

# Student Rights and Responsibilities: Bullying, Cyberbullying, Harassment and Hazing - FGAD

## Definitions

1. ~~“Bullying” means intentionally or knowingly committing an act that~~ In general, bullying is aggressive behavior that is intended to cause distress and harm, exists in a relationship where there is an imbalance of power and strength, and is repeated over time. As specifically defined by this policy, “Bullying: means intentionally or knowingly committing an act that:
    - a. Meets one of the following:
      - ai. Endangers the physical health or safety of a school employee or student; ~~—~~or
      - bii. Involves 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; or
      - iii. ~~i~~ involves forced or involuntary ~~—~~forced or involuntary ~~—~~consumption of any food, ~~—~~liquor, drug or other ~~—~~substance; or
      - eiv. Involves forced or coerced actions or activityactivities of a sexual ~~—~~nature or with sexual connotations; or
      - dv. Involves other physical activity that endangers the physical health ~~—~~and ~~—~~safety of a school employee or student; or
      - evi. Involves physically ~~—~~obstructing a school employee's or student's freedom to move; and
    - fb. 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 above constitutes bullying regardless of whether ~~—~~the person against whom the conduct is committed directed, consented to, ~~—~~or acquiesced in, the conduct.
2. “Communication” means the conveyance of a message, whether verbal, written, or electronic.
  3. “Cyberbullying means:
    - a. 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 assessed the electronic communication.
    - b. In addition, any communication of this form that is generated off-campus but causes or threatens to cause a material and substantial disruption at school or interference with the rights of students to be secure may also be considered cyber-bullying.
  4. “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 the individual.

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5. "Hazing" means intentionally or knowingly committing an act that:
- a. Meets one of the following:
    - ~~ai.~~ Endangers the physical health or safety of a school ~~employee~~ employee or ~~student~~ student; and
    - ~~ii.~~ Involves 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;
    - ~~iii.~~ Involves consumption of any food, liquor, ~~drug~~, or other substance.
    - ~~iv.~~ Involves forced or coerced ~~actions~~ or ~~activity~~ activities of a sexual ~~nature~~ nature or ~~with sexual connotations~~ with sexual connotations.
    - ~~iiiv.~~ Involves other physical activity that endangers the physical health ~~and safety of a school employee or student~~ and safety of a school employee or student; or
    - ~~ivvi.~~ Involves physically obstructing a school employee's or student's freedom to move; ~~and either~~
  - b. 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
  - c. 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.

*Utah Admin. Code R277-613-1 ~~(2011)~~ (October 8, 2013)*

*Utah Code Ann. §76-5-107 5 (2011)*

*Utah Code Ann. §53A-11a-102 (2011)*

### **"Retaliate" means an act or communication intended:**

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

*Utah Code Ann. §53A-11a-102 (2011)*

### **"School employee" means:**

1. School administrators, teachers, and staff, as well as others employed or authorized as volunteers, directly or indirectly, by the school, school board, or school district.

### **Bullying and Harassment Prohibited**

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No school employee or student may engage in bullying and/or harassment of a student or school employee on school property, at a school related or sponsored event, on a school bus, at a school bus stop, or while the student is traveling to or from a school location or school related or sponsored event.

Students who engage in bullying and/or harassment are in violation of this policy and verified violations shall result in disciplinary action up to and including expulsion, consistent with the school district's Safe Schools policy (FHA).

School employees who engage in bullying and/or harassment are in violation of this policy and verified violations shall result in disciplinary action up to and including termination, consistent with the [District's](#) Orderly Termination Policy (DHA).

Anonymous reports of bullying and/or harassment alone cannot constitute the basis for formal disciplinary action.

The school or District may also report individuals to law enforcement.

*Utah Code Ann. §53A-11a-301 (2013)*

*Utah Admin. Code R277-613-1 (2011)*

### **Hazing and Cyberbullying Prohibited**

No school employee or student may engage in hazing or cyberbullying of a student at any time or at any location.

Students who engage in hazing or cyberbullying are in violation of this policy and verified violations shall result in disciplinary action up to and including expulsion, as well as suspension or removal from a school-sponsored team or activity, including school sponsored transportation, consistent with the school district's Safe Schools policy (FHA).

School employees who engage in hazing or cyberbullying are in violation of this policy and verified violations shall result in disciplinary action up to and including termination, consistent with the school district's Orderly Termination policy (DHA).

The school may also determine to break up or dissolve a team, organization, or other school-sponsored group for hazing violations by its members.

Anonymous reports of hazing or cyberbullying alone cannot constitute the basis for formal disciplinary action.

The school or District may also report individuals to law enforcement.

*Utah Code Ann. §53A-11a-301 (2013)*

*Utah Admin. Code R277-613-1 (2009)*

### **Retaliation Prohibited**

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No school employee or student may engage in retaliation against a school employee, a student, or an investigator for, or witness of, an alleged incident of bullying, harassment, cyberbullying, hazing, or retaliation against a school employee or student.

Students who engage in such retaliation are in violation of this policy and are subject to disciplinary action up to and including expulsion, consistent with the school district's Safe Schools policy (FHA). Anonymous reports of bullying, harassment, cyberbullying, or retaliation alone cannot constitute the basis for formal disciplinary action.

School employees who engage in retaliation are in violation of this policy and verified violations shall result in disciplinary action up to and including termination, consistent with the school district's Orderly Termination policy (DHA).

Anonymous reports of retaliation alone cannot constitute the basis for formal disciplinary action.

The school shall inform students who have reported being subject to bullying, harassment, cyberbullying, or hazing and these students' parents that retaliation is prohibited and shall encourage the students and parents to be aware of and to report any subsequent problems or new incidents.

*Utah Code Ann. §53-11a-301 (2013)*

~~*Utah Admin. Code R277-613-1 (2009)*~~

*Utah Admin. Rules R277-613-1 (October 8, 2013)*

*Utah Admin. Rules R277-613-4.E (October 8, 2013)*

### **Making a False Report Prohibited**

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

Students who engage in making such false allegations are in violation of this policy and are subject to disciplinary action up to and including expulsion, consistent with the school district's Safe Schools policy (FHA).

School employees who engage in making such false allegations are in violation of this policy and verified violations shall result in disciplinary action up to and including termination, consistent with the school district's Orderly Termination policy (DHA).

*Utah Admin. Code R277-613-1 (2009)*

### **Training and Education**

Each school shall establish procedures for training school employees, volunteers and students to recognize and prevent bullying, harassment, cyberbullying, hazing, or retaliation.

Training to students, staff, and volunteers shall include:

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1. Training specific to overt aggression that may include physical fighting such as punching, shoving, kicking, and verbally threatening behavior, such as name calling, or both physical and verbal aggression or threatening behavior;
2. Training specific to relational aggression or indirect, covert, or social aggression, including rumor spreading, intimidation, enlisting a friend to assault a child, and social isolation;
3. Training specific to prohibitions against bullying or hazing of a sexual nature or with sexual overtones;
4. Training specific to cyberbullying, 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; and
5. Training regarding civil rights violations and appropriate reporting and investigative procedures. "Civil rights violations" means bullying, cyberbullying, hazing, or harassment targeted at a federally protected class and includes such conduct based upon students' actual or perceived identities and conformance or failure to conform to stereotypes.

In addition to training school employees and educating students mentioned above, all volunteer coaches, employees, and students involved in any curricular athletic program or extra-curricular club or activity shall:

1. Complete bullying and hazing prevention training prior to participation;
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.

Teachers should discuss this policy with their students in age-appropriate ways and should assure them that they need not endure any form of bullying, harassment, hazing, or cyberbullying.

*Utah Code Ann. §53A-11a-301 (2013)*

*Utah Admin. Rules R277-613-4.F (October 8, 2013)*

### **Evaluation of Student Support Needs**

When it is determined that a student has been bullied, cyberbullied, hazed, or harassed, consideration should be given to what support, counseling, or other assistance the student may need to prevent such mistreatment from adversely affecting the student's ability to learn and function in the school setting.

### **Assessment**

Each school shall regularly (and at least once per year) conduct assessment through student input (surveys, reports, or other methods) of the prevalence of bullying, cyberbullying, hazing, and harassment in the school, and specifically in locations where students may be unsafe and adult supervision may be required such as playgrounds, hallways, and lunch areas.

*Utah Admin. Rules R277-613-4.D (October 8, 2013)*

### **Publication**

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eA copy of this policy shall be included in student conduct handbooks, employee handbooks, and shall be available on the Juab School District website.

#### Parental Notification

The school shall notify the parent or guardian of a student who is involved in an incident of bullying, hazing, cyber-bullying, harassment or retaliation (whether as a perpetrator or victim).

The school is also required to notify the parent or guardian of a student who threatens to commit suicide. (See Policy FDACD.) In addition, the school shall produce and maintain a record that verifies that the parent or guardian was notified of the threats or incidents listed above. The record is a private record for purposes of the Government Records Access and Management Act. ~~The record may not be used by the school for the school's own purposes.~~

The process for notifying a parent or guardian shall consist of:

1. The school principal or designee shall attempt to make personal contact with a parent or guardian when the school has notice of a threat or incident listed above. It is recommended that the parent be informed of the threat or incident with two school people present. If personal contact is not possible, the parent or guardian may be contacted by phone. A second school person should witness the phone call.
2. Contact with the parent or guardian must be documented in a "Verification of Parent or Guardian Contact re. Threat or Incident." This documentation will occur in the District's student information management system (PowerSchool).

Subject to laws regarding confidentiality of student educational records, Aat the request of a parent or guardian, a school may provide information and make recommendations related to an incident or threat.

*Utah Code Ann. §53A-11a-203 ~~(2013)~~(2015)*

The record of parental notification shall be maintained in accordance with Policy FE, Policy FEA and the Federal Family Educational Rights and Privacy Act ("FERPA"). A copy of the record of parental notification shall upon request be provided to the student to whom the record relates. After the student has graduated, the District shall expunge the record of parental notification upon request of the student.

Utah Code§ 53A-11a-203 (2015)