



5401 BULLYING AND HAZING POLICY

Purpose

Pacific Heritage Academy commits to providing a school climate that is free of harassment and Discrimination. The purpose of this policy is to prohibit bullying, cyber-bullying, hazing, and intimidation of Pacific Heritage Academy (the "School") students and employees, as well as abusive conduct directed toward School employees.

The School's Board of Directors (the "Board") has determined that a safe, civil environment in School is necessary for students to learn and achieve high academic standards and that conduct constituting bullying, cyber-bullying, hazing, abusive conduct, and intimidation disrupts both a student's ability to learn and the School's ability to educate its students in a safe environment. Bullying, cyber-bullying, and hazing of students and employees are against federal, state, and local policy and are not tolerated by the school. The School is committed to providing all students with a safe and civil 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 that are designed to reduce and eliminate bullying, cyber-bullying, abusive conduct, and hazing, including but not limited to civil rights violations, as well as processes and procedures to deal with such incidents. Bullying, cyber-bullying, hazing, and intimidation of students and/or employees by students and/or employees will not be tolerated in the School. Likewise, the school prohibits abusive conduct by students or parents against School employees. In order to promote a safe, civil learning environment, the School prohibits all forms of bullying of students and School employees

1. on School property,
2. at a School-related or sponsored event, or
3. while the student or School employee is traveling to or from School property or a School-related or sponsored event.

The School prohibits all forms of hazing, bullying, or cyber-bullying of or retaliation against students and School employees at any time and any location.

Students and School employees are prohibited from retaliating against any student, School employee, or an investigator for, or witness of, an alleged incident of bullying, cyber-bullying, hazing, abusive conduct, or retaliation.

Students and School employees are prohibited from making false allegations of bullying, cyber-bullying, hazing, abusive conduct, or retaliation against students or School employees. If a false allegation is made, the Director or designee will follow procedure for investigation and disciplinary action.

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

Any bullying, cyber-bullying, hazing, abusive conduct, or retaliation that is 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 of Civil Rights (OCR) compliance regulations.

This policy provides the same protections against bullying, cyber-bullying, hazing, abusive conduct or retaliation regardless of the student's legal status in accordance with Utah Code 53g-9-605(2)(b).

Definitions

Abusive Conduct – For purposes of this policy, “abusive conduct” means verbal, nonverbal, or physical conduct of a parent or student-directed toward a School employee or student that, based on its severity, nature, or frequency of occurrence, a reasonable person would determine is intended to cause intimidation, humiliation, or unwarranted distress. A single act does not constitute abusive conduct.

Bullying – For purposes of this policy, “bullying” means 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:

1. Causing physical or emotional harm to the School employee or student;
2. Causing damage to the School employee's or student's property;
3. Placing the School employee or student in reasonable belief of:
 - a. Harm to the School employee's or student's physical or emotional well-being; or
 - b. Damage to the School employee's or student's property
4. Creating a hostile, threatening, humiliating, or abusive educational environment due to:
 - a. The pervasiveness, persistence, or severity of the actions; or
5. A power differential between the bully and the target; or
6. Substantially interfering with a student having a safe school environment that is necessary

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“Federally Protected Class” means to facilitate educational performance, opportunities, or benefits. This conduct constitutes bullying, regardless of whether the person against whom the conduct is committed directed, consented to, or acquiesced in, the conduct. In addition, bullying is commonly understood as aggressive behavior that is intended to cause distress and harm, ; exists in a relationship in which there is an imbalance of power and strength, ; and is repeated over time.

Civil Rights Violations – For purposes of this policy, “Civil Rights Violations” means bullying, including cyber-bullying, abusive conduct, or hazing that is targeted at a federally protected class.

Cyber-Bullying – For purposes of this policy, “cyber-bullying” means 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.

Federally Protected Class – For the purposes of this policy, any group protected from discrimination under federal law.

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or nation of origin.

Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of sex. 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.

Other areas included under these acts include religion, gender, and sexual orientation.

Hazing – For purposes of this policy, “Hazing” means a School employee or student intentionally, knowingly, or recklessly committing an act or causing another individual to commit an act toward a school employee or student that:

1. Endangers the mental or physical health or safety of a School employee or student;
 - a. Involves any brutality of a physical nature, including whipping, beating, branding, calisthenics, bruising, electric shocking, placing of a harmful substance on the body, or exposure to the elements;
 - b. Involve consumption of any food, alcoholic product, drug, or other substance or other physical activity that endangers the mental or physical health and safety of a School employee or student; or
 - c. Involves any activity that would subject a School employee or student to extreme mental stress, such as sleep deprivation, extended isolation from social contact, or conduct that subjects a School employee or student to extreme embarrassment, shame, or humiliation; and
2. Is committed for the purpose of initiation into admission into affiliation with, holding office in, or as a condition for membership in a School or School-sponsored team, organization, program, club, or event; or
 - a. Is directed toward a School employee or student whom the individual who commits the act knows, at the time the act is committed, is a member of, or candidate for membership in, a School or School sponsored team, organization, program, club, or event in which the individual who commits the act also participates.
3. The conduct described above constitutes hazing, regardless of whether the School employee or student against whom the conduct is committed directed, consented to, or acquiesced in the conduct.

Retaliate or Retaliation- For purposes of this policy, communication intended: “retaliate or retaliation” means an act or

1. As retribution against a person for reporting bullying or hazing; or To improperly influence the investigation of, or the response to, a report of bullying or hazing

School Employee – for purposes of this policy, in the individual’s official capacity as: “School employee” means an individual working

- a. a School teacher;
- b. a School staff member;
- c. a School administrator; or
- d. an individual:
 - a. who is employed, directly or indirectly, by the School; and
 - b. who works on the school’s campus(es).

Policy

Reporting and Investigation

Students who have been subjected to or witnessed bullying, cyber-bullying, hazing, retaliation, or abusive conduct, must promptly report such incidents to any School employee orally or in writing.

School employees who have been subjected to or witnessed bullying, cyber-bullying, hazing, retaliation, or abusive conduct must report such incidents to the School’s Director orally or in writing promptly.

Each report of prohibited conduct shall include:

1. Name of complaining party

2. Name of the victim of prohibited conduct (if different from the complaining party)
3. Name of the offender (if known)
4. Date of incident
5. Location of incident
6. A statement describing the incident including as many details as possible (including names of witnesses if available).

In connection with a report of prohibited conduct, students and School employees may request that their identity be kept anonymous, and reasonable steps shall be taken by the Director and others involved in the reporting and investigation to maintain the anonymity of such individuals, if possible. School employees will take strong responsive action to prevent retaliation, including assisting the student who is a victim of prohibited conduct and his or her parents and/or guardians in reporting subsequent problems and new incidents.

The Director or designee shall promptly make a reasonably thorough investigation of all complaints of prohibited conduct, including, to the extent possible, anonymous reports, and shall, in accordance with the Consequences of Prohibited Behavior section below, administer appropriate discipline to all individuals who violate this policy. Formal disciplinary action is prohibited based solely on an anonymous report.

The Director, or designee, may refer the perpetrator to a council of School employees as an intervention as a step in the process of disciplinary action, and the council will help determine the best steps for the student before suspension and/or expulsion.

The Director, or designee, may report to law enforcement all acts of bullying, cyber-bullying, hazing, abusive conduct, or retaliation that constitute suspected criminal activity.

The Director, or designee, may report to OCR all acts of bullying, cyber-bullying, hazing, abusive conduct, or retaliation that may be violations of student(s)' or employee(s)' civil rights.

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 computer equipment and network system, and routine monitoring or maintenance may lead to the discovery that a user has violated School policy or law. Also, individual targeted searches will be conducted if there is reasonable suspicion that the 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 Director or designee will timely notify a student's parent or guardian

- (a) if the student threatens to commit suicide or
- (b) of any incidence of bullying, cyber-bullying, hazing, abusive conduct, or retaliation involving the student.

The Director or designee will attempt to contact the parent or guardian by telephone or schedule an in-person meeting with them to discuss these matters. In the event the Director or designee is not able to meet in person or discuss via telephone, the Director or designee will send a letter to the parent or guardian providing the required notification.

The Director or designee will produce and maintain a record that verifies that the parent or guardian was notified in the student's online or physical file. If an in-person meeting takes place, the Director or designee will ask the parent or guardian to sign a form acknowledging that the notification was provided. If a telephone conversation takes place, the Director or designee will document the date and time of the telephone call, who was spoken to, and brief notes regarding the notification that was provided and the content of the conversation. If a letter is sent, the Director or designee will retain a copy of the letter along with a note regarding when it was mailed. The School will retain the record as long as the student is enrolled

at the School and destroy the record after that time. The school will maintain the confidentiality of the record in accordance with Utah Code 53E-9-303.

Student Assessment

The Director or designee will solicit student assessment of the prevalence of bullying, cyber-bullying, and hazing in the School, specifically in locations where students are unsafe, and additional adult supervision may be required, ; such as playgrounds, hallways, and lunch areas.

Consequences of Prohibited Behavior

School officials have the authority to discipline a student for off-campus speech that causes or threatens a substantial disruption on campus, including School activities, violent altercations, or significant interference with a student's education 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 expulsion, pursuant to Utah Code 53G-8-204, 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 terminations, reassignment, or other appropriate action.

Bullying-Related Action Plans

In accordance with Utah State Code 53G-9-605.5., when an incident is verified, administrators will create an action plan that includes a communication plan designed to keep each parent updated on the implementation of the action plan.

- a. With respect to the student to whom the incident was directed and in direct coordination with the student's parent, the plan will include:
 - i. a tailored response to the incident that addresses the student's needs consideration of consequences or accommodations the student may need regarding decreased exposure or interactions with the student who caused the incident
 - ii. notification of the consequences and plan to address the behavior of the student who caused the incident
 - iii. supportive measures designed to preserve the student's access to educational services and opportunities; and to the extent available, access to other resources the parent requests for the student
- b. With respect to the student who caused the incident and in direct coordination with the student's parent, the plan will include:
 - i. a range of tailored and appropriate consequences, making reasonable effort to preserve the student's access to educational services and activities
 - ii. determination and provision of any needed resources related to the underlying cause of the incident
 - iii. supportive measures designed to preserve the student's access to educational services and opportunities while protecting the safety and well-being of other students
 - iv. a process to remove the student from school in an emergency situation, including a description of what constitutes an emergency

Pacific Heritage Academy will not include in an action plan a requirement that the student to whom the incident was directed change the student's:

- i. educational schedule or placement
- ii. participation in a school sponsored activity

If, after the school attempts to involve a parent in the development and implementation of an action plan, the parent chooses not to participate in the process, the school may develop and implement an action plan without the parent's involvement.

Appeals process for Bullying-Related Action Plans

If a student has been found to have engaged in bullying behavior and an action plan includes specific consequences, the student's parent or guardian may appeal one or more of those consequences.

Step 1: Parent/guardian submits a Written Appeal within 5 school days of receiving the action plan clearly stating which consequences they are appealing and why.

Step 2: The school principal or a designated administrator will review the appeal and the action plan. They may meet with the parent/guardian if needed, and issue a written decision within 5 school days of receiving the appeal.

Grievance Process for School Employees

As explained above, a School employee who has experienced abusive conduct must report the incident to the school Director orally or in writing. If the School employee is not satisfied with the Director or designee's investigation of the abusive conduct and/or the resulting disciplinary action (or recommended disciplinary action) against the perpetrator, the School employee may address/ raise the issue in accordance with the School's Grievance Policy.

Additional Provisions

The Director will ensure compliance with OCR regulations when civil rights violations or hazing have occurred.

1. Once the School knows or reasonably should know of possible student-on-student bullying, cyber-bullying, or hazing, the School must take immediate and appropriate action to investigate.

If it is determined that the bullying, cyber-bullying, or hazing did occur as a result of the student victim's membership in a protected class, the School shall promptly take effective steps reasonably calculated to:

- a. End the bullying, cyber-bullying, or hazing
- b. Eliminate any hostile environment and
- c. Prevent its recurrence

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, cyber-bullying, or hazing as a form of discrimination.

The Director will take reasonable steps to ensure that any victim of prohibited conduct will be protected from further bullying, cyber-bullying, hazing, abusive conduct, or retaliation, and that any student or School employee who reports such incidents will be protected from retaliation. If the Director believes that any victim or perpetrator of conduct prohibited by this policy would benefit from counseling, the Director may refer such individuals for counseling.

To the extent allowable under the applicable privacy laws, the Director may inform the parents or guardians of a student who is a victim of conduct prohibited by this policy of the actions taken against the perpetrator of such conduct. If the Director believes that it would be in the best interest of the individuals involved, the Director may involve the parents or guardians of the perpetrator or victim of bullying, cyber-bullying, hazing, abusive conduct, or retaliation in the process of responding to and resolving conduct prohibited by this policy.

Distribution of Policy and Signing of Policy

The School will inform students, parents and guardians, school employees, and volunteers that bullying, cyber-bullying, hazing, abusive conduct, and retaliation are prohibited and will distribute a copy of this policy to such individuals. A copy of this policy will also be included in any student conduct or employee handbooks issued by the School.

In accordance with Utah Code (53G-9-604), Entheos requires a signed statement annually, indicating that the individual signing the statement has received the LEA governing board's policy from each of the following:

1. School employees
2. Students who are at least 8 years old

Parents of a student enrolled at Pacific Heritage Academy Training

The Director or designee will ensure that School employees and students receive annual training from qualified individuals on bullying, cyber-bullying, hazing, abusive conduct, and retaliation, including training on civil rights violations and compliance when civil rights violations are reported. The training shall meet the standards established by the State Board of Education's rules.

To the extent possible, programs and initiatives designed to provide training and education regarding preventing bullying, cyber-bullying, hazing, abusive conduct, and retaliation will be implemented.

Training provided under this policy will include

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

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

Cyber-bullying, including the use of email, web pages, text message, instant message, three-way calling or messaging, or any other electronic means of aggression inside or outside of school; and Civil rights violations, appropriate reporting, and investigative procedures. This includes bullying, cyber-bullying, hazing, abusive conduct, and retaliation based upon the student's actual or perceived identities and conformance or failure to conform with stereotypes.

Training provided under this policy should also include awareness and intervention skills such as social skills training for students and staff, including paraprofessionals, custodians, kitchen staff, secretaries, service learning coordinators, and anyone working directly with students.

Training provided under this policy should complement the suicide prevention program required for students under R277-620 and the suicide prevention training required for licensed educators consistent with Section 53G-9-704.

The Director, or designee, will ensure that the training curriculum, schedules, and participant lists or signatures are maintained by the School and provided to the Utah State Board of Education upon Request.