

Prohibition of Bullying, Harassment, Hazing, and Retaliation

(approved in June 22, 2023 Board Meeting)

Purpose and Philosophy

The Rockwell Board is committed to providing all students and employees with a safe and secure learning and working environment. Bullying, cyber-bullying, harassment, hazing, and retaliation reduce a student's ability to achieve academically and reduce an employee's ability to perform their job responsibilities. In addition, bullying, cyber-bullying, harassment, hazing, and retaliation can directly affect a student's or an employee's health and well-being, and may contribute to excessive absences, physical illness, mental and emotional anguish, and long-term social and psychological consequences. The Board directs the director to develop procedures to stop and prevent bullying, cyber-bullying, harassment, hazing, and retaliation.

Definitions

"Bullying" means intentionally or knowingly committing an act that endangers the physical health, safety, or emotional welfare of a student or employee for the purpose of creating fear of 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. The conduct described in this policy constitutes bullying, regardless of whether the person against whom the conduct is committed, directed, consented to, or acquiesced in the conduct.

"Physical Bullying" involves brutality of a physical nature that endangers the physical health and safety of a student or employee and includes, but is not limited to pushing, grabbing, pinching, whipping, beating, branding, 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:

- (a) consumption of any food, liquor, drug, or other substance;
- (b) other physical activity that endangers the physical health and safety of a student or employee;
- (c) any forced or coerced act or activity of a sexual nature or with sexual connotations such as demanding a person to remove articles of clothing or expose or touch private areas of the body; and/or
- (d) the physical obstruction of a student's or employee's freedom to move.

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

"Verbal/Written Bullying" includes, but is not limited to name calling, mean teasing, spreading false rumors, intimidation, sexual comments, harassing, and/or threatening comments or 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 of 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 a person; rude comments; lies; stalking; threats; extortion; harassment; and transmission of inappropriate, unflattering, or embarrassing pictures, photographs, and/or videos.

"Hazing" means intentionally or knowingly committing an act that:

- (a) endangers the physical health and safety of a student or employee;
- (b) involves brutality of a physical nature such as 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;
- (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 student or employee;
- (e) involves any forced or coerced act or activity of a sexual nature or with sexual connotations such as demanding a person to remove articles of clothing or expose or touch private areas of the body; or
- (f) 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 or 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 within a school or school-sponsored team, organization, program, or event which the person committing the act belongs to or participated in.

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, statements that contribute to a hostile learning or work environment for that individual.

“Retaliation” means an act of communication intended as retribution against a person for reporting bullying, harassment, or hazing or to improperly influence the investigation of or the response to a report of bullying, harassment, and/or hazing.

Prohibition of Bullying, Cyber-Bullying, Harassment, Hazing, and Retaliation

Rockwell Charter High School prohibits bullying, harassment, hazing, and retaliation 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, at a school bus stop, or while the student or employee is traveling to or from any of the above. Rockwell encourages all victims of bullying and all persons witnessing such an event to report the incident(s) immediately.

Rockwell prohibits the hazing or cyber-bullying of students or employees by other students or employees at any time or in any location. Rockwell encourages all victims of hazing or cyber-bullying, and all persons with knowledge of hazing or cyber-bullying to report the incident(s) immediately.

No student or employee may engage in retaliation against a student, employee, investigator, or witness of an alleged incident of bullying, cyber-bullying, harassment, hazing, or retaliation. Rockwell encourages all victims of retaliation, and all persons with knowledge of retaliation to report the incident(s) immediately.

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

Reporting

A student victims of bullying, cyber-bullying, harassment, hazing, or retaliation should inform his/her teacher or any of his/her school's administrators. An employee victims of bullying, cyberbullying, harassment, hazing, or retaliation should inform his/her supervisor. A parent, guardian, teacher, or any other individual who is aware of 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, cyberbullying, harassment, hazing, or retaliation shall, as soon as is reasonably possible, report it to the director or his/her designee.

Investigation

The Director/supervisor or designee, to whom a complaint of bullying, cyber-bullying, harassment, hazing, or retaliation is reported shall promptly investigate the complaint. All acts of bullying, cyber-bullying, harassment, hazing, or retaliation that constitute criminal activity will be promptly reported to law enforcement. Any 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 antidiscrimination 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 parent(s) or legal guardian(s) of a student perpetrator or victims may be involved in the process of responding to and resolving conduct prohibited by this policy.

Parental/Guardian Notification

Pursuant to Utah Code, each school administrator who finds that an incident of bullying, cyberbullying, harassment, hazing, or retaliation has occurred shall notify the parent(s)/guardian(s) of each student involved. Likewise, each school administrator shall notify the parent(s)/guardian(s) of any student who threatens to commit suicide. The school administrator who notifies parent(s)/guardian(s) under this section shall keep a record verifying that the parent(s)/guardian(s) were 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(s)/ guardian(s) and/or student(s), 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. The form prepared pursuant to this section is categorized as a "private record" as per Utah Code under the Government Records Access and Management Act (GRAMA). 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.

Discipline

Any student who engages in bullying, cyber-bullying, harassment, hazing, or retaliation, as described herein, is in violation of this policy and shall be subject to disciplinary action. Consequences should be firm, 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; alternative educational placement; 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 parent(s) or legal guardian(s) of a student who is a victims 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). This protection is applicable to a student alleged to have been involved in prohibited conduct.

Any employee who engages in 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, fair and correspond to the severity of the infraction. Professionally licensed employees may be referred to the Utah Professional Practices Advisory Commission (UPPAC), along with any and all evidence for investigation and possible disciplinary action against professional licensing. Criminal acts will also result in referral to law enforcement authorities. Disciplinary due process procedures shall be followed as set forth in applicable Employee Agreements, Memorandums of Understanding, and school policies.

Dissemination of Policy

This policy shall be posted on the Rockwell's website and may also be published in student registration materials, student and employee handbooks, parent/guardian information guides, and other appropriate school publications, as directed by the school.

Education and Training

Rockwell recognizes the importance of educating its employees and students regarding the prevention of bullying, cyber-bullying, harassment, hazing, and retaliation. To this end, Rockwell will provide ongoing training and education in this area. Notice of this policy will be distributed and annual training will be conducted for employees, students, parents/guardians, and volunteers of the school. Training shall provide strategies for employees and students regarding: (a) how to recognize and be aware of bullying, cyber-bullying, harassment, and hazing; (b) intervention and social skills; and (c) the implementation of positive behavioral interventions and support strategies. Training shall be specific as to the following areas:

- Acts of overt aggression, such as physical fighting (i.e., punching, shoving, and kicking) and verbal threatening behavior (i.e., name calling, etc.) or both physical and verbal aggression or threatening behavior;
- Relational aggression or indirect, covert, or social aggression (i.e., rumor spreading, intimidation, enlisting a friend to assault another person, and social isolation);
- Sexual aggression or acts of a sexual nature or with sexual overtones; and
- 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); include Title VI of the Civil Rights Act of 1964 (discrimination on the basis of race, color, or national origin), Title IX of the Education Amendments of 1972 (discrimination on the basis of sex); Section 504 and Title II of the Americans with Disabilities Act of 1990; on perceived or actual characteristics (religion, gender identity, sexual orientation, other physical or mental attributes, or conforming or failure to conform with stereotypes)
- Relational aggression or indirect, covert, or social aggression, including rumor spreading, intimidation, enlisting a friend to assault a child, and social isolation;

Rockwell's Responsibility

Per R277-613, Rockwell Charter High School will engage in compliance efforts including those referenced below.

- Rockwell shall collect a signed statement from employees, students, parents/guardians, and volunteers indicating receipt of the policy.
- Rockwell shall conduct student surveys and collect data regarding the prevalence of bullying, cyberbullying, and hazing in schools and identify better prevention strategies, student support and interventions, and supervision in physical locations where it may be needed.
- Rockwell shall involve parents and other community members in the prevention, development of resources/trainings and the dissemination of materials and information.

Extracurricular and Community Participation

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 School Activities Association (UHSAA). 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. Rockwell 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. Training curriculum outlines, training schedules, and participant lists or signatures shall be maintained by the school, as applicable, and provided to the Utah State Office of Education upon request.

Grievance Procedure

As stated in Rockwell's Grievance Policy, an employee who has an honest complaint regarding another employee must first address his or her concern in good faith with the other employee and work in a timely, reasonable and cooperative effort to resolve the concern. If the employee is unable to resolve complaints through these efforts, he or she may address concerns with the Director in a similar manner.

An employee who has an honest complaint involving the Director must address his or her concern in good faith with the Director and work in a timely, reasonable, and cooperative effort to resolve the concern.

Board Appeal

In the event that a parent and/or employee complaint has not been resolved by good faith efforts at the administrative level, the complaint may be directed to the Governing Board in a detailed, written appeal specifying:

- the individual(s) involved
- details of the events that led to the complaint, including dates and approximate times
- details of good faith efforts to resolve the problem, including dates and approximate times, and
- the requested solution

The governing board will carefully and objectively consider the appeal. The board may, at its discretion, gather additional information from the complainant, other employees, administration, and/or from professional consultants. The board will then take any action it deems appropriate. The board reserves the right to deny appeal consideration if the complainant has not initiated problem-solving efforts with the individual(s) directly involved in the complaint.

SIGNED STATEMENT OF RECEIPT OF POLICY

I, _____, have received a copy of of the Prohibition of Bullying, Harassment, Hazing, and Retaliation on _____ (date).

I am a:

- Student
- Parent
- Employee