

Safe Schools

Bullying and Hazing

Definition—

“Bullying” means intentionally or knowingly committing an act that:

1. Endangers the physical health or safety of a school employee or student;
 - a. Involves any brutality of a physical nature such as whipping, beating, branding, calisthenics, bruising, electric shocking, placing of harmful substance on the body, or exposure to the elements;
 - b. Involves forced or involuntary consumption of any food, liquor, drug, or other substance;
 - c. Involves forced or coerced actions or activities of a sexual nature or with sexual connotations;
 - d. Involves other physical activity that endangers the physical health and safety of a school employee or student; or
 - e. Involves physically obstructing a school employee’s or student’s freedom to move; and
2. Is done for the purpose of placing a school employee or student in fear of:
 - a. Physical harm to the school employee or student, or
 - b. Harm to property of the school employee or student.
3. The conduct described above constitutes bullying, regardless of whether the person against whom the conduct is committed, directed, consented, or acquiesced in, the conduct.

"Hazing" means intentionally or knowingly committing an act by one person alone or acting with others that:

1. Endangers the physical health or safety of a school employee or student;
 - a. 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
 - b. involves consumption of any food, liquor, drug, or other substance that endangers the physical health and safety or adversely affects the mental or physical health or safety of the student or school employee;

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- c. involves other physical activity that endangers the physical health and safety or adversely affects the mental or physical health or safety of the student or school employee;
- d. involves forced or coerced actions or activities of a sexual nature or with sexual connotations;
- e. involves any type of physical activity, such as sleep deprivation, exposure to the elements, confinement in a small space, calisthenics, or other activity that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student;
- f. involves any activity that induces, causes, or requires the student to perform a duty or task that involves a violation of state law;
- g. involves physically obstructing a school employee's or student's freedom to move;
- h. involves cruelty to animals, including
 - i. failing to provide necessary food, care, or shelter for an animal in the student's custody;
 - ii. abandoning an animal in the person's custody;
 - iii. transporting or confining an animal in a cruel manner;
 - iv. injuring an animal;
 - v. causing an animal to fight with another animal for amusement or gain;
- i. involves any activity that intimidates or threatens the student with ostracism, that subjects the student to extreme mental stress, shame or humiliation, or that adversely affects the mental or physical health or dignity of the student or discourages the student from remaining registered in an educational institution, or that may reasonably be expected to cause a student to leave the organization or the institution rather than submit to acts described above;
- j. involves any method of initiation or pre-initiation into a student club, organization or team that causes or is reasonably likely to cause, bodily danger or physical harm, serious mental or

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emotional harm, embarrassment or ridicule, or personal degradation or loss of dignity to any student or other person associated with the school; and

2. The act 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.
3. If the person committing the act against a school employee or student knew that the school employee or student is a member of, 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.
4. 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 Code Ann. §53A-11a-102 (2) (2008)

Utah Code Ann. § 76-5-107.5 (2007)

The following actions shall be included in the offense of hazing; students who commit any of them violate District policy:

1. Engaging in hazing.
2. Soliciting, encouraging, directing, aiding, attempting to aid another in engaging in hazing.
3. Intentionally, knowingly, or recklessly permitting hazing to occur.
4. Having firsthand knowledge of the planning of a specific hazing incident involving a student, or firsthand knowledge that a specific hazing incident has occurred, and knowingly failing to report that knowledge in writing to the Principal, Superintendent or designee.

Utah Code Ann. §53A-11a-102 (2008)

- C. “Cyberbullying” means the use of email, instant messaging, chat rooms, cell phones, or other forms of information technology to deliberately harass, threaten, or intimidate someone for the purpose of placing a school employee or student in fear of:
1. Physical harm to the school employee or student; or
 2. Harm to property of the school employee or student.

- D. "Retaliate" means an act or communication intended:
 - 1. as retribution against a person for reporting bullying, cyberbullying, hazing, or
 - 2. to improperly influence the investigation of, or the response to, a report of bullying, cyberbullying, or hazing.
- E. "School" means any public elementary or secondary school.
- F. "School board" means a local school board.
- G. "School employee" means:
 - 1. school teachers;
 - 2. school staff;
 - 3. school administrators; and
 - 4. all others employed or authorized as volunteers, directly or indirectly, by the school, school board, or school district.

Purpose

The purpose of this policy is to eliminate all types of bullying and hazing by and against students and employees of the Kane County School District (KSD). This will be accomplished through awareness efforts, training, identification, and disciplinary action (both students and employees) against those who violate this Policy. A secondary purpose is to provide clear standards and a safe and accessible reporting process for victims of bullying, cyberbullying, and hazing.

Publication

A copy of this policy shall be included in student conduct handbooks, employee handbooks, and available on the KSD website.

Prohibitions

- A. No school employee or student may engage in bullying or cyberbullying a school employee or student;
 - 1. On school property
 - 2. At a school related or sponsored event
 - 3. On a school bus
 - 4. At a school bus stop; or
 - 5. While the school employee or student is traveling to or from a location or event described above.
- B. No school employee or student may engage in hazing a school employee or student at any time or in any location.
- C. No school employee or student may engage in retaliation against:
 - 1. A school employee
 - 2. A student, or
 - 3. An investigator for, or witness of, an alleged incident of bullying, cyberbullying, hazing, or retaliation.
- D. No school employee or student may make a false allegation of bullying, cyberbullying, hazing, or retaliation against a school employee or student.

Actions Required of Each School

- A. Each school shall establish and publish in a handbook or other readily available format:
 - 1. Procedures allowing for anonymous reporting of bullying, cyberbullying, hazing or retaliation;
 - 2. Names and positions of persons responsible for taking, investigating, and responding to reports of bullying, cyberbullying, hazing or retaliation. At least two school employees (preferably one male and one female) in appropriate positions of authority shall be identified to receive reports.
- B. In addition to the published procedures and notification above, each school shall establish procedures and plans for:
 - 1. Involving parents or guardians of a perpetrator or victim of bullying, cyberbullying, hazing, or retaliation in the process of responding to, and resolving conduct prohibited in this Policy;
 - 2. Referring a victim of bullying, cyberbullying or hazing to counseling following parental notice and consent;
 - 3. To the extent permitted by federal and state law, including the federal Family Educational Privacy Right Act of 1974, as amended, informing the parents or guardians of a student who is a victim of bullying or hazing of the actions taken against the perpetrators of the bullying or hazing;
 - 4. Publicizing this policy, preferably including electronic publication and availability, to school employees, to students, and parents/guardians of students; and
 - 5. Training school employees and students to recognize and prevent bullying, cyberbullying, hazing or retaliation.

Actions Required if Prohibited Acts are Reported

- A. Each reported complaint shall include: (1) name of complaining party; (2) name of offender (if known); (3) date and location of incident(s); (4) a statement describing the incident(s), including names of witnesses (if known).
- B. Each reported violation of the prohibitions noted previously shall be promptly investigated by a school administrator or an individual designated by a school administrator. Formal disciplinary action is prohibited based solely on an anonymous report of bullying, cyberbullying, hazing, or retaliation.
- C. Verified violations of the prohibitions noted previously shall result in consequences or penalties. Consequences or penalties may include but are not limited to:
 - 1. Student suspension or removal from a school-sponsored team or activity including school sponsored transportation;

2. Student suspension or expulsion from school or lesser disciplinary action;
 3. Employee suspension or termination for cause or lesser disciplinary action;
 4. Employee reassignment, or
 5. Other action against student or employee as appropriate.
- D. Actions must also include, as appropriate:
1. Procedures for protecting the victim and other involved individuals from being subjected to;
 - a. Further bullying or hazing, and
 - b. Retaliation for reporting the bullying or hazing.
 2. Prompt reporting to law enforcement of all acts of bullying, hazing, or retaliation that constitute suspected criminal activity.
 3. Prompt reporting to the Office of Civil Rights (OCR) of all acts of bullying, cyberbullying, hazing, and retaliation that may be violations of student(s)' or employee(s)' civil rights.
 4. Procedures for a fair and timely opportunity for the accused to explain the accusations and defend his actions prior to student or employee discipline
 5. Procedures for providing due process rights under Section 53A-8-102 (licensed staff), local employee discipline policies or Section 53A-11-903 and local policies (students) prior to long term (more than ten day) student discipline or employee discipline.

Training

- A. The training of school employees shall include training regarding bullying, cyberbullying, hazing and retaliation.
- B. To the extent possible, programs or initiatives designed to provide training and education regarding the prevention of bullying, hazing, and retaliation should be implemented.
- C. In addition to training for all students and school employees, students, employees, and volunteer coaches involved in any extra-curricular activity shall:
 1. Participate in 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.

Additional Notes

- A. 53A-11a-301 requires that this policy be developed with input from (1) students, (2) parents, (3) teachers, (4) school administrators, (5) school staff, or (6) law enforcement agencies.

- B. All information received in a complaint and names of complainants shall be treated with utmost confidence to the extent possible. Administrators shall notify complainant before revealing his name.

Making a False Report Prohibited--

No student may make a false allegation of hazing or retaliation against a student or school employee.

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).

Utah Code Ann. §53A-11a-202 (2008)

Class Discussions

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, hazing or retaliation.

Utah Code Ann. §53A-11a-301 (2008)