

Document Name:	Bullying and Harassment Prohibition of Bullying, Cyberbullying, Hazing, and Retaliation and related Procedures R277-613
First Approved Date:	February 7, 2017
Latest Approved Date:	June 23, 2021
Version Number:	5

1.0 Purpose

Wasatch Waldorf Charter School recognizes that bullying, cyberbullying, hazing, and retaliation are prohibited by federal and state laws and regulations and such conduct greatly reduces the likelihood students or employees will be successful in school or work. Wasatch Waldorf Charter 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. Wasatch Waldorf Charter School is aware that bullying and related conduct may increase the risk among victims of mental health related issues, including depression and suicide. Therefore, the purpose of this policy is to stop and prevent bullying, cyberbullying, hazing, and retaliation or any other form of intimidation at Wasatch Waldorf Charter school.

2.0 Definitions

The following definitions apply to this policy:

1. "Abusive conduct" means verbal, nonverbal, or physical conduct of a parent or student toward a school employee that, based on its severity, nature, and frequency of occurrence, a reasonable person would determine: is intended to cause intimidation, humiliation, or unwarranted distress.

- a. A single act does not constitute abusive conduct.

2. “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:

- a. causing physical or emotional harm to the school employee or student;
- b. causing damage to the school employee's or student's property;
- c. placing the school employee or student in reasonable fear of:
 - i. harm to the school employee or student's physical or emotional well-being; or
 - ii. damage to the school employee or student's property;
- d. creating a hostile, threatening, humiliating, or abusive educational environment due to:
 - i. the pervasiveness, persistence, or severity of the actions; or
 - ii. a power differential between the bully and the victim; or
- e. substantially interfering with a student having a safe school environment that is necessary to facilitate educational performance, opportunities, or benefits.

3. “Cyberbullying” means using or causing another to use the Internet, a cell phone, or other device to send or post text, video, or images to intentionally, knowingly, or recklessly harm, embarrass, threaten, or intimidate an individual, regardless of whether the individual directed, consented to, or acquiesced in the conduct or voluntarily accessed the electronic communication.

4. “School employee” means:

- a. school teachers;
- b. school staff;
- c. school administrators; and
- d. all others employed or authorized as volunteers, directly or indirectly, by Wasatch Charter School, school board, or are employed as independent contractors who work on Wasatch Charter School's campus.

5. “Hazing” means a student or school employee is intentionally, knowingly, or recklessly committing an act or causing another individual to commit an act toward an individual for the purpose of initiation, admission, affiliation, holding office, or as a condition of membership, acceptance, or continued membership or acceptance on or into any school sponsored team, organization, program, club, or event, regardless of whether the individual against whom the conduct is committed, consented to or acquiesced in the conduct, which also:

- a. endangers the mental or physical health or safety of a school employee or student
- b. 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;
- c. 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
- d. 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

6. “Federally protected class” means any group protected from discrimination under the following federal laws:

1. Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, religion, sex, or national origin.
2. Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex or gender.
3. Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990, which prohibit discrimination on the basis of disability.

7. “Retaliation” means an act or communication intended:

- a. as retribution against a person for reporting bullying, hazing, or cyberbullying;
- b. to improperly influence the investigation of, or the response to, a report of bullying, hazing, or cyberbullying; or

c. as retribution for engaging in some other protected activity

8. “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.

9. “Parent,” for purposes of this policy, means a student’s parent or guardian.

10. “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, this may include meaningful work, service opportunities, assisting teachers and staff, and making amends with other students.

11. “School” means Wasatch Charter School.

12. “School board” means the Wasatch Waldorf Charter School governing board.

13. “School employee” means an individual working in the individual’s official capacity as:

1. a school teacher;
2. a school staff member;
3. an administrator; or
4. all other individuals who are employed, directly or indirectly, by Wasatch Charter School or are employed as independent contractors who work on Wasatch Charter School’s campus.

14. “Trauma-Informed Care” means a strengths-based service delivery approach grounded in an understanding of and responsiveness to the impact of trauma, emphasizing physical, psychological, and emotional safety for both offenders and victims, and creating opportunities for victims to rebuild a sense of control and empowerment.

15. “Volunteer” means a person with direct, unsupervised access to students or working in a coaching capacity.

16. “Disruptive student behavior” means the same as that term is defined in Utah Code Subsection 53G-8-210(1)(a).

17. “Civil rights violation” means bullying (including cyber-bullying), or hazing that is targeted at a student or employee based upon the student’s or employee’s identification as part of any group protected from discrimination under the following federal laws:

- i Title VI of the Civil Rights Act of 1964, including discrimination on the basis of race, color, or national origin;
- ii Title IX of the Education Amendments of 1972, including discrimination on the basis of sex; or
- iii 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.

3.0 Prohibitions

1. A school employee or student shall not engage in bullying or harassing a school employee or student:
 - 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 on school property or a school related or sponsored event.
2. No school employee or student shall not engage in hazing and/or cyberbullying a school employee or student at any time or in any location.
3. No school employee or student may engage in retaliation against a student, an employee, an investigator, or a witness or an alleged incident of bullying, cyberbullying, hazing or retaliation.
4. No school employee or student may make a false allegation of bullying, cyberbullying, hazing, or retaliation against a student or employee.

5. No school employee or student shall engage in abusive conduct toward any employee or student.

4.0 Reporting

1. Any person who witnesses or believes he/she has been subjected to bullying, cyberbullying, hazing, retaliation, or abusive conduct involving a student, employee, or other person affiliated with the school may submit, personally or through a representative, a written or verbal report of the alleged prohibited conduct to school administrators or department supervisors.
2. Administrators shall timely notify parents or guardians of alleged perpetrators and victims whenever students are involved in any incident(s) of bullying, cyberbullying, hazing, or retaliation or provide indication of suicidal ideation.
 - a. Wasatch Charter shall create and maintain a record that verifies that parents or guardians of both the alleged victims and perpetrators have been notified of the incident(s.)
 - b. Wasatch Charter shall disclose the record only as authorized in Utah Code, 53G-9-604 and consistent with federal laws and regulations.
 - c. Wasatch Charter shall expunge the record after a student of his/her class has graduated and after a written request for expungement has been made consistent with Utah Code, 53G-9-604

5.0 Administrative Action

1. An administrator or designee shall promptly investigate all reports of violation of this policy. Administrators shall take appropriate steps to eliminate the offending conduct, address its effects, and prevent its recurrence. Administrators or designees shall work collaboratively with parents, guardians, and patrons to resolve issues at the lowest possible level.

2. With respect to the rights of an accused student or employee, the investigation shall include verbal or written notice of the allegations and an opportunity to respond.
3. Appropriate discipline shall be administered for the offending conduct. Any student who engages in bullying, cyberbullying, hazing, or retaliation may be subject to discipline up to and including parent/guardian conferences, suspension, alternative placement, or expulsion. Any employee who engages in such behavior may be subject to discipline up to and including termination. Wasatch Charter School will determine the appropriate corrective action for each complaint.
4. Prohibitions of this policy shall be enforced for conduct occurring outside of the school, school hours, or school-related activities and events if the conduct materially disrupts the educational environment.
5. Information collected during investigations shall be kept confidential to the extent possible, consistent with Wasatch Charter School's legal obligations and the necessity to thoroughly investigate and take appropriate administrative action. Wasatch Charter School retains the right to disclose the identity of parties and witnesses in appropriate circumstances.
6. Allegations of bullying, cyberbullying, hazing, or retaliation with criminal implications shall promptly be reported to law enforcement.

6.0. Civil Rights Violations

1. When conduct constituting bullying, cyberbullying, hazing, or retaliation is directed at an individual because of the individual's protected class or conformance or non-conformance with a real or perceived stereotype, it may constitute a violation of federal and state civil rights laws.
2. With respect to potential civil rights violations, administrators shall take additional administrative action.
 - a. Administrators shall take appropriate steps to report offending conduct with appropriate identifying information related to protected classes in the school's computer system for student discipline.
 - b. The Administrators shall make reports of any civil rights violations to appropriate state and federal agencies.

3. If concerns cannot be resolved at the school level, complaints of civil rights violations may be filed with the Office for Civil Rights, Region VIII, U.S. Department of Education, Federal Building, 1961 Stout Street, Room 08-148, Denver CO 80294.

7.0 School Responsibilities

The Administrator shall assign and provide authority to departments and/or committees, as needed, to ensure compliance with federal and state law, administrative rules and guidance, and Wasatch Charter policies related to bullying, cyberbullying, hazing, and retaliation.

Wasatch Charter will engage in compliance efforts including those referenced below.

1. Wasatch Charter shall collect a signed statement from employees, students, and parents/guardians indicating receipt of the school's policy regarding bullying, cyberbullying, hazing and retaliation.
2. Wasatch Charter shall provide training, leadership, professional development, and other support in preventing bullying, cyberbullying, hazing and retaliation.
3. Wasatch Charter shall provide bullying, cyberbullying, and hazing prevention training to employees, volunteers, and students in grades 6-8, participating in school-sponsored athletic programs or in school-sponsored extracurricular programs. Such training shall be offered to new participants on an annual basis and all other participants every three years.
4. Wasatch Charter shall conduct student surveys and collect data regarding the prevalence of bullying, cyberbullying, and hazing in schools and identify better prevention strategies, student support and interventions, and supervision in physical locations where it may be needed.
5. Wasatch Charter shall involve parents and other community members in the development of resources and the dissemination of materials and information.

6. Wasatch Charter shall maintain a continuum of intervention strategies that emphasize education, multi-tiered systems of supports, and positive behavior intervention and supports to assist students whose conduct falls short of reasonable expectations.
7. Wasatch Charter shall take appropriate disciplinary action against employees who engage in or fail to prevent or correct bullying, cyberbullying, hazing and retaliation.

8.0 Reporting

1. Each complaint of bullying, cyberbullying, harassment, hazing, and/or retaliation shall include:
 - a. name of complaining party;
 - b. name of offender (if known);
 - c. date and location of incident(s);
 - d. a statement describing the incident(s), including names of witnesses (if known).
2. Each complaint of bullying, cyberbullying, harassment, hazing, and/or retaliation shall be made to either an administrator or a member of the SSEG.
3. Each reported violation of the prohibitions noted previously will be promptly investigated. A report of bullying, cyber-bullying, hazing, and retaliation may be made anonymously, but Wasatch Waldorf Charter School will not take formal disciplinary action based solely on an anonymous report.
4. The school will notify a student's parent or guardian if the student threatens suicide, or if the student is involved in an incident of bullying, cyber-bullying, hazing, or retaliation.
 - a. Wasatch Waldorf Charter School's Director or Designee (including Student Support Director or Three Streams Staff) will notify parents of victim(s) and accused at the commencement and conclusion of an investigation of an incident involving bullying, cyber-bullying, hazing, or retaliation.
 - b. Parents will be notified verbally or in writing.
 - c. Wasatch Waldorf Charter School will produce and maintain a record that verifies that the parent was notified of the incident or threat.

- d. Wasatch Waldorf Charter School will not disclose the record described to anyone unauthorized to receive it and will not use the record for purposes not allowed under the law.
- e. Notification records will be maintained electronically as long as the student is enrolled and will be destroyed thereafter.
- f. Compliance with the Office for Civil Rights when Civil Rights Violations are reported:

- i. 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 federally protected class. In such incidents, the school must take immediate and appropriate action to investigate or otherwise determine what occurred.

- ii. It is the school's responsibility to investigate incidents that involve a federally protected class 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.

- iii. If it is determined that the bullying, cyberbullying, harassment or hazing occurred as a result of the student-victim's membership in a federally protected class, the school shall take prompt and effective steps reasonably calculated to:

- 1. end the bullying, cyberbullying, harassment, or hazing
 - 2. eliminate any hostile environment,
 - 3. assess the prevalence of such attitudes and actions in school culture, physical facilities, and systemic practices to prevent its recurrence.

9.0 Investigations

- 1. Wasatch Waldorf Charter School will promptly and reasonably investigate allegations of bullying, cyber-bullying, harassment, and/or hazing. The administrator shall appoint investigators who will be responsible for handling all complaints by students and employees alleging bullying, cyberbullying, harassment, or hazing as outlined in the procedures below.

2. Whenever the Administrator/Director has reason to believe laws have been broken or child abuse has occurred, he/she shall request appropriate authorities conduct the investigation.
3. It is Wasatch Waldorf Charter 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 school 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 may be confiscated for investigation and may be turned over to law enforcement.

ACTION PLAN

In accordance with State Board of Education Administrative Rule Subsection R277-613-4(1)(c), Wasatch Waldorf Charter School has adopted an action plan, as follows, to:

- investigate allegations of incidents of bullying, cyber-bullying, hazing, and retaliation in accordance with this section; and
 - provide an individual who investigates allegations of incidents of bullying, cyber-bullying, hazing, and retaliation with adequate training on conducting an investigation.
1. Wasatch Waldorf Charter School shall investigate allegations of incidents described above by interviewing at least the alleged victim and the individual who is alleged to have engaged in prohibited conduct.
 2. Wasatch Waldorf Charter 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 interviewee is required to keep all details of the interview confidential; and
 - b. further reports of bullying may become part of the investigation.
4. Confidentiality requirements do not apply to:
 - a. conversations with law enforcement professionals;
 - b. requests for information pursuant to a warrant or subpoena; a state or federal reporting requirement.
5. In conducting an investigation under this section, Wasatch Waldorf Charter 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.
6. Any allegation of abusive conduct on the part of the Executive Director should be reported directly to the Chair of the WCS Governing Board.

10.0 Consequences, Penalties and Discipline

1. In situations involving abusive conduct by a student, disciplinary actions will be taken in accordance with the School's Safe Schools Policy.
2. Verified violations of the prohibitions noted in this policy, including false allegations, shall result in consequences or penalties. Consequences or penalties may include, but are not limited to:
 - a. use of a discipline plan consistent with State Board of Education Administrative Rule R277-609;

- b. use of restorative justice practices consistent with State Board of Education Administrative Rule R277-613;
 - c. notification of the involved students' parents of the restorative justice practice and obtaining consent from the involved student(s)'s parent(s) before including victim in the process;
 - d. support for involved students and families including trauma-informed practices and / or ways to report subsequent problems and incidents;
 - e. use of student suspension or removal from a school-sponsored team or activity including school-sponsored transportation;
 - f. use of student suspension or expulsion from school or lesser disciplinary action;
 - g. use of employee suspension or termination for cause or lesser disciplinary action consistent with Utah Code Section 53G-11-512;
 - h. use of employee reassignment;
 - i. taking other actions against student or employee as appropriate.
3. It is the school's responsibility to investigate incidents that involve a federally protected class 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.
4. If it is determined that the bullying, cyberbullying, harassment or hazing occurred as a result of the student-victim's membership in a federally protected class, the school shall take prompt and effective steps reasonably calculated to:
 - a. end the bullying, cyberbullying, harassment, or hazing
 - b. eliminate any hostile environment,
 - c. assess the prevalence of such attitudes and actions in school culture, physical facilities, and systemic practices to prevent its recurrence.
5. Actions must also include, as appropriate:
 - a. procedures for 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. prompt reporting to law enforcement of all acts of bullying, cyber-bullying, hazing, or retaliation that constitute suspected criminal activity;

- c. procedures for a fair and timely opportunity for the accused to explain the accusations and defend his actions prior to student or employee discipline; and
 - i. procedures for providing student due process rights under local policies, prior to long term (more than 10 day) student discipline.

11.0 Training

School employees, students (grades 6-8), and volunteers at Wasatch Waldorf Charter School shall receive at minimum 2 hours of training regarding bullying, cyber-bullying, harassment, hazing, and retaliation every 3 calendar years.

The 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;
3. bullying, cyber-bullying, harassment and/or 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;

- a. 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;
- b. how to report civil rights violations
- c. awareness and intervention skills such as social skills training.

7. A qualified employee shall supervise volunteers and is responsible for ensuring that volunteers are trained in the above areas. Volunteers shall report to their supervisor if the volunteer witnesses or is notified of a bullying, cyber-bullying, hazing, or retaliation incident among students or if the volunteer has reason to suspect such an incident. Volunteers shall not engage in bullying activities themselves and must follow policy requirements or may be asked to leave Wasatch Waldorf Charter School if in violation of this policy.

8. Training provided on bullying, cyber-bullying, hazing and retaliation shall compliment the required training on suicide prevention.

9. In addition to training outlined above, all students over 8, employees, volunteers, and any in extra-curricular activity shall:

1. receive information annually of the prohibited activities list provided previously in this policy and the potential consequences for violation of this Policy.
2. Provide a signed statement annually, indicating they have received the policy either verbally or on paper.

12.0 Relevant Procedures, Guidelines & Restrictions

See also *Discipline Policy* and *Safe School/Student Search Policy*; *Suicide Prevention Policy*

Actions Required to Create or Update this Bullying Policy

1. In addition to the requirements of Utah Code Subsection 53G-9-605 (3), Wasatch Waldorf Charter School shall:
 - a. develop, update, and implement policies as required by Utah Code Section 53G-9-605 and Utah Admin. Code R.277-613-4;
 - b. post a copy of this policy on the School website;
2. 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]), Wasatch Waldorf Charter School may take disciplinary action against the student who initiated the speech. Factors that Wasatch Waldorf Charter School may consider in determining whether a substantial disruption has occurred are:
 - a. whether there is a verbal or physical confrontation over the incident at school;
 - b. 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;
 - c. whether any part of the speech that gave rise to the incident was repeated at school;
 - d. whether students are discussing the incident during class or if it otherwise is disrupting school work;
 - e. 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;
 - f. 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;

- g. 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;
- h. whether there is a negative effect on classroom activities as a result of the off-campus incident; or,
- i. 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 it 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 Wasatch Waldorf Charter School.

3. School officials have the authority to discipline students for off-campus speech and behavior that causes or threatens a substantial disruption on campus or during school activities, including violent altercations, or a significant interference with a student’s educational performance and involvement in school activities.

- a. If after an investigation, a student is found to be in violation of this policy, the student shall be disciplined by appropriate measures up to, and including, suspension and expulsion, pursuant to Utah Code Section 53G-8-205 and, loss of participation in extracurricular activities, and/or probation.
- b. If after an investigation, a school employee is found to have violated this policy, the employee shall be disciplined by appropriate measures up to, and including, termination.

13.0 References

Utah Code. 53G-8-201 et seq., School Discipline and Conduct Plans

Utah Code. 53G-9-601 et seq., Bullying, Hazing, and Cyber-Bullying Prohibited

Utah Admin Code, R277-613, LEA Bullying, Cyber-Bullying, Hazing, and Harassment Policies and Training.