



## Provo City School District Policy Series 3000: Students

Policy No. 3320

### Prohibition of Bullying, Harassment, Hazing and Retaliation

#### Purpose and Philosophy

The Board of Education is committed to provide all students and District employees with a safe and secure learning and working environment. Bullying, cyber-bullying, harassment, hazing, and retaliation for reporting such incidents reduce a student's ability to achieve academically and reduces an employee's ability to perform their job responsibilities. In addition bullying, cyber-bullying, harassment, hazing and retaliation can directly affect a student's or an employee's health and well-being, and may contribute to excessive absences, physical illness, mental and emotional anguish and long-term social and psychological consequences. The Board directs the superintendent to develop procedures to stop and prevent bullying, cyber-bullying, harassment, hazing and retaliation.

#### Definitions

**"Bullying"** means intentionally or knowingly committing an act that endangers the physical health, safety or emotional welfare of a student or employee for the purpose of creating fear of harm to the student or employee or harm to the property of the student or employee. Typically, bullying is behavior that is intended to cause personal harm or distress, exists in a situation or relationship in which there is an imbalance of power or strength, and may be repeated over time. The conduct described in this policy constitutes bullying, regardless of whether the person against whom the conduct is committed directed, consented to, or acquiesced in the conduct.

**"Physical Bullying"** involves brutality of a physical nature that endangers the physical health and safety of a student or employee that includes, but is not limited to, pushing, grabbing, pinching, whipping, beating, branding, bruising, electric shocking, shoving, poking, tripping, kicking, hitting, placing a harmful substance on the body, exposure to the elements, or destroying property. Bullying may involve:

- (a) consumption of any food, liquor, drug, or other substance;
- (b) other physical activity that endangers the physical health and safety of a student or employee;
- (c) any forced or coerced act or activity of a sexual nature or with sexual connotations such as demanding a person to remove articles of clothing or expose or touch private areas of the body;
- (d) the physical obstruction of a student's or employees freedom to move.

**"Psychological Bullying"** includes, but is not limited to, socially isolating an individual, making demeaning or sarcastic comments or gestures, and engaging in threatening comments or behavior.

**“Verbal/Written Bullying”** includes, but is not limited to, name calling, mean teasing, spreading false rumors, intimidation, sexual comments, harassing, and threatening comments or behavior that is communicated verbally or in writing.

**“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, harass, 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. Examples include, but are not limited to, sending mean, vulgar, or threatening messages or images; posting sensitive or private information about the target; pretending to be someone else to hurt a person; rude comments, lies; stalking; threats; extortion; harassment; and transmission or inappropriate, unflattering, or embarrassing pictures, photographs, or videos.

**“Hazing”** means intentionally or knowingly committing an act that: (a) endangers the physical health and safety of a student or employee; (b) involves brutality of physical nature such as pushing, grabbing, pinching, whipping, beating, branding, calisthenics, bruising, electric shocking, shoving, poking, tripping, kicking, hitting, placing a harmful substance on the body, exposure to the elements, or destroying property; (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 student or employee; (e) involves any forced or coerced act or activity of a sexual nature or with sexual connotations such as demanding a person to remove articles of clothing or expose or touch private areas of the body; OR (f) involves the physical obstruction of a student’s or employee’s freedom to move; AND:

1. Is done for the purpose of initiation or admission into, affiliation with, holding office in, or a condition for membership or acceptance, or continued membership or acceptance, in any school or school-sponsored team, organization, program, or event, OR
2. If the person committing the act knew that the student or employee is a member of, or candidate for, membership with a school or school-sponsored team, organization, program, or event which the person committing the act belongs to or participated in.

The conduct described herein constitutes hazing, regardless of whether the person against whom the conduct is committed directed, consented to, or acquiesced in the conduct.

**“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 that individual.

**“Retaliation”** means an act of 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.

## **Prohibition of Bullying, Cyber-Bullying, Harassment, Hazing and Retaliation**

Provo City School District prohibits bullying, harassment, hazing and retaliation of students or employees by other students or employees at school/work, while on school or district property, at school/work related 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 targets of bullying and all persons to report the incident(s) immediately.

Provo City 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 targets of hazing or cyber-bullying, and all persons with knowledge of hazing or cyber-bullying, to report the incident(s) immediately.

No student or employee may engage in retaliation against a student, employee, investigator, or witness of an alleged incident of bullying, cyber-bullying, harassment, hazing, or retaliation. The District encourages all targets of retaliation, and all persons with knowledge of retaliation, to report the incident(s) immediately.

No student or employee may make a false allegation of bullying, cyber-bullying, harassment, hazing, or retaliation against a student or employee.

### **Reporting**

A student target of bullying, cyber-bullying, harassment, hazing, or retaliation should inform his/her teacher or any of his/her school's administrators. An employee target of bullying, cyber-bullying, harassment, hazing, or retaliation should inform his/her supervisor. A parent, teacher, or any other individual who is aware of bullying, cyber-bullying, harassment, hazing, 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, harassment, hazing, or retaliation shall, as soon as is reasonably possible, report it to the principal or his/her designee.

### **Investigation**

The principal/supervisor or designee, to whom a complaint of bullying, cyber-bullying, harassment, hazing, or retaliation is reported shall promptly investigate the complaint. All acts of bullying, cyber-bullying, harassment, hazing, or retaliation that constitute criminal activity will be promptly reported to law enforcement. Any bullying, cyber-bullying, harassment, hazing, or retaliation that is found to be targeted at an individual because of his/her race, color, religion, sex, national origin, disability, sexual orientation including gender expression or identity and/or any other classification protected by law is further prohibited under federal antidiscrimination laws and is subject to compliance procedures from the U.S. Department of Education, Office of 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 target may be involved in the process of responding to and resolving conduct prohibited by this policy.

## **Parental Notification**

Pursuant to Utah Code, each school administrator who finds that an incident of bullying, cyber-bullying, harassment, hazing, 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 manner of notification, and indicate the type of threat or incident. This form, along with any related written communication, must be kept separate from the student's educational records. The form may be disclosed to the parent/guardian and/or student, but it may not be disclosed to any other person or entity except when required by a valid court order as provided in Utah Code. The form prepared pursuant to this section is categorized as a "private record" as per Utah Code under the Government Records Access and Management Act (GRAMA). In addition, the form and any accompanying written communication may not be used for the school's own purposes, such as for a report or study, statistical analysis, or to conduct research.

## **Discipline**

Any student who engages in bullying, cyber-bullying, harassment, hazing, 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, harassment, hazing, or retaliation. Disciplinary due process procedures shall be followed. 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 target of bullying, cyber-bullying, harassment, 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 are protected from disclosure as per the Federal Educational Rights and Privacy Act (FERPA).

Any employee who engages in bullying, cyber-bullying, harassment, 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 Agreements, Memorandums of Understanding, and policies.

### **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.

### **Education and Training**

Provo City School District recognizes the importance of educating its employees and students regarding the prevention of bullying, cyber-bullying, harassment, hazing, or 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, harassment, and hazing; (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:

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

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

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

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).

Prior to any employee, student, or volunteer coach participating in a District-sponsored athletic program (curricular or extracurricular) or an extracurricular student club or activity, a 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 student 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 provide to the Utah State Office of Education upon request.

Approved by Board of Education: December 10, 2013

Legal References:

Utah Code 53G-9-604

Utah Code 63G-2-202(7)

Utah Code 63G-2-302

Utah Code 63G-2-101, et seq.

Synopsis:

Parental notification of certain incidents and threats required

Access to private, controlled, and protected documents

Private records

Government Records Access and Management Act