

**ROCKWELL CHARTER HIGH SCHOOL  
BULLYING, CYBERBULLYING, HARASSMENT,  
AND INTIMIDATION POLICY  
(Approved 8/31/13; reviewed annually)**

Bullying, cyberbullying, harassment, and intimidation of students and employees are against federal and state laws. These issues include any level of hazing as well as psychological, physical, or emotional abuse and retaliation for reporting such. Rockwell is committed to an environment where everyone is treated with dignity and respect. To that end, the school has in place this policy and supportive procedures and practices designed to reduce incidences of these activities.

School officials have the authority to discipline students and employees for off-campus speech and Internet or social media postings of any kind that interfere with an appropriate and constructive environment that supports academics. Parents will be notified of such matters as well as a report within a reasonable time frame should the bullying, cyberbullying, harassment, or intimidation lead to threats of suicide by the targeted student. This report will come directly from a member of the administrative team once verifiable information has been collected. 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 or expulsion, pursuant to Utah Code Ann. 53A-11-904 and or in accordance with the U.S. Department of Education Office for Civil Rights. If a school employee is found to be in violation of this policy, the employee shall be disciplined by appropriate measures up to, and including, termination.

For clarity of communications, the following definitions apply:

"Bullying" means intentionally or knowingly committing an act that endangers the physical health or safety of a school employee or student; 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; involves consumption of any food, liquor, drug, or other substance; involves other physical activity that endangers the physical health and safety of a school employee or student; or involves physically obstructing a school employee's or student's freedom to move; and done for the purpose of placing a school employee or student in fear of: physical harm to the school employee or student or harm to property of the school employee or student. 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.

"Cyberbullying" 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" means any group protected from discrimination under federal law. Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of **race, color, or national origin**. Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of **sex**. 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**. Areas included under these acts include **religion, gender, and sexual orientation**.

“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. This includes hazing which means intentionally or knowingly committing an act that endangers the physical health or safety of a school employee or student; 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; involves consumption of any food, liquor, drug, or other substance; involves other physical activity that endangers the physical health and safety of a school employee or student; or involves physically obstructing a school employee's or student's freedom to move; and 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 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 The conduct described in Subsection (5)(a) constitutes hazing, regardless of whether the person against whom the conduct is committed directed, consented, or acquiesced.

“Retaliation” means an act of communication intended as retribution against a person for reporting bullying, cyberbullying, harassing, or intimidation; or to improperly influence the investigation of, or the response to, a report of bullying or cyberbullying or intimidation.

Prohibitions included in this policy:

- No school employee or student may engage in *bullying* or *harassing* a school employee or student or community member: on school property; at a school-related or sponsored event; on a school bus or in a carpool; at a school bus stop; or while the employee or student is traveling to or from a school activity.
- No school employee or student may engage in *hazing* or *cyberbullying* a school employee or student or community member *at any time or in any location*.
- No school employee or student may engage in retaliation against: a school employee; a student; a community member; or an investigator for, or witness of, an alleged incidents as described above.
- No school employee or student may make a false allegation of bullying, harassing, cyberbullying, hazing, intimidation, or retaliation against a school employee or student or any member of the school community.
- 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 (OCR).

Actions required if infractions are reported:

- Each reported violation of this policy shall be promptly investigated by school administration or an individual designated by administration. Formal reporting by phone and/or in writing to parents for those allegedly perpetrating such actions as well as reporting to the targeted student's parents or guardians and will happen in both circumstances within 2 school-attendance days. Such notification and information will be maintained as part of the targeted student's confidential file for 5 years. Additionally, disciplinary action for a false report will follow current state law.
- In trainings for educators, volunteers, and especially students, careful

distinctions will be provided to differentiate disagreements, peer conflict, and these other issues as described. A careful, timely review will always take place to avoid unfair accusations or missing serious issues. Should these reviews produce evidence that this rule has been broken or that a crime has been committed, proper steps are outlined here and in Rockwell policy. Any evidence of retaliation of any kind will be treated like previously described allegations.

- Each report shall provide the name of complaining party; name of offender (if known; at the least a description); date and location of incident(s); a statement describing the incident(s), including names of witnesses (if known).

- Verified violations of the prohibitions noted previously shall result in consequences or penalties. Consequences or penalties may include but are not limited to: student suspension or removal from a school-sponsored team or activity including school-sponsored transportation; student suspension or expulsion from school or lesser disciplinary action; employee suspension or termination for cause or lesser disciplinary action; employee reassignment; or other action against student or employee as appropriate.

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

- Actions must also include, as appropriate: procedures for protecting the victim and other involved individuals from being subjected to further bullying or having, and retaliation for reporting the bullying or hazing; prompt reporting to law enforcement of all acts of bullying, hazing, or retaliation that constitute suspected criminal activity; prompt reporting to the Office for Civil Rights (OCR) of all acts of bullying, hazing, retaliation that may be violations of student(s)' or employee(s)' civil rights.

- Procedures must be spelled out for a fair and timely opportunity for the accused to explain the accusations and defend his actions prior to student or employee discipline.

- 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 or employee discipline.

Rockwell Charter High School will promptly and reasonably investigate allegations of bullying, cyberbullying, harassment and/or intimidation. The school investigators will consist of the two members of the Administrative team (a board member and an Administrator in the event the accused is an administrator) and they will be responsible for handling all complaints by students and employees alleging bullying, cyberbullying, harassment, or intimidation by way of personal interview, email, or combination of the two.

It is Rockwell's policy, in compliance with federal and state 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 policy. Once the school knows or reasonably should know of possible student-on-student bullying, cyber-bullying, harassment or intimidation of any kind, the

school must take immediate and appropriate action to investigate.

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, Rockwell shall take prompt and effective steps reasonably calculated to remediate the situation and extend reports to the proper authorities. Additionally, students will regularly be invited to provide insights on the prevalence of such activities as well as sharing with proper authorities actual or virtual locations where these things are taking place.

Searches will be conducted if there is reasonable suspicion that an internet user has violated policy or law. Personal electronic devices of any student suspected of violation of the above policy will be confiscated for investigation and may be turned over to law enforcement. Transcripts of texts and so forth may be requested to the service provider and emails requested from the internet provider. Screenshots may be used of Facebook or other social media as needed.

The annual back-to-school inservice opportunity for all employees and volunteers that takes place in August includes training regarding bullying, cyberbullying, harassment, intimidation, and retaliation. Training for students takes place through established Health classes at 8<sup>th</sup> and 10<sup>th</sup> grades and for all students through the school's Mentoring program. This ensures all students are receiving timely and updated information on these issues. Further to this issue, the school provides annual training for students and teachers on internet and social media safety and appropriateness including how to recognize, avoid, and handle cyberbullying and other issues related to such.

53A-11a-301 requires that this policy be developed with input from (1) students, (2) parents, (3) teachers, (4) school administrators, (5) school staff, or (6) law enforcement agencies, which has been the case. All information received in a complaint as well as the names of complainants shall be treated with the utmost confidence. Rockwell's disciplinary policy includes levels of consequences and includes infraction described here. This policy is reviewed annually and updated as needed.