

NUAMES Policy and Procedures

Subject: 05SCD-002 Bullying, Hazing, and Abusive Conduct

Index: Student Conduct and Discipline

1. Legal Authority

The Northern Utah Academy of Math, Engineering, and Science ("NUAMES") Board of Trustees ("Board") adopts this policy as required by Utah Code Ann. §53G-9, Part 6 Bullying and Hazing and Utah Administrative Code R277-613 Local Education Agency (LEA) Policies and Training Regarding Bullying, Cyber-bullying, Hazing, Retaliation, and Abusive Conduct.

2. Purpose and Philosophy

NUAMES is committed to creating a safe and secure environment for students, employees, parents, and community members. Bullying, cyber-bullying, hazing, and retaliation significantly impact a student's ability to achieve academically and reduce an employee's ability to perform his/her job responsibilities. In addition, bullying, cyber-bullying, hazing and retaliation can have a direct effect on 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. NUAMES encourages all members of the school community—students, employees, and parents—to work together to address problems of bullying, cyber-bullying, hazing and retaliation by adhering to the following policy and procedures for reporting and training.

3. Policy

- 3.1. NUAMES prohibits students and employees from bullying other students and/or employees on school property, at school-related events, on school busses or bus stops, or while traveling to or from school, school events, or bus stops, and encourages all targets of bullying and all persons with knowledge of bullying to report the incident(s) immediately.
- 3.2. NUAMES prohibits students and employees from cyber-bullying and hazing another student or employee at any time or in any location where the cyber-bullying or hazing creates a substantial and material disruption at school, or it is reasonably foreseeable that the cyber bullying or hazing will create a substantial and material disruption at school.
- 3.3. NUAMES prohibits students and employees from retaliating against another student or employee who reports, investigates, or participates as a witness to a bullying, hazing, or cyber-bullying incident. All targets of retaliation are encouraged to report the incident(s) immediately.
- 3.4. NUAMES prohibits false allegations of bullying, cyber-bullying, hazing or

retaliation. 4. Definitions

- 4.1. **"Abusive conduct"** means 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 is intended to cause intimidating, humiliation or unwarranted distress.
- 4.2. (a) **"Staff bullying"** means a school employee, with the intent to cause harm,

repeatedly committing a written, verbal, or physical act against a student or another school employee, or engaging in a single egregious act toward another employee involving an imbalance of power, that:

- (i) creates an environment that a reasonable person would find hostile, threatening, or humiliating; and
- (ii) substantially interferes with a student's or employee's educational or professional performance, opportunities, or benefits.

(a.1) "Staff bullying" does not mean instances of:

- (i) ordinary teasing, horseplay, argument, or peer conflict;
- (ii) reasonable correction of behavior by a school employee; or
- (iii) reasonable coaching strategies and techniques by a school employee who is a coach.

(b) "**Student bullying**" means one or more students, with the intent to cause harm, repeatedly committing a written, verbal, or physical act against another student, or engaging in a single egregious act toward another student involving an imbalance of power, that:

- (i) creates an environment that a reasonable person would find hostile; and
- (ii) interferes with a student's educational performance, opportunities, or benefits.

(b.1) "Student bullying" does not mean instances of:

- (i) ordinary teasing, horseplay, argument, or peer conflict;
- (ii) reasonable correction of behavior by a school employee; or
- (iii) reasonable coaching strategies and techniques by a school employee who is a coach.

4.2.1. causing physical or emotional harm to the school employee or student; 4.2.2. causing damage to the school employee's or student's property;

4.2.3. placing the school employee or student in reasonable fear 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;

4.2.4. creating a hostile, threatening, humiliating, or abusive educational environment due to: (a) the pervasiveness, persistence, or severity of the actions; or (b) a power differential between the bully and the target; or

4.2.5. substantially interfering with a student having a safe school environment

that is necessary to facilitate educational performance, opportunities, or benefits.

4.2.6. Bullying also includes verbal or written statements that direct the recipient to engage in self-harm or that suggests to the recipient the recipient's life is valueless, including, but not limited to statements such as: "You should kill yourself" "No one wants you alive"

4.2.7. "Bullying" does not mean a single incident unless the incident is objectively severe and does not include mutual or reciprocating behaviors that might otherwise constitute bullying.

4.3. "**Civil Rights Violation**" means Bullying that is targeted at a student or employee for that student's or employee's identification in a group protected from discrimination under the following federal laws:

4.3.1. Title VI of the Civil Rights Act of 1964, including discrimination on the basis of race, color, or national origin;

4.3.2. Title IX of the Education Amendments of 1972, including discrimination on the basis of sex;

4.3.3. Section 504 of the Rehabilitation Act of 1973 and Title I of the Americans with Disabilities Act of 1990, including discrimination on the basis of disability, or

4.3.4. Title II of the Americans with Disabilities Act of 1990.

4.4. "**Communication**" means the conveyance of a message, whether verbal, written or electronic.

4.5. "**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 access the electronic communication.

4.5.1. Cyber-bullying may include the dissemination of nude, semi-nude or sexually explicit images of students without the student's consent

4.5.2. Cyber-bullying may include statements described in 4.2.6 if those statements are made electronically.

4.6. "**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:

4.6.1. endangers the mental or physical health or safety of a school employee or student;

4.6.2. involves any brutality of a physical nature, including, but not limited to, whipping, beating, branding, calisthenics, bruising, electric shocking, placing of a harmful substance on the body, or exposure to the elements;

4.6.3. involves 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

4.6.4. 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

4.6.5. 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 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.

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

4.7. **“Restorative justice practice”** means a discipline practice designed to enhance school safety, reduce school suspensions, and limit referrals to court, and is designed to help minors take responsibility for and repair the harm of behavior that occurs in school, including in this context, Bullying.

4.8. **“Retaliate”** or **“retaliation”** means an act or communication intended as a retribution against a person for reporting bullying or hazing; or to improperly influence the investigation of, or response to, a report of bullying or hazing.

4.9. **“Sexting”** means sending sexually explicit photographs or messages via Internet, cell phone, or another device. Sexting may be considered cyber-bullying if the photographs are disseminated without the consent of the person who is the subject of the photograph.

4.10. **“School employee”** means an individual working in the individual's official capacity as:

4.10.1. a school teacher;

4.10.2. a school staff member;

4.10.3. a school administrator; or

4.10.4. an individual: who is employed, directly or indirectly, by a school and who works on a school campus.

4.11. **“Targeted individual”** means a student or employee who is the target of bullying, cyber bullying, hazing, or retaliation.

4.12. **“Volunteer”** means a person working under the direct supervision of a licensed educator or a school administrator.

NOTE: For purposes of this policy, the term “Bullying” when used as a formal noun is intended to include bullying, cyber-bullying, hazing, and retaliation.

5. Civil Rights

- 5.1. Where bullying involves targeting an individual based on the individual's protected class under federal laws identified in Section 4.3, the administrator will investigate in consultation with the NUAMES Compliance Officer to determine if the bullying is a civil rights violation.
- 5.2. If an investigation reveals that a civil rights violation has occurred, as described in Section 4.3, the school administrator will take prompt and effective steps reasonably calculated to end the violation, eliminate any hostile environment and its effects, and work to prevent the violation from recurring.
 - 5.2.1. Prompt and effective steps may include suspension, culturally responsive training (for staff and/or students), restorative justice practices when appropriate and with parental consent.
 - 5.2.2. Administrators will check the OCR indicator in NUAMES *student information system* if a civil rights violation is implicated, and the Equity Coordinator will be notified automatically.
- 5.3. Administrators will take these steps outlined in 5.2 regardless of whether a student has complained about discrimination, asked the school to take action, or identified the Bullying as a form of discrimination.
- 5.4. Students, employees, and volunteers will receive training on recognizing civil rights violations.

6. Reports and Investigations

6.1. Reporting

- 6.1.1. A student who feels he/she has been a target of Bullying is encouraged to inform his/her teacher or any of his/her school administrators.
- 6.1.2. An employee who feels he/she has been a target of Bullying or abusive conduct is encouraged to inform his/her supervisor.
- 6.1.3. A school teacher, parent, or other individual who is aware of Bullying at school should inform school administrators.
- 6.1.4. A school teacher or administrator to whom a complaint is made will, as soon as is reasonably possible after receiving the complaint, report it to the site administrator or his designee who is responsible for overseeing Bullying investigations. The site administrator may assign a designee to assist him/her in the investigations. If the complaint involves a civil rights violation, the NUAMES Compliance Officer will also be notified.
- 6.1.5. An anonymous report of Bullying may be filed, but may limit the investigation NUAMES can conduct and will not result in formal disciplinary action against anyone unless corroborated by a non-anonymous person.

6.2. Investigation

- 6.2.1. The site administrator or his/her designee shall promptly investigate the

complaint by interviewing at least the person who complained* and the individual who is alleged to have engaged in Bullying. (*Note that this may be the target or may be another individual.)

6.2.2. The site administrator or his/her designee may also interview parents of either the target or the individual alleged to have engaged in the Bullying; any witnesses; school staff; and other individuals who may provide additional information.

6.2.3. Interviewees shall be informed that to the extent allowed by law, the interview will be kept confidential and that further reports will become part of the investigation.

6.2.4. The investigation may include a review of disciplinary reports of involved students and, subject to compliance with the Fourth Amendment, a review of physical evidence, including video, notes, email, text message, social media, or graffiti.

6.2.5. If the site administrator/designee determines that Bullying has occurred he/she will create an action plan which will include, at a minimum:

[6.2.5.1](#): communication to parents of the target and the offender

[6.2.5.2](#): a strong responsive action against retaliation, including assistance to students and their parents in reporting subsequent incidents

[6.2.5.3](#): supportive measures for the target to preserve access to educational services, which may include, if necessary accommodations for decreased exposure to the offender

[6.2.5.4](#): a process to determine the cause of the incident and any resources needed for the offender to help prevent further incidents

[6.2.5.5](#): discipline, including removal from school, for the offender

[6.2.5.6](#): an appeal process for the offender

6.2.6: The action plan may offer accountability and/or restorative justice practices for students involved in an incident after receive consent from parents of both the target and the offender

6.2.7: An action plan may include resources to parents of both the target and offender, upon request of parents.

7. Discipline

7.1. Student Discipline

7.1.1. A student who is found to have engaged in Bullying as described herein is in violation of this policy and of Policy 5SCD-001 Student Conduct and Discipline, and is subject to discipline in accordance with that policy.

7.1.2. Restorative justice practices may be utilized as a method of appropriate discipline, however the target is not required to participate in a restorative justice practice with the individual alleged to have engaged in Bullying. If the administrator would like the target to participate in restorative justice practice, the administrator must obtain signed parental consent.

7.1.3. Formal disciplinary action may not be based solely on an anonymous report of Bullying; rather an investigation must always take place before formal disciplinary action is imposed.

7.1.4. Disciplinary action taken against a student alleged to have engaged in Bullying is considered part of that student's education record and is confidential under the Family Education Rights to Privacy Act (FERPA), unless discipline includes separating the individual alleged to have engaged in Bullying from the target, in which case the target may be informed of this specific disciplinary provision.

7.1.5. Disciplinary due process procedures, as set forth in Policy 5SCD-001 Student Conduct and Discipline, will be followed prior to imposing discipline.

7.2. Employee Discipline

7.2.1. Any employee who is found to have engaged in Bullying is in violation of this policy and shall be subject to disciplinary action, up to and including termination.

7.2.2. 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.

7.2.3. Illegal acts will also result in referral to law enforcement authorities.

7.2.4. Disciplinary due process procedures will be followed prior to imposing discipline.

8. Training

8.1. NUAMES will provide training to students, employees, and volunteers on Bullying from individuals qualified to provide such training and who are assigned supervisory responsibilities over the groups mentioned above.

8.2. New school employees, and volunteers will be trained prior to working.

8.3. All school employees, and volunteers will be trained every three years.

8.4 An LEA shall provide that students, school employees, coaches, and volunteers receive training on bullying, cyber-bullying, hazing, retaliation, and abusive conduct from individuals qualified to provide such training.

(a) The training shall:

(i) include information on:

(A) bullying, cyber-bullying, hazing retaliation, and abusive conduct;

(B) discrimination under the following federal laws:

(I) Title VI of the Civil Rights Act of 1964;

(II) Title IX of the Education Amendments of 1972;

(III) Section 504 of the Rehabilitation Act of 1973; and

(IV) Title II of the Americans with Disabilities Act of 1990;

(C) how bullying, cyber-bullying, hazing retaliation, and abusive conduct are different from discrimination and may occur separately from each other or in combination;

(D) how bullying, cyber-bullying, hazing, retaliation, and abusive conduct are prohibited based upon race, color, national origin, sex, religion, or disability;

(E) the right of free speech and how it differs for students, employees, and parents; and

(F) safe digital citizenship as defined in Subsection 53G-7-1202(1)(a).

(ii) complement the suicide prevention program required for students under Rule R277-620 and the suicide prevention training required for licensed educators consistent with Subsection 53G-9-704(1); and

(iii) include information on when issues relating to this rule may lead to student or employee discipline.

(7) The training described in Subsection (6) shall be offered to:

(a) new school employees, coaches, and volunteers within the first year of employment or service; and

(b) all school employees, coaches, and volunteers at least once every three years after the initial training.

9. Parent Notification

9.1. Administrators are required to notify parents of an incident of Bullying involving the parent's student as the target or the individual alleged to have engaged in Bullying.

9.2. Notification will be made via email, telephone call, or certified mail.

9.3. Notification will be made in a timely manner and will be documented in Encore, NUAMES's student information system.

10. Grievance Process for Incident of Abusive Conduct

10.1. A school employee who has experienced abusive conduct as defined in section 4.1 and is not satisfied with initial efforts to resolve the issue, may file a grievance not later than thirty (30) days after the incident(s) in order to be effectively investigated and resolved, unless the time for filing is extended by the Executive Director for good cause shown.

10.2. Grievance Process: Step 1

10.2.1. The grievance must be in writing, dated, and signed by the grievant and delivered to the principal.

10.2.2. Within ten (10) business days, the principal shall meet with the grievant to discuss the grievance and possible resolutions.

10.2.3. Within ten (10) business days after the meeting, the principal will respond in writing explaining the principal's position and offer options for substantive resolution of the complaint.

10.3.Grievance Process: Step 2

10.3.1. If the response by the principal does not satisfactorily resolve the issue, the grievant may appeal the response in writing within ten (10) calendar days after receipt of the response to the Executive Director. If the Executive Director serves as the principal in Step 1, the appeal shall be delegated to the principal of another NUAMES school.

10.3.2. Within ten (10) business days after receipt of the grievance, the Executive Director will meet with the grievant to discuss the grievance and possible resolutions.

10.3.3. Within fifteen (15) calendar days after the meeting, the Executive Director will respond in writing with a final resolution of the grievance.

10.3.4. The Executive Director's written response shall be the final administrative action in the matter.

11. Policy Dissemination

11.1. This policy may be posted on NUAMES's web site and published in student registration materials, student and employee handbooks, parent information guides, and other appropriate school publications as directed by the Executive Director.

11.2. Each school employee, student and parents must acknowledge through signature receipt of this policy.

Approved:
ADA Compliant: