shall provide annual training to all new students and employees who are involved with such athletic programs and extracurricular student clubs, and shall provide refresher training for all such involved students and employees at least once every three (3) years. Training curriculum outlines, training schedules, and participant lists or signatures shall be maintained by the District or each school, as applicable, and provided to the Utah State Board of Education staff upon request.

11. FIRST AMENDMENT RIGHTS

Nothing contained in this policy is intended to infringe upon the right of a student or employee to exercise their First Amendment right of free speech.

EXHIBITS

NONE

REFERENCES

Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g; 34 C.F.R. Part 99
Utah Code Ann., § 53A-1-1401, et seq.
Utah Code Ann., §53A-11a-101, et seq.
Utah Code Ann., §53A-11a-203
Utah Code Ann., §§ 53A-13-1301 and 1302
Utah Code Ann., §76-9-201
Utah Admin. Code, R277-515
Utah Admin. Code, R277-609
Utah Admin. Code, R277-613
Nebo School District Policy #CG – Computer, Email, and Internet Use
Nebo School District Policy #GBEB – Employee Discrimination and Harassment
Nebo School District Policy #JD - Student Conduct and Discipline
Nebo School District Policy #JDA – Safe School Environment
Nebo School District Policy #JDC - Student Discrimination and Harassment
Nebo School District Policy #JDE – Student Electronic Devices
Letter from Russlynn Ali, U.S. Department of Education, Assistant Secretary for Civil Rights to Colleagues:
Harassment and Bullying (Oct. 26, 2010) (“Dear Colleague Letter”)

FORMS

Parent/Guardian Notification Record of Student Bullying Incident or Suicide Threat
