

5201 BULLYING POLICY

1. PURPOSE AND PHILOSOPHY

Weber School District is committed to creating a safe and secure environment for students, employees, parents, and community members. Bullying, cyber-bullying, hazing, and retaliation significantly impact a student's ability to achieve academically and reduces an employee's ability to perform his/her job responsibilities. In addition, bullying, cyber-bullying, hazing and retaliation can have a direct effect on 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. Weber School District encourages all members of the school community—students, employees, and parents—to work together to address problems of bullying, cyber-bullying, hazing and retaliation by adhering to the following policy and procedures for reporting and training.

2. POLICY

Weber School District prohibits students and employees from bullying other students and/or employees on school property, at school-related events, on school busses or bus stops, or while traveling to or from school, school events, or bus stops, and encourages all targets of bullying and all persons with knowledge of bullying to report the incident(s) immediately.

Weber School District prohibits students and employees from cyber-bullying and hazing another student or employee at any time or in any location where the cyber-bullying or hazing creates a substantial and material disruption at school, or it is reasonably foreseeable that the cyber-bullying or hazing will create a substantial and material disruption at school.

Weber School District prohibits students and employees from retaliating against another student or employee who reports, investigates, or participates as a witness to a bullying, hazing, or cyber-bullying incident. All targets of retaliation are encouraged to report the incident(s) immediately.

Weber School District prohibits false allegations of bullying, cyber-bullying, hazing or retaliation.

For purposes of this policy, the terms "bullying", "cyber-bullying" and "hazing" will be collectively referred to as "Bullying", unless the separate terms "cyber-bullying" or "hazing" are used, in which case, the specific terms and definitions for "cyber-bullying" or "hazing" will apply.

3. DEFINITIONS*

***All defined terms are bolded throughout this policy.**

- 3.1 **"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 is intended to cause intimidating, humiliation or unwarranted distress.
- 3.2 **"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:

- (a) causing physical or emotional harm to the school employee or student;
- (b) causing damage to the school employee's or student's property;
- (c) placing the school employee or student in reasonable fear of:
 - (i) harm to the physical or emotional well-being of the employee/student; or
 - (ii) damage to the employee's or student's property;
- (d) creating a hostile, threatening, humiliating, or abusive educational environment due to:
 - (i) the pervasiveness, persistence, or severity of the actions; or
 - (ii) a power differential between the bully and the target; or
- (e) substantially interfering with a safe school environment that is necessary to facilitate educational performance, opportunities, or benefits.

3.2.1 Bullying includes statements, verbal or written, suggesting to a student that the student should commit suicide. (For example, but not limited to: "You should kill yourself," "No one wants you alive", etc.)

3.2.2 **Bullying** includes verbal, physical, and sexual harassment if the harassment meets the definitions for **Bullying** above.

3.2.3 "Bullying" does not include:

- (a) a single incident, unless the incident is objectively severe; or
- (b) mutual or reciprocating behaviors between students that might otherwise constitute bullying if one student was clearly the aggressor.

3.3. "**Civil Rights Violation**" means bullying, cyber-bullying, or hazing that is targeted at a student or employee for that student's or employee's identification in a 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 I of the Americans with Disabilities Act of 1990, including discrimination on the basis of disability.

3.4. "**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 access the electronic communication.

3.4.1 Cyber-bullying includes:

- (a) the dissemination of nude, semi-nude or sexually explicit images of a student without the student's consent;
- (b) the solicitation of nude, semi-nude or sexually explicit images of a student when the solicitation is accompanied by threats or blackmail;
- (c) This type of cyber-bullying may implicate Title IX's prohibition of sexual harassment if the conduct is sufficiently pervasive, persistent, or severe. Administrators must mark the OCR indicator in "MyStudent" and coordinate with the district's Title IX Coordinators when investigating cyber-bullying described in 3.4.1(a) and 3.4.1(b) above.

3.4.2 Cyber-bullying may also include statements described in 3.2.1. if the statements are made electronically.

3.5. "**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:

- (a) endangers the mental or physical health or safety of a school employee or student;
- (b) involves any brutality of a physical nature, including, but not limited to, 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
- (e) is committed for the purpose of initiation into, admission into, affiliation with, holding office in, or as a condition for membership in a school or school sponsored team, organization, program, club, or event; or is 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.

3.5.1 The conduct described herein constitutes hazing, regardless of whether the school employee or student against whom the conduct is committed directed, consented to, or acquiesced in, the conduct.

3.6 "**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, including in this context, prohibited conduct.

3.7 **“Retaliate”** means an act or communication intended as a retribution against a person for reporting Bullying; or to improperly influence the investigation of, or response to, a report of Bullying.

3.8 **“School employee”** means an individual working in the individual's official capacity as:

- (a) a school teacher;
- (b) a school staff member;
- (c) a school administrator; or
- (d) an individual who is employed, directly or indirectly, by a school, school board, or school district and who works on a school campus.

3.9 **“Complainant”** means a person who complains of Bullying or retaliation. The complainant is usually, but does not have to be, the target of the Bullying or retaliation. Whenever the complainant is not the target of the Bullying or retaliation, the person who is allegedly bullied will be referred as the “target” to distinguish from “complainant”. Where only the term “complainant” is used, it can be assumed that the complainant is also the target of the Bullying.

3.10 **“Volunteer”** means a person working under the direct supervision of a licensed educator.

4. CIVIL RIGHTS

4.1 In the event that the Bullying incident is also a **civil rights violation**, it will be investigated by the building administrator in consultation with the appropriate district administrator(s) to determine if the student who is the **complainant** is also a target of discriminatory harassment. The appropriate district administrator may be the Title IX Coordinators (who are the Secondary and Elementary Education Supervisors), the 504 Coordinator (who is the Student Services Director), the Special Education Director, or the Equity Official.

4.2 If an investigation reveals that Bullying (including sexual harassment) is based on membership in a protected class, the school administrator will take prompt and effective steps reasonably calculated to end the Bullying or harassment, eliminate any hostile environment and its effects, and work to prevent the Bullying or harassment from recurring.

4.2.1 Prompt and effective steps may include suspension, culturally responsive training (for staff and/or students), and/or **restorative justice practices** when appropriate and with parental consent.

4.2.2 Administrators will check the OCR indicator in MyStudent if a **civil rights violation** is implicated.

4.3 Administrators will take these steps outlined in 4.2 regardless of whether a student has complained about discrimination, asked the school to take action, or identified the Bullying as a form of discrimination.

4.4 Students, **employees**, and **volunteers** will receive training on recognizing **civil rights violations**.

5. REPORTS AND INVESTIGATIONS

5.1 Reporting

- 5.1.1 Every school shall designate an administrator responsible for overseeing the investigation of **Bullying** and **retaliation**. This person shall be known as the Bullying Investigator. In Elementary School, the administrator shall be the Bullying Investigator.
- 5.1.2 A student who feels he/she has been a target of **Bullying** or **retaliation** is encouraged to inform his/her teacher or any of his/her school administrators.
- 5.1.3 An employee who feels he/she has been a target of **Bullying, retaliation, or abusive conduct** is encouraged to inform his/her supervisor.
- 5.1.4 An employee who feels he/she has been the target of **abusive conduct** will follow the grievance procedures set forth in the respective negotiated agreements for classified and certified **employees**.
- 5.1.5 A school teacher, parent, or other individual who is aware of Bullying at school should inform school administrators.
- 5.1.6 A report of Bullying must include the name of the person accused of Bullying, a description of the Bullying incident or incidents, and an approximate date, time, and location of the Bullying.
- 5.1.7 A school teacher or administrator to whom a complaint is made will, as soon as is reasonably possible after receiving the complaint, report it to the Bullying Investigator. If the complaint involves a **civil rights violation**, the appropriate district administrator will also be notified.
- 5.1.8 An anonymous report of Bullying may be filed, but may limit the investigation the district can conduct and will not result in formal disciplinary action against anyone.
- 5.1.9 Allegations of past Bullying will be investigated to the extent that information and witnesses are still available to investigate.
- 5.1.10 All acts of Bullying that constitute criminal activity will be promptly reported to law enforcement. This includes cyber-bullying involving the dissemination or solicitation accompanied by threat or blackmail of nude, semi-nude or sexually explicit images of a student.

5.2. Investigation

- 5.2.1. Bullying Investigators will receive annual training on conducting investigations of Bullying.
- 5.2.2 The Bullying Investigator or his/her designee shall promptly investigate the complaint by interviewing at least the complainant and the individual who is alleged to have engaged in the Bullying. The person alleged to have engaged in Bullying shall be informed of the allegation and given an opportunity to respond. Where students are old enough and mentally able, written statements should be taken.

- 5.2.3 The Bullying Investigator or his/her designee may also interview parents of either the **complainant** or the individual alleged to have engaged in the bullying; any witnesses; school staff; and other individuals who may provide additional information. Written statements from students or school staff should be taken.
- 5.2.4 Interviewees shall be informed that to the extent allowed by law, the interviewee's identity will be kept confidential.
- 5.2.5 The investigation may include a review of disciplinary reports of involved students and, subject to compliance with the Fourth Amendment, a review of physical evidence, including video, notes, email, text message, social media, or graffiti.
- 5.2.6 The Bullying Investigator or his/her designee may implement interim measures during the investigation if the Bullying Investigator believes the **complainant** is in danger of continued bullying during the course of the investigation.
- 5.2.7 If the Bullying Investigator and/or his designee determine that **Bullying** has occurred, appropriate disciplinary action will be taken against the person engaged in Bullying. As with **Bullying** that is also a **civil rights violation**, administrators shall take prompt action to end the **Bullying** and address its effect. This may include, but is not limited to:
- (a) Separating the **Complainant** from the person engaged in **Bullying**
 - (b) Provide training individually to the student(s) engaged in **Bullying**, or to an entire class or an entire school on the effects of **Bullying**
 - (c) Provide counseling, a safety plan, or other wrap-around supports for the target of the **Bullying**
 - (d) Provide training for staff on recognizing and addressing **Bullying** throughout the school
 - (e) **Restorative justice practices**, where appropriate and with the consent of the **Complainant's** parent
- 5.2.8 A written report will be prepared in response to all written complaints of **Bullying** and all reports of **Bullying** that implicate a **civil rights violation**. Bullying complaints that are not submitted in writing or do not implicate a **civil rights violation** will still be investigated but a written report will not be prepared. Persons who make complaints shall be informed of this provision.
- 5.2.8.1 A copy of the report will be provided to the **complainant**, the person engaged in **Bullying**, and a copy should be kept at the school. If the **Bullying** also implicates a **civil rights violation**, a copy will be sent to the appropriate district administrator, as well.
 - 5.2.8.2 The report shall include the following provisions:
 - The date of the report of **Bullying**
 - Name of the **complainant** or target of **Bullying**
 - Name of the person alleged to have engaged in **Bullying**

- The date(s) of the **Bullying** incident(s)
- A description of the **Bullying** incident, as provided by the **complainant**
- Subject to 5.2.8.3 below, a summary of the investigation, including summaries of witness interviews, and a list of documents or other evidence reviewed (e.g., security camera footage, disciplinary tags) with a description of what is contained therein
- Findings and conclusions with regard to whether **Bullying** occurred
- If the report concludes that **Bullying** did occur:
 - A safety plan that serves to protect the student from future Bullying or retaliation
 - Recommendations for prompt and effective steps to end the **Bullying**

5.2.8.3 The report shall not include names or other identifiable information of student witnesses.

5.2.8.4 The report shall not include information about disciplinary action taken against the student who was found to have engaged in **Bullying**, except information that the student found to have engaged in **Bullying** is prohibited from contacting or being near the **complainant**.

5.2.9 In certain circumstances deemed appropriate by district administrators, an outside investigation may be conducted following the investigation by the Bullying Investigator at the school.

6. DISCIPLINE

6.1. Student Discipline

6.1.1 A student who is found to have engaged in **Bullying** as described herein is in violation of this policy and of Weber School District Policy 5200, and is subject to discipline in accordance with Policy 5200.

6.1.2 In accordance with Policy 5200, **restorative justice practices** may be utilized as a method of appropriate discipline.

6.1.2.1 A **complainant** is not required to participate in a **restorative justice practice** with the individual alleged to have engaged in the Bullying.

6.1.2.2 If the district/administrator would like the **complainant** to participate in **restorative justice practice**, the administrator must obtain signed parental consent.

6.1.3 Formal disciplinary action may not be based solely on an anonymous report of **Bullying**; rather an investigation must always take place before formal disciplinary action is imposed.

6.1.4 Disciplinary action taken against a student alleged to have engaged in **Bullying** is considered part of that student's education record and is confidential under the Family

Education Rights to Privacy Act (FERPA), unless, discipline includes separating the student alleged to have engaged in Bullying from the **complainant**, in which case the **complainant** may be informed of this specific disciplinary provision.

6.1.5 Disciplinary due process procedures, as set forth in Policy 5200, will be implemented prior to imposing discipline.

6.2 Employee Discipline

6.2.1 Any **employee** who is found to have engaged in Bullying is in violation of this policy and shall be subject to disciplinary action, up to and including termination, in accordance with Weber School District Policy 7900.

6.2.2 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.

6.2.3 Illegal acts will also result in referral to law enforcement authorities.

6.2.4 Disciplinary due process procedures will be followed prior to imposing discipline.

7. TRAINING

7.1 Weber School District will provide **Bullying** training to students, **employees**, coaches, and **volunteers** from individuals qualified to provide such training and who are assigned supervisory responsibilities over the groups mentioned above.

7.1.1 Bullying Investigators will receive annual training on conducting investigations of **Bullying**.

7.1.2 New school **employees**, coaches, and **volunteers** will be trained prior to working.

7.1.3 All school **employees**, coaches, and **volunteers** will be trained every three years.

7.2 The training shall include information on various types of aggression and **Bullying**, including:

(a) 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;

(b) relational aggression or indirect, covert, or social aggression, including rumor spreading, intimidating, enlisting a friend to assault a child, and social isolation;

(c) sexual aggression or acts of a sexual nature or with sexual overtones;

(d) **cyber-bullying**, including the use of email, web pages, text messages, instant messages, social media, three-way calling or messaging or any other electronic means for aggression inside or outside of school;

(e) how **Bullying** may be a **civil rights violation**.

7.3 The training will include information about when violations of this policy may lead to student or employee discipline.

8. PARENT NOTIFICATION

8.1 Administrators shall notify parents of a student's threat to commit suicide and an incident of Bullying (including bullying, cyber-bullying, hazing, and/or retaliation) involving the parent's student as the complainant or the individual alleged to have engaged in Bullying.

8.2 Notification will be made via email, telephone call, or certified mail in a timely manner, but no later than the end of the school day during which the report of Bullying was made.

8.3 Notification will be documented in MyStudent, Weber School District's student information system.

9. POLICY DISSEMINATION

9.1 This policy may be posted on the Weber School District's web site and published in student registration materials, student and employee handbooks, parent information guides, and other appropriate school publications as directed by the District.

9.2 Each school employee, student 8 years or older, and parents must acknowledge through signature receipt of this policy.

Approved by the Board 6/12/2019