



**Official Policy
of
Ogden Preparatory Academy**

7. Students

7.02.POL Bullying and Hazing Policy

Effective/Revision Date: 10/14/2021

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PURPOSE

Bullying, cyber-bullying and hazing of students and employees are prohibited, are against federal, state and local policy, and are not tolerated by Ogden Preparatory Academy (the School). The School is committed to providing all students with a safe and civil school environment in which all members of the school community are treated with dignity and respect.

To that end, The School has in place policies, procedures, and practices designed to reduce and eliminate all forms of bullying, cyber-bullying, and hazing—including civil rights violations or actions based on a student’s or employee’s actual or perceived race, color, national origin, sex, disability, religion, religious clothing, gender identity, sexual orientation, or other physical or mental attributes—as well as processes and procedures to deal with such incidents.

DEFINITIONS

1. Bullying: a school employee or student intentionally committing a written, verbal, or physical act against a school employee or student that a reasonable person under the circumstances should know or reasonably foresee will have the effect of:
 - 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 Violation: Bullying, cyber-bullying, or hazing that is targeted at a student or employee upon the students' or employees' identification as part of any group protected from discrimination under the following federal laws:
 - a. Title VI of the Civil Rights Act of 1964, including discrimination on the basis of race, color, or national origin;
 - b. Title IX of the Education Amendments of 1972, including discrimination on the basis of sex; or
 - c. Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990, including discrimination on the basis of disability;
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. Involves 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:
 - 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

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- 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.
8. Abusive conduct: 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:
- a. Is intended to cause intimidation, humiliation, or unwarranted distress;
 - b. Results in substantial physical or psychological harm as a result of intimidation, humiliation, or unwarranted distress; or
 - c. Exploits an employee's known physical or psychological disability a. a single act does not constitute abusive conduct, unless it is an especially severe and egregious act that meets the standard under Subsection (A)(1), (2), or (3).

PROHIBITED CONDUCT

- 1. Bullying, cyber-bullying, and hazing of students and/or employees by students and/or employees will not be tolerated:
 - a. on school property;
 - b. at a school related or sponsored event;
 - c. while the school employee or student is traveling to or from a location or event described above in (a) or (b).
- 2. A student or school employee shall not engage in retaliation against:
 - a. a school employee;
 - b. a student; or
 - c. an investigator for, or witness of, an alleged incident of bullying, cyber-bullying, hazing, or retaliation.
- 3. A student or school employee shall not make a false allegation of bullying, cyber-bullying, hazing, or retaliation against a school employee or student.
- 4. Any bullying, cyber-bullying, or hazing that is found to be targeted at a federally protected class is further prohibited under federal anti-discrimination laws and is subject to compliance regulations from the Office for Civil Rights.

REPORTING AND INVESTIGATION TEAM

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Reports of bullying shall be made to the School Investigators, as designated below..

The School will promptly and reasonably investigate allegations of bullying, cyber-bullying, and/or hazing. The School designates seven investigators who are responsible to receive, investigate, and respond to reports. These investigators are:

1. Elementary Principal
2. Elementary Vice Principal
3. Elementary Counselor
4. Elementary Behavior Coordinator
5. Junior High Principal
6. Junior High Counselor
7. Administrative Designee

The Investigators will be responsible for handling all complaints by students and employees alleging bullying, cyber-bullying, or hazing. The Investigators will follow the corresponding 7.02.PRC Bullying and Hazing Investigations and Actions procedure.

PRIVACY AND INVESTIGATIONS

It is the School's policy, in compliance with state and federal law, that students have a limited expectation of privacy on the school's Internet system, and routine monitoring or maintenance may lead to discovery that a user has violated district policy or law. 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 the above policy will be confiscated for investigation and may be turned over to law enforcement.

INVESTIGATION PROCESS

1. The School is required to promptly investigate allegations of bullying, cyber-bullying, hazing, and retaliation by interviewing at least the alleged victim and the individual who is alleged to have engaged in prohibited conduct.
2. The School may also interview the following as part of an investigation:
 - a. parents of the alleged victim and the individual who is alleged to have engaged in prohibited conduct;
 - b. any witnesses;
 - c. school staff; and
 - d. other individuals who may provide additional information.
3. An individual who investigates an allegation of an incident shall inform an individual being interviewed that:
 - a. to the extent allowed by law, the individual is required to keep all details of the interview confidential; and

- b. further reports of bullying may become part of the investigation.
- 4. The confidentiality requirement described above in (1)(b) does not apply to:
 - a. conversations with law enforcement professionals;
 - b. requests for information pursuant to a warrant or subpoena;
 - c. a state or federal reporting requirement; or
 - d. other reporting required by this rule.
- 5. In conducting an investigation under this section, the School may:
 - a. review disciplinary reports of involved students; and
 - b. review physical evidence, consistent with search and seizure law in schools, which may include:
 - i. video or audio;
 - ii. notes;
 - iii. email;
 - iv. text messages;
 - v. social media; or
 - vi. Graffiti

DISCIPLINARY ACTIONS

- 1. A report of bullying, cyber-bullying, hazing, and retaliation may be made anonymously, but the School will not take formal disciplinary action based solely on an anonymous report..
- 2. Each reported complaint will include:
 - a. The name of complaining party;
 - b. The name of offender (if known);
 - c. The date and location of incident(s); and
 - d. A statement describing the incident(s), including names of witnesses (if known).
- 3. Verified violations shall result in consequences or penalties. Administration will develop procedures and guidelines for the appropriate selection and application of penalties. Consequences or penalties may include but are not limited to:
 - a. Implementing a discipline plan or behavior contract;
 - b. Using restorative justice practices or mediations;
 - i. The School shall notify the involved students' parents of the restorative justice practice or mediation and obtain consent from the involved student(s)'s parent(s) before including victim in the process;
 - c. Supporting students through trauma-informed practices;
 - d. Suspension or removal from a school-sponsored team or activity, including school sponsored transportation;
 - e. Student suspension or expulsion from school; and/or
 - f. Lesser disciplinary action, such as detention or actions consistent with the School's behavior management program.
 - g. The Principal or Designee may refer any victim or perpetrator for counseling.

- h. The Principal may involve parents/guardians in resolving any conduct prohibited by this policy.
- 4. 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.
- 5. 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 the following
 - a. Employee suspension or termination;
 - b. Reassignment;
 - c. Other actions against employee as appropriate;
 - d. Application of the School’s established grievance process.
- 6. Additional procedures will be developed to address, as appropriate:
 - a. Protecting the victim and other involved individuals from being subjected to:
 - i. Further bullying, cyber-bullying, or hazing, and
 - ii. Retaliation for reporting the bullying, cyber-bullying or hazing;
 - b. Fair and timely opportunity for the accused to explain the accusations and defend his/her actions prior to student or employee discipline; and
 - c. Providing due process rights.

NOTIFICATIONS AND REPORTING

- 1. The school will notify a parent if the parent’s student threatens suicide, or if the student is involved in an incident of bullying, cyber-bullying, hazing, or retaliation.
 - a. 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.
 - b. In the event the Principal or designee is not able to meet in person or discuss via telephone, the Principal or designee will notify the parent or guardian in writing within five (5) school days of the report.
 - c. The School will produce and maintain a record in the Behavior Management System that details the reported complaint and verifies that the parent was notified of the incident or threat.
 - d. The School will not disclose the record to anyone unauthorized to receive it and will not use the record for purposes not allowed under the law.
 - e. 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.
- 2. In compliance with Utah Code Subsection 53E-3-401 (3) and State Board of Education Administrative Rule R277-613, the School will complete Annual Reporting of Allegations of Bullying, Cyber-bullying, Hazing, and Retaliation. The report will include the following:
 - a. information about this policy;

- b. yearly incidents;
 - c. incidents related to civil rights; and
 - d. Other information as requested by the State Superintendent of Education
3. The school will follow all state and federal laws, as well as state board rules to report incidents of bullying, cyber-bullying, and retaliation to law enforcement when appropriate. Procedures for notifying law enforcement and other agencies will be detailed in the corresponding Procedure.

STATEMENT OF COMPLIANCE WITH CIVIL RIGHTS

When Civil Rights Violations Occur:

- 1. The School is responsible for identifying bullying, cyber-bullying, and hazing incidents about which it knows or reasonably should have known when it involves a protected class. The school must take immediate and appropriate action to investigate what occurred.
- 2. These duties are the school’s responsibility to investigate regardless of whether a person makes a complaint, a person requests the school to take action, or a person identifies the bullying, cyber-bullying or hazing as a form of discrimination.
- 3. If it is determined that the bullying, cyber-bullying, or hazing occurred 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, cyber-bullying, or hazing
 - b. eliminate any hostile environment,
 - c. assess prevalence in school culture, physical facilities, and systemic practices to prevent its recurrence

FIRST AMENDMENT STATEMENT

This policy does not prohibit expressive activity protected by the First Amendment of the United States Constitution. However, if off-campus speech that may constitute a bullying, cyber-bullying, or hazing incident creates a substantial disruption to the school environment, under *Tinker v. Des Moines*, 393 U.S. 503 (1969), the School may take disciplinary action against the student who initiated the speech. Factors that the School may consider in determining whether a substantial disruption has occurred are:

- 1. Whether there is a verbal or physical confrontation over the incident at school;
- 2. Whether there is likely to be a verbal or physical confrontation based on evidence of a prior relationship between the victim and the student who initiated the speech;
- 3. Whether any part of the speech that gave rise to the incident was repeated at school;
- 4. Whether students are discussing the incident during class or if it otherwise is disrupting school work;
- 5. Whether there is a widespread whispering campaign or rumor sparked by the off campus incident that disrupts the school environment and students’ abilities to focus on school;

6. Whether administrators who dealt with the incident were pulled from their ordinary tasks to address the incident and how much time it took out of an administrator’s day to do so;
7. Whether speech similar to the off-campus speech in this incident has occurred in the past and has resulted in violence or near violence at school;
8. Whether there is a negative effect on classroom activities as a result of the off-campus incident; or
9. Whether the speech was violent or whether there is a history of violence from the student/s who initiated the speech (Note: true threats are not protected by the First Amendment if it advocates “imminent” violence or unlawful conduct. Thus, a message that threatens physical harm, even if isn’t meant to be serious, may not be protected by the First Amendment and the person who utters such a message may be disciplined by the School.)

CREATING AND UPDATING THE BULLYING POLICY

The School will create and implement procedures as required by Utah Code which fulfill the following requirements:

1. Develop, update, and implement bullying policies as required by Utah Code Section 53G-9-605 and this rule;
2. Gather input from students, parents, teachers, school administrators, school staff, or law enforcement agencies by allowing review of this policy annually on or before June 30.
3. Develop an action plan to address a reported incident of bullying, cyber-bullying, hazing, or retaliation;
4. Provide a requirement for a signed statement that meets the requirements of Utah Code Subsection 53G-9-605 (3)([g]h) annually; and
5. Assess students about the prevalence of bullying, cyber-bullying, hazing, and retaliation in the School. Specifically, locations where students are unsafe and additional adult supervision may be required, such as playgrounds, hallways, bathrooms, locker rooms and lunch areas, will be provided on a bi-annual basis.
6. 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.

TRAINING

All students, school employees, coaches, and volunteers at the School will receive annual training from a qualified professional regarding bullying, cyber-bullying, and hazing and retaliation. This training will address:

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;
2. Relational aggression or indirect, covert, or social aggression, including rumor spreading, intimidation, enlisting a friend to assault a child, and social isolation;

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3. Bullying, cyber-bullying, and hazing of a sexual nature or with sexual overtones;
4. Cyber-bullying, including use of email, web pages, text messaging, instant messaging, three-way calling or messaging or any other electronic means for aggression inside or outside of school;
5. Bullying, cyber-bullying, hazing and retaliation based upon the students' or employees' identification as part of any group protected from discrimination under the following federal laws:
 - a. Title VI of the Civil Rights Act of 1964, including discrimination on the basis of race, color, or national origin;
 - b. Title IX of the Education Amendments of 1972, including discrimination on the basis of sex; or
 - c. Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990, including discrimination on the basis of disability; and
6. Training on civil rights violations will include compliance when civil rights violations are reported;
7. Bullying, cyber-bullying, hazing and retaliation including training and education specific to bullying based upon students' or employees' actual or perceived, characteristics, including race, color, national origin, sex, disability, religion, religious clothing, gender identity, sexual orientation, or other physical or mental attributes or and conformance or failure to conform to stereotypes; and
8. Awareness and intervention skills such as social skills training.

A licensed educator shall supervise volunteers and is responsible for ensuring the volunteer is trained in the above areas. Volunteers shall report violations or suspected violations of this policy to their supervisor. Volunteers shall not engage in bullying activities themselves and must follow policy requirements or may be asked to leave the School if in violation of this policy.

In addition to training for all school employees, students, employees, and volunteer coaches involved in any extra-curricular activity shall:

1. Participate in initial bullying and hazing prevention training prior to participation in the extra-curricular activity;
2. Participate in initial bullying, cyber-bullying, and hazing prevention training to be completed by every employee by January 30, 2019 and repeated at least every three years thereafter;
3. Receive information annually of the prohibited activities list provided previously in this Policy and the potential consequences for violation of this Policy.

SUICIDE PREVENTION

The School will implement a youth suicide prevention program for students. All licensed educators must complete 2 hours of professional development in youth suicide prevention training once every license renewal cycle.

Document History

Approved: Unknown
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12/15/2016
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To include updated definitions, the formation of an investigation team, Civil Rights clarifications, and add specific procedures related to investigations and disciplinary actions.

Legal References

R277-515
R277-613
R277-609
R277-613-1B
Title II of the Americans with Disabilities Act of 1990
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
Utah Code 53A-11a-203
Utah Code 53A-13-302
Utah Code 53A-11-904
53G-11-512
53E-9-605(3)(f)
53E-3-401 (3)
53G-9-605
53E-9-702
53G-11-501
53G-8-202