



Bullying, cyber-bullying, hazing, abusive conduct, and retaliation policy

Adopted:

Updated:

Latest Update:

BOARD POLICY:

The Board of Trustees of the Academy for Math, Engineering, & Science (AMES) is committed to providing a safe and orderly educational environment for all students and employees that promotes respect, civility, and dignity. Hazing, harassment, and bullying activities are abusive and illegal behaviors that harm victims and negatively impact the school environment by creating an atmosphere of fear, distrust, and mean-spiritedness. It is the purpose of this policy to establish and preserve an educational environment free from hazing, harassment or bullying activities or any form of discrimination based on sex, race, color, ethnic background, national origin, religion, gender, creed, age, citizenship, or disability.

Nothing in this policy shall infringe upon the right of a school employee, parent, or student to exercise the right of free speech.

The Board of Trustees authorizes the school administration to adopt administrative regulations that preserve an educational environment free from hazing, harassment, or bullying activities. The regulations shall include the specific components outlined in Utah state code and USBE rule.

DEFINITION:

“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 as intended to cause intimidation, humiliation, or unwarranted distress. A single act does not constitute abusive conduct.

“Cyber bullying” means the use of email, instant messaging, chat rooms, cell phones, or other forms of information technology to deliberately harass, threaten, or intimidate someone, 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

“Harassment” means intentionally or knowingly engaging in unwelcome conduct of an offensive nature that is demeaning or derisive or occurs substantially because of race, color, ethnic background, national origin, religion, gender, creed, age, citizenship or disability; and which creates a hostile learning or work environment for the individual.

“Hazing” means intentionally or knowingly committing an act that endangers the physical health or safety of a school employee or student; involves:

1. 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;
2. forced or involuntary consumption of food, liquor, drug, or other substance;
3. forced or coerced actions or activities of a sexual nature or with sexual connotations;
4. other physical activity that endangers the physical health and safety of a school employee or student; or
5. physically obstructing a school employee’s or student’s freedom to move; and 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 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 above constitutes hazing, regardless of whether the person against whom the conduct is committed directed, consented to, or acquiesced in, the conduct.

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

“School employee” means school teachers, school staff, school administrators, and all others employed or authorized as volunteers, directly or indirectly, by the school, or the IECHS Board of Trustees.

“Staff bullying” means a school employee, with the intent to cause harm, repeatedly committing a written, verbal, or physical act against a student or another school employee, or engaging in a single egregious act toward another employee involving an imbalance of power, that creates an environment that a reasonable person would find hostile, threatening, or humiliating; and substantially interferes with a student's or employee's educational or professional performance, opportunities, or benefits.

"Staff bullying" does not mean instances of ordinary teasing, horseplay, argument, or peer conflict; reasonable correction of behavior by a school employee; or reasonable coaching strategies and techniques by a school employee who is a coach.

“Student bullying” means one or more students, with the intent to cause harm, repeatedly committing a written, verbal, or physical act against another student, or engaging in a single egregious act toward another student involving an imbalance of power, that creates an environment that a reasonable person would find hostile; and interferes with a student's educational performance, opportunities, or benefits.

"Student bullying" does not mean instances of ordinary teasing, horseplay, argument, or peer conflict; or reasonable correction of behavior by a school employee.

ADMINISTRATIVE REGULATION:

- I. Prohibition of bullying, cyber-bullying, hazing, and abusive conduct:
 - A. AMES strictly prohibits any student or school employee from engaging individually or collectively in any form of bullying, cyber-bullying, hazing, and abusive conduct on school property, in conjunction with any school activity, or involving any person associated with a school activity regardless of where it occurs.
 - B. Students or school employees who initiate, promote, and/or engage in bullying, cyber-bullying, hazing, and abusive conduct or retaliation activities, including the sharing of a recording of an act of bullying, cyber-bullying, hazing, and abusive conduct, will face disciplinary action, up to and including suspension, expulsion, loss of participation in extracurricular activities, probation, and/or termination of employment.
 - C. Conduct that may rise to the level of suspected criminal activity will be referred to law enforcement.
 - D. It is the policy of AMES to provide fair, expeditious and uniform procedures for investigation and resolution of claims of bullying, cyber-bullying, hazing, and abusive conduct.

- II. Prohibition of retaliation against an individual who reports conduct that is prohibited under this part:
 - A. AMES strictly prohibits any student or school employee from retaliating against any individual who reports bullying, cyber-bullying, hazing, and abusive conduct on school property, in conjunction with any school activity, or involving any person associated with a school activity regardless of where it occurs.
 - B. Students or school employees who retaliate against a reporter may face disciplinary action, up to and including suspension, expulsion, loss of participation in extracurricular activities, probation, and/or termination of employment.
 - C. Conduct that may rise to the level of suspected criminal activity will be referred to law enforcement.
 - D. It is the policy of AMES to provide fair, expeditious and uniform procedures for investigation and resolution of claims of retaliation.

- III. Individuals who make false allegations of bullying, cyber-bullying, hazing, and abusive conduct or retaliation activity may be subject to disciplinary action, up to and including:
 - A. Positive behavioral interventions
 - B. Suspension;
 - C. Loss of participation in extracurricular activities for students; or
 - D. Termination of employment
 - E. Conduct that may rise to the level of suspected criminal activity will be referred to law enforcement.
 - F. It is the policy of AMES to provide fair, expeditious and uniform procedures for investigation and resolution of claims of retaliation.

- IV. Parental notification as required in Section 53G-9-604:

- A. The Principal/CEO or designee (administrator, school-based mental health specialist, counselor, etc.) has a duty to inform parents each time their student is involved in a threat or incident involving any and all of the following categories: suicide threat, self-harm threat, bullying incident, cyber-bullying incident, harassment incident, hazing incident, abusive conduct, and/or retaliation incident. Notification will occur as soon as is reasonably practicable, with student safety as the primary concern.
 - B. All incidents will be logged on the discipline spread sheet. Written copies of the investigation will be kept for one (1) year.
 - C. It is recommended that reporting school personnel keep brief notes regarding the incident and action steps in a personal, non-shared folder.
- V. Threats and incidents of bullying, cyber-bullying, harassment, hazing, abusive conduct, and/or retaliation may be recorded in an administrator file.
- VI. Grievance process for a school employee who has experienced abusive conduct: See Grievance Policy.
- VII. A report of bullying, cyber-bullying, hazing, and abusive conduct or retaliation activity can be made anonymously, but formal disciplinary action may not be based solely on an anonymous report.
- VIII. Action plan to address a reported incident of bullying, cyber-bullying, hazing, and abusive conduct or retaliation:
- A. Students:
 - 1. Students who initiate, promote, and/or engage in bullying, cyber-bullying, hazing, and abusive conduct or retaliation activity shall be subject to discipline under the AMES Student Discipline Policy.
 - B. Students who observe bullying, cyber-bullying, hazing, and abusive conduct or retaliation activities have a duty to report such behavior to school administration. Students that fail to report such behavior may be subject to appropriate disciplinary sanctions under the AMES Student Discipline Policy.
 - C. School Employees:
 - 1. School employees who initiate, promote, and/or engage in bullying, cyber-bullying, hazing, and abusive conduct or retaliation activities shall be subject to adverse employment action, including probation or termination for cause under the Board of Trustees' orderly termination policies.
 - 2. School employees who become aware of bullying, cyber-bullying, hazing, and abusive conduct or retaliation activity shall promptly report the incident (either orally or in writing) to the principal or his/her designee so that the incident can be investigated and appropriate action can be taken.
 - 3. School employees who fail to give notice to his/her immediate supervisor as required under this policy have committed an unprofessional practice and may be subject to adverse employment action, including probation and termination for cause under the Board of Trustees' orderly termination policies.

D. Procedure:

1. The Principal/CEO or his/her designee (typically the Dean of Students) shall investigate reports of bullying, cyber-bullying, hazing, and abusive conduct or retaliation activities consistent with AMES Student Discipline Policy.
2. The investigator shall follow the administrative procedures as outlined in the AMES Student Discipline Policy, including notification to the Board of Trustees as appropriate.
3. The Principal/CEO or his/her designee shall follow standard procedures consistent with related AMES discipline policies for promptly reporting to law enforcement bullying, cyber-bullying, hazing, and abusive conduct or retaliation activities that may rise to the level of suspect criminal behavior.
4. The submission of a good faith complaint report will not affect the reporter's grades, learning or working environment, future employment, or work assignment.

VIII. Requirement for annual notice and training

- A. A copy of a policy shall be included in student conduct handbooks, and is included in employee handbooks.
- B. Documentation for each school employee, student, and parent of a student enrolled, indicating that the individual signing the statement has reviewed the LEA governing board's Hazing, harassment, and bullying policy.
- C. Administration will provide training regarding bullying, cyber-bullying, hazing, and abusive conduct and retaliation activities for all students, school employees, and volunteers in compliance with the guidelines issued by the Utah State Board of Education.