



Document Name:	Bullying and Harassment Policy
First Approved Date:	February 7, 2017
Latest Approved Date:	August 27, 2018
Version Number:	2

1.0 Purpose

Bullying, cyber-bullying, and hazing of students or employees are prohibited, are against federal, state and local policy, and are not tolerated by Wasatch Waldorf Charter School. 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. To that end, Wasatch Waldorf Charter School has in place policies, procedures, and practices designed to reduce and eliminate bullying, cyber-bullying, harassment, abusive conduct, and hazing — including, but not limited to, civil rights violations or actions based on a student’s or employee’s actual or perceived race, color, national origin, sex, disability, religion, religious clothing, gender identity, sexual orientation, or other physical or mental attributes — as well as, processes and procedures to deal with such incidents.

Bullying, cyber-bullying, or hazing of students and/or employees by students and/or employees will not be tolerated in Wasatch Waldorf Charter School.

These processes and procedures are intended to comply with Utah Admin. Code R. 277-613-4 and Utah Code Section 53G-9-605. It is the school’s intent to implement this policy in harmony with the school’s 3 Streams approach to discipline.

2.0 Definitions

The following definitions apply to this policy:



"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.

1. A single act does not constitute abusive conduct.

"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:

1. causing physical or emotional harm to the school employee or student;
2. causing damage to the school employee's or student's property;
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. 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 victim; or
5. substantially interfering with a student having a safe school environment that is necessary to facilitate educational performance, opportunities, or benefits.

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. "Bullying" includes relational aggression or indirect, covert, or social aggression, including rumor spreading, intimidation, enlisting a friend to assault a child, and social isolation.

"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:

1. Title VI of the Civil Rights Act of 1964, including discrimination on the basis of race, color, or national origin;
2. Title IX of the Education Amendments of 1972, including discrimination on the basis of sex; or
3. 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.

“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 accessed the electronic communication.

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

1. Disruptive student behavior includes:
 - a. the grounds for suspension or expulsion described in Utah Code Section 53G-8-205; and
 - b. the following conduct described in Utah Code Subsection 53G-8-209(2)(b):
 - use of foul, abusive, or profane language while engaged in school related activities;
 - illicit use, possession, or distribution of controlled substances or drug paraphernalia, and the use, possession, or distribution of an electronic cigarette as defined in Utah Code Section 76-10-101, tobacco, or alcoholic beverages contrary to law; and
 - hazing, demeaning, or assaultive behavior, whether consensual or not, including behavior involving physical violence, restraint, improper touching, or inappropriate exposure of body parts not normally exposed in public settings, forced ingestion of any substance, or any act which would constitute a crime against a person or public order under Utah law.

“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.

“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.

“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 satisfies the following two elements:

1. The act does one or more of the following:
 - 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
2. The act is either:
 - a. committed for the purpose of initiation into, admission into, affiliation with, holding office in, or as a condition for in a school or school sponsored team, organization, program, club, or event; or
 - b. 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.

Conduct may be considered hazing regardless of whether the person against whom the conduct is committed directed, consented to, or acquiesced in, the conduct.



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

“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.

“Retaliation” means an act or communication intended:

1. as retribution against a person for reporting bullying, hazing, cyber bullying and/or hazing; or
2. to improperly influence the investigation of, or the response to, a report of bullying or hazing.
Utah Code § 53G-9-601; Utah Admin. Code R277-613-1

“School” means Wasatch Charter School.

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

“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.

“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.

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



3.0 Policy Content

Prohibitions

Bullying, hazing, and cyber-bullying

A school employee or student shall not 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 on school property or a school related or sponsored event.

A school employee or student shall not engage in hazing and/or cyberbullying a school employee or student at any time or in any location.

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. 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. 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.

Any bullying, cyber-bullying, and/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. Retaliation and False Allegations

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

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

Investigations

Wasatch Waldorf Charter School will promptly and reasonably investigate allegations of bullying, cyber-bullying, harassment, and/or hazing. 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.

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.

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

1. investigate allegations of incidents of bullying, cyber-bullying, hazing, and retaliation in accordance with this section; and
2. provide an individual who investigates allegations of incidents of bullying, cyber-bullying, hazing, and retaliation with adequate training on conducting an investigation.

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.

1. 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.
2. 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.

Confidentiality requirements do not apply to:

1. conversations with law enforcement professionals;
2. requests for information pursuant to a warrant or subpoena;

a state or federal reporting requirement. In conducting an investigation under this section, Wasatch Waldorf Charter School may:

1. review disciplinary reports of involved students; and
2. review physical evidence, consistent with search and seizure law in schools, which may include:
 - a. video or audio;
 - b. notes;
 - c. email;
 - d. text messages;
 - e. social media; or
 - f. graffiti.

Actions Required if Prohibited Acts are Reported

Each complaint of bullying, cyberbullying, harassment, hazing, and/or retaliation 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).

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.

Verified violations of the prohibitions noted in this policy shall result in consequences or penalties. Consequences or penalties may include, but are not limited to:

1. use of a discipline plan consistent with State Board of Education Administrative Rule R277-609;
2. use of restorative justice practices consistent with State Board of Education Administrative Rule R277-613;
3. 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;
4. support for involved students through trauma-informed practices;
5. use of student suspension or removal from a school-sponsored team or activity including school-sponsored transportation;
6. use of student suspension or expulsion from school or lesser disciplinary action;
7. use of employee suspension or termination for cause or lesser disciplinary action consistent with Utah Code Section 53G-11-512;
8. use of employee reassignment;
9. taking other actions against student or employee as appropriate.
- 1.

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.

1. Wasatch Waldorf Charter School will produce and maintain a record that verifies that the parent was notified of the incident or threat.
2. 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.

Compliance with the Office for Civil Rights when Civil Rights Violations are reported:

1. 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.
2. 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.
3. 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 such attitudes and actions in school culture, physical facilities, and systemic practices to prevent its recurrence.

Actions must also include, as appropriate:

1. procedures for protecting the victim and other involved individuals from being subjected to:
 - a. further bullying, cyber-bullying, or hazing, and
 - b. retaliation for reporting the bullying, cyber-bullying or hazing;
2. prompt reporting to law enforcement of all acts of bullying, cyber-bullying, hazing, or retaliation that constitute suspected criminal activity;
3. 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

procedures for providing student due process rights under local policies prior to long term (more than 10 day) student discipline.

Student Assessment

A student assessment of the prevalence of bullying, cyberbullying, hazing and harassment at Wasatch Waldorf Charter School 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.

Training

School employees, students, and volunteers at Wasatch Waldorf Charter School shall receive annual training regarding bullying, cyber-bullying, harassment, hazing, and retaliation.

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;
7. 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;
8. awareness and intervention skills such as social skills training.



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.

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

In addition to training for all students and school employees, students, employees, and volunteers involved in any extra-curricular activity shall:

1. participate in initial bullying and hazing prevention training prior to participation in the extra-curricular activity;
2. participate in initial bullying, cyber-bullying and hazing prevention training to be completed by every employee by January 30, 2019 and repeated at least every three years thereafter;
3. receive information annually of the prohibited activities list provided previously in this policy and the potential consequences for violation of this Policy.

Abusive Conduct

Prohibitions

Parents, students, or school employees are prohibited from engaging in abusive conduct toward a school employee.

Retaliation

Wasatch Charter School will not retaliate against school employees who make a good faith report of abusive conduct. School employees are prohibited from making false reports and allegations of abusive conduct.

Reports of Abusive Conduct and Grievance Process



School employees who believe they have been the subject of abusive conduct or who have witnessed abusive conduct, may report the incident to the Executive Director or a direct supervisor.

The Executive Director or their designee will investigate all reports of abusive conduct toward a school employee.

The results of the investigation will be reported to the complainant and further action, if the allegations have been confirmed and as deemed appropriate, will be taken. Actions may include, but are not limited to, regulating communication between parents and school employees, limiting parents' access to areas of the school, reporting the incident to law enforcement authorities, and any other measures as deemed appropriate by the Executive Director or the Board of Directors.

In situations involving abusive conduct by a student, disciplinary actions will be taken in accordance with the School's Safe Schools Policy.

Any allegation of abusive conduct on the part of the Executive Director should be reported directly to the Chair of the WCS Governing Board.

4.0 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

In addition to the requirements of Utah Code Subsection 53G-9-605 (3), Wasatch Waldorf Charter School shall:

1. develop, update, and implement policies as required by Utah Code Section 53G-9-605 and Utah Admin. Code R.277-613-4;
2. post a copy of this policy on the School website;

3. develop an action plan to address a reported incident of bullying, cyber-bullying, hazing, or retaliation, or abusive conduct;
4. provide a requirement for a signed statement that meets the requirements of Utah Code Subsection 53G-9-605 (3)(h) annually; and
5. assess students about the prevalence of bullying, cyber-bullying, hazing, and retaliation in Wasatch Waldorf Charter School:
 - a. specifically, survey locations where students are unsafe and additional adult supervision may be required, such as playgrounds, hallways, bathrooms, on a bi-annual basis.

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:

1. whether there is a verbal or physical confrontation over the incident at school;
2. 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;
3. whether any part of the speech that gave rise to the incident was repeated at school;
4. whether students are discussing the incident during class or if it otherwise is disrupting school work;
5. 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;
6. 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;
7. 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;
8. whether there is a negative effect on classroom activities as a result of the off-campus incident; or
9. 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 mean 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.).

5.0 Appendices