



**Official Policy  
of  
Ogden Preparatory Academy**

**7. Students**

**7.02 Bullying and Hazing Policy**

**Effective/Revision Date:** 12/15/2016

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**POLICY**

It is the policy of the Board of Directors (the Board) of Ogden Preparatory Academy (the School) that in order to promote a safe, civil learning environment, the School prohibits all forms of bullying, retaliation or harassment of students and School personnel (a) on School property, (b) at School-related or sponsored events, or (c) while the students or School personnel are traveling to or from School property or School-related or sponsored events. The School Principal shall ensure that appropriate adult supervision is in place at all School-related or sponsored events.

Students and School personnel are prohibited from making false allegations of bullying, cyber-bullying, hazing, harassment or retaliation against a student or School personnel. If a report is deemed to be false, the School principal or designee(s) shall investigate the potential bullying acts of the reporter.

In addition, School personnel, coaches, sponsors and volunteers shall not permit, condone or tolerate any form of hazing or bullying and shall not plan, direct, encourage, assist, engage or participate in any activity that involves hazing or bullying.

Any bullying, harassment, cyber-bullying, hazing, or retaliation found to be targeted at a federally protected class is further prohibited under federal anti-discrimination laws and is subject to U.S. Department of Education Office for Civil Rights (OCR) compliance regulations.

**DEFINITIONS**

1. **Bullying:** For the purposes of this policy, bullying shall include harassment, cyber-bullying, hazing, and retaliation. Bullying is defined as intentionally or knowingly committing an act that:
  - a. Endangers the physical health or safety;
  - b. Involves any brutality of a physical nature such as whipping, beating, branding, calisthenics (beyond the parameters of the Physical Education Core), bruising, electric shocking, placing of a harmful substance on or in the body, or exposure to the elements;
  - c. Involves consumption of any food, liquor, drug, or other substance known or suspected to be harmful for human consumption considering age and allergies;
  - d. Involves other physical activity that endangers the physical health and safety;

- e. Involves physically obstructing the freedom of a School employee or student to move; and
  - f. 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.
  - g. The conduct described in R277-613-1B constitutes bullying, regardless of whether the person against whom the conduct is committed directed, consented to, or acquiesced in the conduct.
2. Civil Rights Violations: bullying, including cyber-bullying, harassment, or hazing that is targeted at a federally protected class.
  3. Cyber-bullying: 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.
  4. Federally protected class: any group protected from discrimination under federal law.
    - a. Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color or national origin
    - b. Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of sex.
    - c. Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990 prohibits discrimination on the basis of disability.
    - d. Other areas included under these acts include religion, gender and sexual orientation.
  5. Harassment: 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.
  6. Hazing: intentionally or knowingly committing an act that:
    - a. Any of the following:
      - 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 (beyond the parameters of the Physical Education Core), bruising, electric shocking, pacing of a harmful substance on the body, or exposure to the elements,
      - iii. Involves consumption of any food, liquor, drug, or other substance known or suspected to be harmful for human consumption considering age and allergies;
      - iv. Involves other physical activity that endangers the physical health and safety of a School employee or student; or
      - v. Involves physically obstructing a School employee's or student's freedom to move;
    - b. AND any of the following:

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- 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.
  - c. The conduct described above constitutes hazing, regardless of whether the person against whom the conduct directed, consented to, or acquiesced in the conduct.
7. Retaliate or Retaliation: an act or communication intended:
- a. As retribution against a person for reported bullying or hazing; or
  - b. To improperly influence the investigation of, or the response to, a report of bullying or hazing.

## **REPORTING AND INVESTIGATION**

Reports of bullying shall be made to the School Principal.

The Principal or designee shall promptly make a reasonably thorough investigation of all complaints of prohibited conduct, including, to the extent possible, anonymous reports and shall administer appropriate discipline to all individuals who violate this policy. Formal disciplinary action is prohibited based solely on an anonymous report. The Principal and/or designees shall take reasonable steps to maintain the anonymity of involved individuals. Investigations shall be duly documented. School personnel will take strong responsive action to prevent retaliation, including assisting a harassed student and his or her parents in reporting subsequent problems and new incidents.

The Principal may report to law enforcement all acts of bullying, hazing or retaliation that constitute suspected criminal activity.

The Principal may report to OCR all acts of bullying that may be violations of students or employees' civil rights.

Students have a limited expectation of privacy on the School's computer equipment and network system, and routine monitoring and maintenance is expected. Also, individual targeted searches will be conducted if there is reasonable suspicion that a user has violated policy or law. Personal electronic devices of any student suspected of violation of this policy will be confiscated for investigation and may be turned over to law enforcement.

## **PARENT NOTIFICATION**

The Principal or designee will notify a student's parent or guardian (a) if the student threatens to commit suicide or (b) of any incidence of bullying involving the student. The Principal or designee will attempt to contact the parent or guardian by telephone or schedule an in-person meeting with them to discuss these matters within twenty-four (24) hours of the report. In the event the Principal or designee is not able to meet in person or discuss via telephone, the Principal or designee will send a letter to the parent or guardian providing the required notification within five (5) school days of the report.

The Principal or designee will produce and maintain a record that verifies that the parent or guardian was notified. Notification records shall be maintained by the School principal or designee until the student(s) involved graduates from high school, at which time the records shall be disposed of securely.

## **CONSEQUENCES OF PROHIBITED BEHAVIOR**

School officials have the authority to discipline students for off-campus speech that causes or threatens a substantial disruption on campus, including School activities, violent altercations, or a significant interference with a student's educational performance and involvement in School activities.

If, after an investigation, a student is found to be in violation of this policy by participating in or encouraging conduct prohibited by this policy, the student shall be disciplined by appropriate measures up to, and including, suspension and/or expulsion, pursuant to Utah Code Ann. 53A-11-904, removal from participation in School activities, and/or discipline in accordance with regulations of the OCR.

If, after an investigation, a School employee is found to be in violation of this policy, the employee shall be disciplined by appropriate measures, which may include termination.

## **ADDITIONAL PROVISIONS**

The Principal will ensure compliance with OCR regulations when civil rights violations are reported, as follows:

1. Once the School knows or reasonably should know of possible student-on-student bullying, cyberbullying, harassment or hazing, the School must take immediate and appropriate action to investigate.
2. If it is determined that the bullying, cyberbullying, harassment or hazing did occur as a result of the student-victim's membership in a protected class, the School shall take prompt and effective steps reasonably calculated to:
  - a. End the bullying, cyberbullying, harassment, or hazing
  - b. Eliminate any hostile environment, and

- c. Prevent its recurrence.
3. These duties are the School's responsibilities even if the misconduct is also covered by a separate anti-bullying policy and regardless of whether the student makes a complaint, asks the School to take action, or identifies the bullying, cyberbullying, harassment or hazing as a form of discrimination.

The Principal will take reasonable steps to ensure that any victim or reporter of prohibited conduct will be protected from further bullying.

The Principal or designee shall conduct an annual survey of students assessing the prevalence of bullying specifically on the playground, in the hallways and in the lunch areas prior to the end of the academic year. Additionally, School Personnel and applicable stakeholders shall review this policy annually on or before June 30.

The Principal may refer any victim or perpetrator for counseling. The Principal may involve parents/guardians in resolving any conduct prohibited by this policy.

## **TRAINING**

The principal will inform students, parents, School personnel and volunteers that all forms of bullying are prohibited and will distribute a copy of this policy to stakeholders.

The Principal will ensure that School employees receive training regarding bullying including training on civil rights violations and compliance when civil rights violations are reported. Employee training shall include training on overt aggression, relational aggression, indirect, covert or social aggression and sexual aggression. All training curricula, schedules and participant lists shall be maintained by the Human Resource Director.

To the extent possible, programs or initiatives designed to provide training and education regarding awareness, intervention skills and the prevention of bullying should be implemented.

In addition to training for all students and School employees, students, employees, and volunteer coaches involved in any extracurricular activity shall:

1. Participate in bullying and hazing prevention training prior to participating;
2. Repeat bullying and hazing prevention training at least every three years;
3. Be informed annually of the prohibited activities list provided previously in this policy and the potential consequences for violation of this policy.
4. Be subject to standards and disciplinary actions consistent with R277-515 in all responsibilities and activities of their assignments.

The Principal will establish administrative procedures consistent with this policy and applicable laws.

### Document History

Approved: Unknown  
Revised: 06/12/2013  
12/15/2016

### Legal References

R277-613-1B  
Title VI of the Civil Rights Act of 1964  
Title IX of the Education Amendments of 1972  
Section 504 of the Rehabilitation Act of 1973  
Title II of the Americans with Disabilities Act of 1990  
Utah Code 53A-11a-203  
Utah Code 53A-13-302  
Utah Code 53A-11-904  
R277-515