

SCHOLAR ACADEMY

ACHIEVING EXCELLENCE TOGETHER

Scholar Academy

Policy: Bullying & Hazing Policy

Adopted: December 5, 2013

POLICY

The purpose of this policy is to prohibit bullying, hazing, harassment and intimidation of students and School personnel. The Board of Directors (the "Board") of Scholar Academy (the "School") has determined that a safe, civil environment in School is necessary for students to learn and achieve high academic standards and that conduct constituting bullying, cyber-bullying, hazing, harassment and intimidation disrupts both a student's ability to learn and the School's ability to educate its students in a safe environment. Bullying, cyber-bullying, harassment, and hazing of students and employees are against federal, state and local policy, and are not tolerated by the School. The School is committed to providing all students with a safe and civil environment in which all members of the School community are treated with dignity and respect. To that end, the School has in place policies, procedures, and practices that are designed to reduce and eliminate bullying, cyber-bullying, harassment and hazing—including but not limited to civil rights violations—as well as processes and procedures to deal with such incidents. Bullying, cyber-bullying, harassment, and hazing of students and/or employees by students and/or employees will not be tolerated in the School.

In order to promote a safe, civil learning environment, the School prohibits all forms of bullying or harassment of students and School personnel (a) on School property, (b) at a School-related or sponsored event, or (c) while the student or School personnel is traveling to or from School property or a School-related or sponsored event. The School prohibits all forms of hazing or cyber-bullying of or retaliation against students and School personnel at any time and any location.

Students and School personnel are prohibited from retaliating against any student, School personnel or an investigator for, or witness of, an alleged incident of bullying, harassment, cyber-bullying, hazing, or retaliation.

Students and School personnel are prohibited from making false allegations of bullying, cyber-bullying, hazing, harassment, or retaliation against a student or School personnel.

In addition, School personnel, coaches, sponsors and volunteers shall not permit, condone or tolerate any form of hazing or bullying and shall not plan, direct, encourage, assist, engage or participate in any activity that involves hazing or bullying.

Any bullying, harassment, cyber-bullying, hazing, or retaliation that is found to be targeted at a federally protected class is further prohibited under federal anti-discrimination laws and is subject to OCR compliance regulations.

Definitions

Bullying -- For purposes of this policy, "bullying" means intentionally or knowingly committing an act that:

- (1) (a) endangers the physical health or safety of a School employee or student;

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(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) 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 in R277-613-1B constitutes bullying, regardless of whether the person against whom the conduct is committed directed, consented to, or acquiesced in, the conduct.

Civil Rights Violations – For purposes of this policy, "civil rights violations" means bullying, including cyber-bullying, harassment, or hazing that is targeted at a federally protected class.

Cyber-bullying -- For purposes of this policy, "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.

Federally protected class – For purposes of this policy, "federally protected class" means any group protected from discrimination under federal law.

(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.

Harassment -- For purposes of this policy, "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.

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Hazing -- For purposes of this policy, "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
 - (f)
 - (i) 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; or
 - (ii) if the person committing the act against a School employee or student knew that 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.

(2) 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.

Retaliate or Retaliation -- For purposes of this policy, "retaliate or retaliation" means an act or communication intended:

- (1) as retribution against a person for reporting bullying or hazing; or
- (2) to improperly influence the investigation of, or the response to, a report of bullying or hazing.

Reporting and Investigation

Students who have been subjected to or witnessed hazing, bullying, cyber-bullying, harassment, or retaliation must promptly report such incidents to any School personnel orally or in writing. School personnel must report to the School's Principal incidents of hazing and bullying, including both oral and written reports as well as conduct that they witness themselves. Each report of prohibited conduct shall include: name of complaining party; name of offender (if known); date and location of incident(s); and a statement describing the incident(s), including names of witnesses (if known). In connection with a report of prohibited conduct, students and School personnel may request that their identity be kept anonymous, and reasonable steps shall be taken by the Principal and others involved in the reporting and investigation to maintain the anonymity of such individuals, if possible. School personnel will take strong responsive

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action to prevent retaliation, including assisting a harassed student and his or her parents in reporting subsequent problems and new incidents.

The Principal or designee shall promptly make a reasonably thorough investigation of all complaints of prohibited conduct, including, to the extent possible, anonymous reports, and shall administer appropriate discipline to all individuals who violate this policy. Formal disciplinary action is prohibited based solely on an anonymous report.

The Principal may report to law enforcement all acts of bullying, hazing or retaliation that constitute suspected criminal activity.

The Principal may report to OCR all acts of bullying, hazing, harassment, cyber-bullying, or retaliation that may be violations of student(s)' or employee(s)' civil rights.

It is the School's policy, in compliance with state and federal law, that students have a limited expectation of privacy on the School's computer equipment and network 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 this policy will be confiscated for investigation and may be turned over to law enforcement.

Parental Notification

The Principal or designee will notify a student's parent or guardian (a) if the student threatens to commit suicide or (b) of any incidence of bullying, cyber-bullying, harassment, hazing or retaliation involving the student. The Principal or designee will attempt to contact the parent or guardian by telephone or schedule an in-person meeting with them to discuss these matters. In the event the Principal or designee is not able to meet in person or discuss via telephone, the Principal or designee will send a letter to the parent or guardian providing the required notification.

The Principal or designee will produce and maintain a record that verifies that the parent or guardian was notified. If an in-person meeting takes place, the Principal or designee will ask the parent or guardian to sign a form acknowledging that the notification was provided. If a telephone conversation takes place, the Principal or designee will document the date and time of the telephone call, who was spoken to, and brief notes regarding the notification that was provided and the content of the conversation. If a letter is sent, the Principal or designee will retain a copy of the letter along with a note regarding when it was mailed.

Consequences of Prohibited Behavior

School officials have the authority to discipline students for off-campus speech that causes or threatens a substantial disruption on campus, including School activities, 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 by participating in or encouraging conduct prohibited by this policy, the student shall be disciplined by appropriate measures up to, and including, suspension and expulsion, pursuant to Utah Code Ann. 53A-11-

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904, removal from participation in School activities, and/or discipline in accordance with regulations of the U.S. Department of Education Office for Civil Rights (OCR).

If, after an investigation, a School employee is found to be in violation of this policy, the employee shall be disciplined by appropriate measures, which may include termination, reassignment or other appropriate action.

Additional Provisions

The Principal will ensure compliance with OCR regulations when civil rights violations are reported, as follows:

(1) Once the School 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.

(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.

(3) These duties are the School's responsibilities even if the misconduct is also 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, cyber-bullying, harassment or hazing as a form of discrimination.

The Principal will take reasonable steps to ensure that any victim of prohibited conduct will be protected from further hazing, bullying, harassment, cyber-bullying, and retaliation and that any student or School personnel who reports such incidents will be protected from retaliation.

If the Principal believes that any victim or perpetrator of conduct prohibited by this policy would benefit from counseling, the Principal may refer such individuals for counseling.

To the extent allowable under applicable privacy laws, the Principal may inform the parents or guardians of a student who is a victim of conduct prohibited by this policy of the actions taken against the perpetrator of such conduct.

If the Principal believes that it would be in the best interests of the individuals involved, the Principal may involve the parents or guardians of a perpetrator or victim of hazing, bullying or retaliation in the process of responding to and resolving conduct prohibited by this policy.

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Training

The Principal will inform students, parents, School personnel and volunteers that hazing, bullying, harassment, cyber-bullying, and retaliation are prohibited and will distribute a copy of this policy to such individuals.

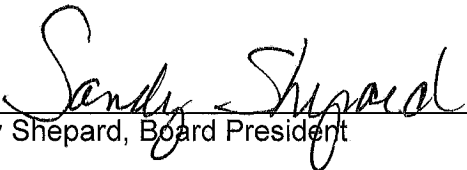
The Principal will ensure that School employees receive training regarding bullying, cyber-bullying, harassment, hazing, and retaliation, including training on civil rights violations and compliance when civil rights violations are reported.

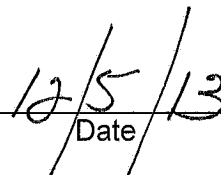
To the extent possible, programs or initiatives designed to provide training and education regarding the prevention of bullying, hazing, and retaliation should be implemented.

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.

Signature:


Sandy Shepard, Board President


Date