



Document Number: A-33
 Document Name: Bullying and Harassment Policy
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1.0 Purpose

Wasatch Charter School (WCS) 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. WCS has in place policies, procedures, and practices designed to reduce and eliminate bullying, cyberbullying, harassment and hazing—including, but not limited to, civil rights violations—as well as, processes and procedures to deal with such incidents. These policies are intended to comply with Utah Admin. Code R. 277-613-4 and Utah Code Section 53A-11a-301. It is the school’s intent to implement this policy in harmony with the school’s 3 Streams approach to discipline.

2.0 Definition

3.0 Policy Content

The following definitions apply to this policy:

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

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1.
 - a) endangers the physical health or safety of a school employee or student;
 - b) 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;
 - c) involves other physical activity that endangers the physical health and safety of a school employee or student; or
 - d) 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. conduct that endangers the physical health or safety of a school employee or student may constitute bullying regardless of whether the person against whom the conduct is committed, directed, consented to, or acquiesced in, the conduct.
- B. "Civil Rights Violations" means
1. bullying (including cyber bullying), harassing, or hazing that is targeted at a federally protected class.
- C. "Cyber bullying" means using the Internet, a cell phone, or another device to:
1. 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.
- D. "Federally protected class" means any group protected from discrimination under federal law.

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1. Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin.
 2. Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of sex.
 3. 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.
 4. Other areas included under these acts include religion, gender, and sexual orientation.
- E. “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
- F. “Hazing” means intentionally or knowingly committing an act that:
1.
 - a) endangers the physical health or safety of a school employee or student;
 - b) 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;
 - c) involves consumption of any food, liquor, drug, or other substance;
 - 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.
 - a) is done for the purpose of initiation or admission into, affiliation with, holding office in, or as a condition for, membership or acceptance, or

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- continued membership or acceptance, in any school or school sponsored team, organization, program, or event; or
- b) if the person committing the act against a school employee or student knew 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.
3. Conduct that endangers the physical health or safety of a school employee or student may constitute hazing, regardless of whether the person against whom the conduct is committed directed, consented to, or acquiesced in, the conduct.
- G. “Retaliation” means an act or communication intended:
1. as retribution against a person for reporting bullying, hazing or cyber bullying; or
 2. to improperly influence the investigation of, or the response to, a report of bullying or hazing.

Utah Code § 53a-11a-102; Utah Admin. Code R277-613-1

1.0 Policy Content

I. PROHIBITIONS

- A. No school employee or student may engage in bullying or harassing a school employee or student:
1. on school property;
 2. at a school related or sponsored event;
 3. while the school employee or student is traveling to or from a location or event described above in Subsection A(1) – (2)

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- B. No school employee or student may engage in hazing or cyberbullying 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, harassing, cyberbullying, hazing, or retaliation
- D. No school employee or student may make a false allegation of bullying, harassment, cyberbullying, hazing, or retaliation against a school employee or student.
- E. Any bullying, harassing, or hazing that is found to be targeted at a federally protected class is further prohibited under federal anti-discrimination laws and is subject to compliance regulations from the Office for Civil Rights.

II. INVESTIGATIONS

WCS will promptly and reasonably investigate allegations of bullying, cyberbullying, harassment, hazing, and/or retaliation. The Executive Director (“Director”) 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.

Whenever the Director has reason to believe laws have been broken or child abuse has occurred, he/she shall request appropriate authorities conduct the investigation.

III. ACTIONS REQUIRED IF PROHIBITED ACTS ARE REPORTED

- A. Each complaint of bullying, cyberbullying, harassment, hazing, and/or retaliation shall include:

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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. Complaints may be made anonymously, but formal disciplinary action is prohibited based solely on an anonymous complaint.
- C. Verified violations of the prohibitions against bullying, cyberbullying, hazing, harassment, or retaliation 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 other action against student or employee as appropriate.
- D. Compliance with the Office for Civil Rights when Civil Rights Violations are reported:
1. Once WCS knows or reasonably should know of possible student-on-student bullying, cyber-bullying, harassment or hazing, the school must take immediate and appropriate action to investigate or otherwise determine the violation.
 2. If it is determined that the bullying, cyber-bullying, harassment or hazing did occur as a result of the student-victim's membership in a protected class, the school shall take prompt and effective steps reasonably calculated to:
 - a. end the bullying, cyber-bullying, harassment, or hazing
 - b. eliminate any hostile environment, and
 - c. prevent its recurrence.

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3. These duties are WCS’s responsibilities even if the misconduct also is 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, cyberbullying, harassment or hazing as a form of discrimination.

E. Required Parental Notification:

1. The school will timely notify a parent if the parent’s student threatens to commit suicide, or if the student is involved in an incident of bullying, cyberbullying, harassment, hazing, or retaliation.
2. The Director shall provide the required parental notification to the student’s parent in writing via email and / or via telephone call or in-person meeting.
3. A record of this notification, verifying the parent was notified of the incident or threat, will be maintained in the student’s educational file, subject to the privacy protections under the Family Educational Rights and Privacy Act (FERPA) and the Family and Student Records Privacy Policy. This record will be retained for only so long as the student is enrolled at the school. Prior to destruction, the school will provide notification to the parent(s) that the record is scheduled for routine destruction and provide the parent(s) with a reasonable opportunity to inspect and/or copy the record. All such records will be destroyed in a confidential manner ensuring personally identifying information is shredded.
4. WCS will provide a copy of any records maintained under this section to a student who requests such records, if the records relate to him or her.
5. WCS will expunge any records maintained under this section upon request by a student who is the subject of a record if the student graduates from high school or requests that the record be expunged.

F. Actions must also include, as appropriate:

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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 for Civil Rights (OCR) of all acts of bullying, hazing, retaliation 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 10 day) student discipline or employee discipline.

III. STUDENT ASSESSMENT

A student assessment of the prevalence of bullying, cyber-bullying, hazing and harassment at WCS and specific locations where students feel unsafe and additional adult supervision may be required, such as playgrounds and hallways, will be conducted on an annual basis.

IV. TRAINING

- A. School employees, students, and volunteers shall receive training regarding bullying, cyberbullying, harassment, hazing, and retaliation.
- B. The training should be specific to:
 - (a) overt aggression 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;

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(b) relational aggression or indirect, covert, or social aggression, including rumor spreading, intimidation, enlisting a friend to assault a child, and social isolation;

(c) sexual aggression or acts of a sexual nature or with sexual overtones;

(d) 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; and

(e) Civil rights violations, appropriate reporting and investigative procedures.

This includes bullying, cyber-bullying, hazing and harassment based upon the students' actual or perceived identities and conformance or failure to conform with stereotypes.

C. In addition to training for all students and school employees, volunteers and 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.

4.0 Relevant Procedures, Guidelines & Restrictions

See also Student Conduct and Discipline Policy and Safe School Policy

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6.0 Exhibits / Appendices / Forms

7.0 Supporting Information

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