



## **Prohibition of Bullying, Hazing, and Retaliation**

### **I. Valley Academy Charter (“VAC” or “Valley”) Policy**

- a. VAC prohibits bullying of students or employees by other students or employees at school/work, while on school or VAC 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 a school/work-related activity or event. VAC encourages all victims of bullying, and all persons with knowledge of bullying, to report the incident(s) immediately.
- b. VAC prohibits cyber-bullying wherever it occurs when the conduct creates a substantial and material disruption, or it is reasonably foreseeable that the conduct will create a substantial and material disruption, at school.
- c. VAC prohibits the hazing of students or employees by other students or employees at any time or in any location. VAC encourages all victims of hazing, and all persons with knowledge of hazing, to report the incident(s) immediately.
- d. No student or employee may engage in retaliation against a student, employee, investigator, or a witness of an alleged incident of bullying, hazing, or retaliation. VAC encourages all victims of retaliation, and all persons with knowledge of retaliation, to report the incident(s) immediately.
- e. No student or employee may make a false allegation of bullying, hazing, or retaliation against a student or employee.

### **II. Purpose and Philosophy**

The Valley Board is committed to providing all students and VAC employees with a safe and secure learning and working environment. Lack of reporting incidents of bullying or hazing reduce a student's ability to achieve academically and reduces an employee's ability to perform their job responsibilities. In addition, bullying, 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 Valley Board encourages educators and employees to develop procedures to stop and prevent bullying, hazing, and retaliation and procedures for reporting incidents of bullying or hazing at VAC.

### **III. Definitions**

- a. "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 intimidation, humiliation, or unwarranted distress.

- i. A single act does not constitute abusive conduct.
- b. "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:
  - i. causing physical or emotional harm to the school employee or student;
  - ii. causing damage to the school employee's or student's property;
  - iii. placing the school employee or student in reasonable fear of:
    - 1. harm to the school employee's or student's physical or emotional well-being; or
    - 2. damage to the school employee's or student's property;
  - iv. creating a hostile, threatening, humiliating, or abusive educational environment due to:
    - 1. the pervasiveness, persistence, or severity of the actions; or
    - 2. a power differential between the bully and the target; or
  - v. substantially interfering with a student having a safe school environment that is necessary to facilitate educational performance, opportunities, or benefits.
- c. Bullying includes relational aggression or indirect, covert, or social aggression, including rumor spreading, intimidating, enlisting a friend to assault a child, and social isolation.
- d. "Communication" means the conveyance of a message, whether verbal, written, or electronic.
- e. "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.
- f. "Hazing" means:
  - i. 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:
    - 1. endangers the mental or physical health or safety of a school employee or student;
    - 2. involves any brutality of a physical nature, including whipping, beating, branding, calisthenics, bruising, electric shocking, placing of a harmful substance on the body, or exposure to the elements;
    - 3. 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;
    - 4. or 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
  - ii. 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
  - iii. 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.

- iv. The conduct described in Subsection (f)(1) constitutes hazing, regardless of whether the school employee or student against whom the conduct is committed directed, consented to, or acquiesced in, the conduct.
- g. "Making false report" means intentionally making a report of bullying, cyberbullying or hazing that the complainant knows is false.
- h. "Retaliate" 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.
- i. "School employee" means an individual working in the individual's official capacity as:
  - i. a school teacher;
  - ii. a school staff member;
  - iii. a school administrator; or
  - iv. any individual who is employed, directly by the school or VAC board; and who works on the school campus.

#### **IV. Civil Rights**

- a. In addition to a violation of this policy, VAC will investigate for civil rights violation if the bullying, cyber-bullying, hazing and retaliation is based upon the students' or employees' identification as part of any group protected from discrimination under the following federal laws:
  - i. Title VI of the Civil Rights Act of 1964, including discrimination on the basis of race, color, or national origin;
  - ii. Title IX of the Education Amendments of 1972, including discrimination on the basis of sex; or
  - iii. Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disability Act of 1990, including discrimination on the basis of disability.
- b. A civil rights investigation will be pursued if the bullying, cyber-bullying, hazing, and retaliation is based on the student's or employee's actual or perceived characteristics, including race, color, national origin, sex, disability, religion, gender identity, sexual orientation, or other physical or mental attributed or conformance or failure to conform with stereotypes.
- c. Employees will be trained on recognizing civil rights violations.

#### **V. Complaints**

- a. A student victim of bullying, hazing, or retaliation should inform his/her teacher or any VAC administrator.
- b. An employee victim of bullying, hazing, or retaliation should inform his/her supervisor.
- c. An employee victim of abusive conduct is direct to follow the VAC Grievance and Complaint Policy.
- d. A parent, teacher, or any other individual who is aware of bullying, hazing, or retaliation at school should inform school administration.
- e. A school teacher or administrator to whom a complaint is made shall, as soon as is reasonably possible after receiving the complaint, report it to the principal or his/her designee.
- f. If a victim of bullying, hazing, or retaliation so chooses, he/she may be allowed to report such incident(s) anonymously, however an anonymous report may limit the investigation VAC can conduct and will not result in formal disciplinary action.

## **VI. Investigation**

- a. VAC will provide training for employees responsible for investigating allegations of incidents of bullying, cyber-bullying, hazing, and retaliation.
- b. The appropriate employee, or his/her designee, to whom a complaint of bullying, hazing, or retaliation is reported shall promptly investigate the complaint by interviewing at least the victim and the individual who is alleged to have engaged in the prohibited conduct.
- c. The appropriate employee may also interview parents of either the victim or the individual alleged to have engaged in the prohibited conduct; any witnesses; school staff; and other individuals who may provide additional information.
- d. Interviewees shall be informed that to the extent allowed by law, the interview will be kept confidential and that further reports of bullying will become part of the investigation.
- e. 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 or audio, notes, email, text messages, social media or graffiti.
- f. In the event the principal/supervisor or designee finds that bullying, harassment, or retaliation has occurred, he/she shall take prompt, appropriate action to end the bullying, cyber-bullying hazing, or retaliation and address its effects on the victim. The designated employee may take positive restorative justice action, including, if appropriate, positive restorative justice practices.
- g. The appropriate employee or designee may refer the victim of bullying, hazing, or retaliation to the school counselor as applicable and may offer support through trauma informed practices.
- h. All acts of bullying, hazing, or retaliation that constitute criminal activity will be promptly reported to law enforcement.

## **VII. Discipline**

- a. Student Discipline
  - i. Any student who engages in bullying, cyber-bullying, hazing, or retaliation, as described herein, is in violation of this policy and shall be subject to disciplinary action in accordance with VAC's Student Behavior Expectation Policy or Student Discipline Policy.
  - ii. Consequences should be firm and fair and correspond to the severity of the infraction. A continuum of consequences should be utilized, which may include positive restorative justice practice action. An alleged victim is not required to participate in a restorative justice practice with an individual alleged to have engaged in prohibited conduct. If a designated school employee would like the alleged victim to participate in restorative justice practice, the employee must secure signed parental consent.
  - iii. Disciplinary action will follow VAC's Safe School Policy and may include, but is not limited to, suspension; expulsion; exclusion or loss of extracurricular activities; dissolution of a team, organization, or other group; probation; alternate educational placement; and/or a referral to law enforcement authorities.
  - iv. In imposing such discipline, all facts and circumstances of the incident(s) shall be taken into account.
  - v. Formal disciplinary action may not be based solely on an anonymous report of

bullying, cyber-bullying, hazing or retaliation.

- vi. Disciplinary due process procedures shall be followed as set forth in VAC's Student Discipline Policy(ies).
- b. Employee Discipline
  - i. Any employee who engages in bullying, cyber-bullying, 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.
  - ii. Consequences should be firm and fair and correspond to the severity of the infraction.
  - iii. 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.
  - iv. Illegal acts will also result in referral to law enforcement authorities.
  - v. Due process procedures shall be followed prior to imposing disciplinary action.

#### **VIII. Parent Notification**

- a. A VAC administrator will notify a parent of an incident of bullying, cyber-bullying, hazing, or retaliation involving the parent's student as a victim of an individual who is alleged to have engaged in prohibited conduct.
- b. This notification shall be provided in a timely manner through a phone call and will be documented and maintained by the school in the school's student information system.

#### **IX. Education and Training**

- a. VAC recognizes the importance of educating its employees and students regarding the prevention of bullying. To this end, VAC provide that students, school employees, coaches/advisors, and volunteers receive training on bullying, cyber-bullying, hazing and retaliation from individuals qualified to provide such training.
- b. The training shall include information on various types of aggression and bullying, including:
  - i. 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;
  - ii. Relational aggression or indirect, covert, or social aggression, including rumor spreading, intimidating, enlisting a friend to assault a child, and social isolation;
  - iii. Sexual aggression or acts of a sexual nature or with sexual overtones;
  - iv. Cyber-bullying, including the use of email, web pages, text messaging, instant messages, social media, three-way calling or messaging or any other electronic means for aggression inside or outside of school;
  - v. Bullying, cyber-bullying, hazing and retaliation that may be civil rights violations.
- c. The training will include information about when violations of this policy may lead to student or employee discipline.
- d. New school employees, coaches/advisors, and volunteers will receive this training prior to working.
- e. All school employees, coaches/advisors, and volunteers will receive this training once every three years.

**X. Dissemination of Policy**

- a. This policy may be posted on VAC's website and published in student registration materials, student and employee handbooks, parent information guides, and other appropriate school publications as directed by the VAC board.
- b. Each school employee, student 8 years or older, and parents must acknowledge through signature receipt of this policy.

**XI. First Amendment**

Nothing contained in this policy is intended to infringe upon the right of students or employees to exercise their First Amendment right of free speech.