



NEBO SCHOOL DISTRICT BOARD OF EDUCATION POLICIES AND PROCEDURES

SECTION: J – Students
G - Personnel

POLICY TITLE: Prohibition of Bullying, Hazing, and Retaliation

FILE No.: JDD
GBEA

DATED: July 11, 2018

TABLE OF CONTENTS

1. PURPOSE AND PHILOSOPHY
 2. DEFINITIONS
 3. PROHIBITION OF BULLYING, CYBER-BULLYING, HAZING, ABUSIVE CONDUCT, AND RETALIATION
 4. REPORTING
 5. INVESTIGATION
 6. PARENTAL NOTIFICATION
 7. DISCIPLINE
 8. ADDRESS EFFECTS ON VICTIMS
 9. DISSEMINATION OF POLICY
 10. EDUCATION AND TRAINING
 11. FIRST AMENDMENT RIGHTS
-

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"

2.2.1 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:

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

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

- 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 procedures in this section, together with those set forth in the policies referenced herein, constitute the action plan required under UTAH ADMIN. CODE R277-613-4(1)(c). 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. § 53G-9-604, 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 Title 53E, Chapter 9 of the Utah Code, Student Privacy and Data Protection, UTAH CODE ANN. § 53E-9-101, et seq., 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. The District will require a signed statement annually, indicating that the individual signing the statement has received this policy, from each (a) employee, (b) student who is at least eight years old, and (c) parent or guardian of a student enrolled in the District. An electronic signature satisfies the requirement.

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 this end, the District will, subject to the parental consent requirements found in UTAH CODE ANN. § 53E-9-203, assess students on the prevalence of bullying, cyber-bullying, hazing, and retaliation. The district will also provide ongoing training and education aimed at reducing and preventing such conduct. 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:

10.1.1 Include information on various types of aggression and bullying, including

10.1.1.1 Overt aggression that may include physical fighting such as punching, shoving, kicking, and verbal threatening behavior, such as name calling, or both physical and verbal aggression or threatening behavior;

10.1.1.2 Relational aggression or indirect, covert, or social aggression, including rumor spreading, intimidation, enlisting a friend to assault another person, and social isolation;

10.1.1.3 Sexual aggression or acts of a sexual nature or with sexual overtones;

10.1.1.4 Cyber-bullying, including use of email, web pages, text messaging, instant messaging, social media, three-way calling or messaging, or any other electronic means for aggression inside or outside of school; and

10.1.1.5 Civil rights violations, including bullying, cyber-bullying, hazing, and retaliation based upon the students’ or employees’ actual or perceived identities and conformance or failure to conform with stereotypes;

10.1.2 Complement the District’s suicide prevention program; and

10.1.3 Include information on when issues relating to this policy may lead to student or employee discipline.

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 (UHSA). 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.

10.3 Records of employee training on this policy, including participant lists, shall be maintained by the Department of Human Resources. Records maintenance of student training on this policy shall be managed by the Coordinator of Student Services.

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., § 53E-9-101, et seq.

UTAH CODE ANN., § 53G-9-601, et seq.

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

HISTORY

Revised: 11 July 2018 – updated per R277-613 (Apr 9, 2018); modified definitions; made technical changes.

Revised: 12 July 2017 – updated per SB161 (2017); modified definitions; added abusive conduct; modified reporting procedures; modified investigation process; addressed effects on victims; made technical changes.

Revised: 14 August 2013 – added provisions related to cyberbullying; revised reporting and investigation procedures; added parental notification requirement per HB134 (2013); made technical changes.

Revised: 17 October 2012 – added definitions; referenced discrimination and harassment policies; made technical changes.

Revised: 10 February 2010 – modified definitions; added requirements for education and training.

Revised: 9 September 2009 – updated per HB325 (2008); added definitions of hazing and retaliation; revised prohibitions; expanded complaint, investigation, and discipline procedures; added provision on First Amendment.

Renumbered: 9 July 2008 – relettered from JFCJC; no change to content.

Adopted: 8 November 2006.
