



Policy Number: 3050

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Policy Against Abusive Conduct, Bullying (Civility), Cyber-Bullying, Hazing, and Retaliation

PURPOSE AND PHILOSOPHY

American Leadership Academy is committed to provide all students and employees with a safe and secure learning and working environment. Abusive conduct, bullying, cyber-bullying, hazing and retaliation reduce a student's ability to achieve academically and reduces an employee's ability to perform their job responsibilities. The Board encourages educators, employees, students, and parents to develop procedures to stop and prevent bullying, cyber-bullying, hazing, and retaliation and for reporting incidents of bullying, cyber-bullying, hazing and retaliation.

DEFINITIONS

"Abusive conduct" means verbal, nonverbal, or physical conduct of a parent or student directed toward a school employee that, based on its severity, nature, and frequency of occurrence, a reasonable person would determine:

1. Is intended to cause intimidation, humiliation, or unwarranted distress.
2. Results in substantial physical or psychological harm as a result of intimidation, humiliation, or unwarranted distress; or
3. Exploits an employee's or students known physical or psychological disability.
4. A single act does not constitute abusive conduct, unless it is an especially severe and egregious act that meets the standard under Subsection (A) (1) (2) or (3).

"Bullying" means intentionally or knowingly committing an act that endangers the physical health or safety of a student or employee for the purpose of creating fear of physical harm to the student or employee or harm to the property of the student or employee. Typically, bullying is behavior that is intended to cause personal harm or distress, exists in a situation or relationship in which there is an imbalance of power or strength, and may be repeated over time.

"Physical Bullying" involves brutality of a physical nature that endangers the physical health and safety of a student or employee that includes, but is not limited to, pushing, grabbing, pinching, whipping, beating, branding, calisthenics, bruising, electric shocking, shoving, poking, tripping, kicking, hitting, placing a harmful substance on the body, exposure to the elements, or destroying property. Bullying may involve: consumption of any food, liquor, drug or other substance; other physical activity that endangers the physical health and safety of a student or employee; any forced or coerced act or activity

of a sexual nature or with sexual connotations; or the physical obstruction of a student's or employees freedom to move.

"Psychological Bullying" includes, but is not limited to, socially isolating an individual, demeaning or sarcastic comments, gestures, and threatening comments and behavior.

"Verbal/Written Bullying" includes, but is not limited to, name calling, mean teasing, spreading false rumors, intimidation, sexual comments, harassing, and threatening comments and behavior that is communicated verbally or in writing.

"Cyber-Bullying" means using the Internet, a cell phone, or other 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, intimidate, harass, express aggression towards, or threaten an individual, regardless whether the individual directed, consented to, or acquiesced in the conduct, or voluntarily accessed the electronic communication. Examples include, but are not limited to, sending mean, vulgar, or threatening messages or images; posting sensitive or private information about the victim; pretending to be someone else to hurt that person, rude comments; lies; stalking; threats; extortion; harassment; and transmission of inappropriate, unflattering, or embarrassing pictures or photographs. In addition, any communication of this form that is generated off-campus but causes or threatens to cause a material and substantial disruption at school or interference with the rights of students to be secure may also be considered cyber-bullying.

"Hazing" means intentionally or knowingly committing an act that: endangers the physical health and safety of a student or employee; involves brutality of a physical nature such as pushing, grabbing, pinching, whipping, beating, branding, calisthenics, bruising, electric shocking, shoving, poking, tripping, kicking, hitting, biting, placing a harmful substance on the body, exposure to the elements, or destroying property; involves consumption of any food, liquor, drug, or other substance; involves other physical activity that endangers the physical health and safety of a student or employee; involves any forced or coerced act or activity of a sexual or with sexual connotations; or involves the physical obstruction of a student's or employee's freedom to move; AND:

1. Is done for the purpose of initiation or admission into, affiliation with, holding office in, or a condition for, membership or acceptance, or continued membership or acceptance, in any school-sponsored team, organization, program, or event; OR
2. If the person committing the act knew that the student or employee is a member of, or candidate for, membership with a school-sponsored team, organization, program, or event which the person committing the act belongs to or participates in.
3. The conduct described herein constitutes hazing, regardless of whether the person against whom the conduct is committed directed, consented to, or acquiesced in the conduct.

"Harassment" means repeatedly communicating to another individual, in an objectively demeaning or disparaging manner, comments of a racial nature, statements that contribute to a hostile learning or work environment for the individual.

"Retaliation" means an act or communication intended as retribution against a person for reporting bullying or hazing; or to improperly influence the investigation of or the response to a report of bullying or hazing.

PROHIBITION

American Leadership Academy prohibits abusive conduct, bullying and harassment of students or employees by other students or employees at school/work, while on school property, at school/work-related activities and events, on a school bus or while the student or employee is traveling to or from any of the above. The school encourages all victims of bullying and all persons with knowledge of bullying to report the incident immediately.

American Leadership Academy prohibits the hazing or cyber-bullying of students or employees by other students or employees at any time or in any location. The school encourages all victims of hazing or cyber-bullying, and all persons with knowledge of hazing or cyber-bullying, to report the incident immediately.

American Leadership Academy prohibits abusive conduct directed towards a school employee by a parent or student.

No student or employee may engage in retaliation against a student, employee, investigator, or witness of an alleged incident of abusive conduct, bullying, cyber-bullying, harassment, hazing, or retaliation.

Students who engage in retaliation are in violation of this policy and are subject to disciplinary action up to and including expulsion, consistent with school policy. Anonymous reports of abusive conduct, bullying, harassment, cyberbullying, or retaliation alone cannot constitute the basis for formal disciplinary action.

School employees who engage in retaliation are in violation of this policy and verified violations shall result in disciplinary action up to and including termination.

No student or employee may make a false allegation of abusive conduct, bullying, cyber-bullying, harassment, hazing, or retaliation against a student or employee.

Students who engage in making false allegations are in violation of this policy and are subject to disciplinary action up to and including expulsion, consistent with school policy.

School employees who engage in making false allegations are in violation of this policy and verified violations shall result in disciplinary action up to and including termination.

REPORTING

A student victim of bullying, hazing, or retaliation should inform his/her teacher or any of his/her school's administrators. An employee victim of abusive conduct, bullying, hazing, or retaliation should inform his/her administrator. A parent, teacher, or any other individual who is aware of bullying, hazing, or retaliation at school should inform school administration. A parent, teacher, or any other individual

who is aware of abusive conduct, bullying, cyber-bullying, harassment, hazing, or retaliation at school should inform school administration. A school teacher or administrator to whom a complaint is made or who otherwise becomes aware of an incident of bullying, cyber-bullying, harassment, hazing, or retaliation shall, as soon as is reasonably possible, report it to the principal or his/her designee.

INVESTIGATION

The administrator or designee, to whom a complaint of abusive conduct, bullying, cyber-bullying, harassment, hazing, or retaliation is reported shall promptly investigate the complaint. All acts of abusive conduct, bullying, cyber-bullying, harassment, hazing, or retaliation that constitute criminal activity will be promptly reported to law enforcement. Any abusive conduct, bullying, cyber-bullying, harassment, hazing, or retaliation that is found to be targeted at an individual because of his/her race, color, religion, sex, national origin, disability, sexual orientation including gender expression or identity and/or any other classification protected by law is further prohibited under federal anti-discrimination laws and is subject to compliance procedures from the U.S. Department of education, Office of Civil Rights. To the extent permitted by federal and state law, school policies, and confidentiality and privacy rights, and to assure the integrity of the investigation and corrective action, the parents or legal guardians of a student perpetrator or target may be involved in the process of responding to and resolving conduct prohibited by this policy.

DISCIPLINE

Any student who engages in abusive conduct, bullying, cyber-bullying, hazing, or retaliation, as described herein, is in violation of this policy and shall be subject to disciplinary action. Consequences should be firm and fair and correspond to the severity of the infraction. A continuum of consequences should be utilized along with implementing positive behavioral interventions and support strategies. Disciplinary action may include, but is not limited to, suspension; expulsion; exclusion from, or loss of participation in, extracurricular activities; dissolution of a team, organization, or other group; probation; and/or referral to law enforcement authorities for criminal acts. In imposing such discipline, all facts and circumstances of the incident(s) shall be taken into account. Formal disciplinary action may not be based solely on an anonymous report of bullying, cyber-bullying, harassment, hazing, or retaliation. Disciplinary due process procedures shall be followed. To the extent permitted by federal and state law, school policies, and confidentiality and privacy rights; the parents or legal guardians of a student who is a target of bullying, cyber-bullying, harassment, hazing, or retaliation may be generally informed that disciplinary action has been taken against the perpetrator(s), but specific details concerning a student's disciplinary action are protected from disclosure as per the Federal Educational Rights and privacy Act (FERPA).

Any employee who engages in abusive conduct, bullying, cyber-bullying, harassment, hazing, or retaliation, as described herein, is in violation of this policy and shall be subject to disciplinary action, up to and including employment termination. Consequences should be firm and fair and correspond to the severity of the infraction.

EDUCATION AND TRAINING

American Leadership Academy recognizes the importance of educating its employees and students regarding the prevention of abusive conduct, bullying, cyber-bullying, harassment, hazing, and retaliation. To these ends, the school will provide ongoing training and education in this area.

1. Acts of overt aggression, such as physical fighting (i.e., punching, shoving, and kicking) and verbal threatening behavior (i.e., name calling);
2. Relational aggression or indirect, covert, or social aggression (i.e., rumor spreading, intimidation, enlisting a friend to assault another person, and social isolation);
3. Bullying or hazing of a sexual nature or with sexual overtones; and
4. Cyber-bullying (i.e., use of e-mail, websites, text messaging, instant messaging, three-way calling or messaging, and other electronic means for aggression inside or outside of school).
5. Civil rights violations and appropriate reporting and investigative procedures. "Civil rights violations" means bullying, cyberbullying, hazing, or harassment targeted at a federally protected class and includes such conduct based upon students' actual or perceived identities and conformance or failure to conform to stereotypes.
6. Prior to any employee, student, or volunteer coach participating in a school-sponsored athletic program (curricular or extracurricular) or an extracurricular student club or activity, a student, coach, or advisor shall participate in bullying and hazing prevention training. Such training may be in collaboration with the Utah High Schools Activities Association (USHAA). Student athletes and extracurricular student club members shall be informed of prohibited activities under Utah law and this policy and notified of potential consequences for violations. The school shall provide annual training to all new students and employees who are involved with such athletic programs and extracurricular student clubs, and shall provide refresher training for all such involved students and employees at least once every three (3) years.

A copy of this policy shall be included in student conduct handbooks, employee handbooks, and shall be available on the American Leadership Academy website. 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, harassment, hazing, or cyberbullying.

EVALUATION OF STUDENT SUPPORT NEEDS

When it is determined that a student has been bullied, cyberbullied, hazed, or harassed, consideration should be given to what support, counseling, or other assistance the student may need to prevent such mistreatment from adversely affecting the student's ability to learn and function in the school setting.

ASSESSMENT

The school shall regularly (and at least once per year) conduct assessment through student input (surveys, reports, or other methods) of the prevalence of bullying, cyberbullying, hazing, and

harassment in the school, and specifically in locations where students may be unsafe and adult supervision may be required such as playgrounds, hallways, and lunch areas.

PARENTAL NOTIFICATION

Pursuant to Utah Code Ann., Section 53A-11a-203, each school administrator who finds that an incident of abusive conduct, bullying, cyber-bullying, harassment, hazing, or retaliation has occurred shall notify the parent/guardian of each student involved within 2 business days of completing investigation by phone, email or written letter. Likewise, each school administrator shall notify the parent/guardian of any student who threatens to commit suicide. The school administrator who notifies a parent/guardian under this section shall keep a record verifying that the parent/guardian was notified using the *Parent/Guardian Notification Record of Student Bullying Incident or Suicide Threat* form. This form shall contain the date, time, manner of notification, and indicate the type of threat or incident. This form, along with any related written communication, must be kept separate from the student's educational records. The form may be disclosed to the parent/guardian and/or student, but it may not be disclosed to any other person or entity except when required by a valid court order as provided in Utah Code Ann., Section 63G-2-202(7). The form prepared pursuant to this section is categorized as a "private record" as per Utah Code Ann., Section 63G-2-302 under the Government Records Access and Management Act (GRAMA) (Utah Code Ann., Section 63G-2-101, et seq.). In addition, the form and any accompanying written communication may not be used for the school's own purposes, such as for a report or study, statistical analysis, or to conduct research.

Subject to laws regarding confidentiality of student educational records, at the request of a parent or guardian, a school may provide information and make recommendations related to an incident or threat.

The record of parental notification shall be maintained in accordance with Policy FE, Policy FEA and the Federal Family Educational Rights and Privacy Act (FERPA). A copy of the record of parental notification shall upon request be provided to the student to whom the record relates. After the student has graduated, the school shall expunge the record of parental notification upon request of the student.

Utah Code Ann 53A-11a-301
Utah Code Ann 53A-11a-203
Utah Rules R277-613-4