

SAFE SCHOOL - BULLYING AND HAZING

Introduction

The school environment at NDPA is like a family. Most of the time we treat each other with kindness and respect. There are some times, however, where people are thoughtless, reckless, and even mean to others. The intent of people involved is often to “save face”, to get someone to “leave me alone”, or “get back at someone who deserves it”. These behaviors, generally the result of interpersonal conflicts on the part of students, are dealt with the philosophy and procedures described in the NDPA Safe School – Discipline Policy .

When administrators address issues where students are injured, teased, intimidated, upset, or scared, they take into consideration two factors: the intent of the aggressor and the impact the behavior has on others.

True bullying, as defined below, is such a serious violation it warrants a separate policy. When the intent of the perpetrator is to cause physical harm or create the fear of physical harm, the administration will follow the procedures outlined below.

I. Purpose

Bullying, as defined by law, is an extreme violation of the Core Values, the NDPA End Statements, and the NDPA Safe School Policy. The main purpose of this policy is to eliminate all types of bullying and hazing by and against students and employees of NDPA, This will be accomplished through awareness efforts, training, identification, and disciplinary action (both students and employees) against those who violate this Policy. A second purpose is to promote the development of personal and social responsibility in all students.

II. Definitions

A. “Bullying” means intentionally or knowingly committing an act that:

- a. endangers the physical health or safety of a school employee or student;
 - i. 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;
 - ii. involves forced or involuntary consumption of any food, liquor, drug, or other substance;
 - iii. involves forced or coerced actions or activities of a sexual nature or with sexual connotations;
 - iv. involves other physical activity that endangers the physical health and safety of a school employee or student; or

- v. involves physically obstructing a school employee's or student's freedom to move; and
 - b. is done for the purpose of placing a school employee or student in fear of:
 - i. physical harm to the school employee or student; or
 - ii. harm to property of the school employee or student.
 - c. 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.
- B. "Hazing" means intentionally or knowingly committing an act that:
 - a. endangers the physical health or safety of a school employee or student;
 - i. 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;
 - ii. involves consumption of any food, liquor, drug, or other substance;
 - iii. involves forced or coerced actions or activities of a sexual nature or with sexual connotations;
 - iv. involves other physical activity that endangers the physical health and safety of a school employee or student; or
 - v. involves physically obstructing a school employee's or student's freedom to move; and
 - b. 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
 - c. 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.
 - d. The conduct described in above constitutes hazing, regardless of whether the person against whom the conduct is committed directed, consented to, or acquiesced in, the conduct.
- C. "Cyberbullying" means the use of email, instant messaging, chat rooms, cell phones, or other forms of information technology to deliberately harass, threaten, or intimidate someone for the purpose of placing a school employee or student in fear of:
 - a. physical harm to the school employee or student; or
 - b. harm to property of the school employee or student.
- D. "Retaliate" means an act or communication intended:
 - a. as retribution against a person for reporting bullying or hazing; or
 - b. to improperly influence the investigation of, or the response to, a report of bullying or hazing.
- E. "School" means North Davis Preparatory Academy (NDPA), charter school.
- F. "School board" means our NDPA Board of Directors.
- G. "School employee" means:
 - a. school teachers;

- b. school staff;
- c. school administrators; and
- d. all others employed or authorized as volunteers, directly or indirectly, by the school, school board, or school district.

III. Publication

This policy shall be available on the School website, with links from the family handbook and the employee handbook. Printed copies are available in the office.

IV. Prohibitions

- A. No school employee or student may engage in bullying or cyber bullying a school employee or student;
 - a. on school property;
 - b. at a school related or sponsored event
 - c. on a school bus
 - d. at a school bus stop; or while the school employee or student is traveling to or from a location or event described above.
- B. No school employee or student may engage in hazing a school employee or student at any time or in any location.
- C. No school employee or student may engage in retaliation against:
 - a. a school employee;
 - b. a student; or
 - c. an investigator for, or witness of, an alleged incident of bullying, cyberbullying, hazing, or retaliation.
- D. No school employee or student may make a false allegation of bullying, cyberbullying, hazing, or retaliation against a school employee or student.
- E. No school employee or student may engage in a behavior that encourages or supports bullying or hazing.

V. Process for Reporting

- A. Students or families can report any suspicion of bullying, hazing, or retaliation to a teacher or administrator. Contact information and positions are found on the website, including e-mail.
- B. Each reported complaint shall include:
 - a. name of complaining party;
 - b. name of offender (if known);
 - c. date and location of incident(s);
 - d. a statement describing the incident(s), including names of witnesses (if known).
- C. Teachers will send written complaints to their building administrator in a timely manner.
- D. All information about the person who filed the complaint with the school will be kept in confidence. In the rare event that we would have to tell who reported the problem, administration would contact that person before revealing his/her name.

VI. Actions Required if Prohibited Acts are Reported

A. Investigation

- a. Each reported violation of the prohibitions noted previously shall be promptly investigated by a school administrator or an individual designated by a school administrator. Formal disciplinary action is prohibited based solely on an anonymous report of bullying, hazing, or retaliation.
- b. The investigation can include but are not limited to any of the following methods:
 - i. Discussions with the accused and the victim, where they express their view of the incident.
 - ii. Interview witnesses, and other peers
 - iii. Staff/Faculty observations
 - iv. Gather perspectives of any member of the school community
- c. After investigating, administration will determine if the incident meets the criteria of bullying, hazing, or retaliation, as noted in the definitions above.

B. Verified Complaints

- a. Verified violations of the prohibitions noted previously shall result in consequences or penalties for the perpetrator. Consequences or penalties may include but are not limited to:
 - i. student suspension or removal from a school-sponsored team or activity including school sponsored transportation;
 - ii. student suspension or expulsion from school or lesser disciplinary action;
 - iii. employee suspension or termination for cause or lesser disciplinary action;
 - iv. employee reassignment; or
 - v. other action against student or employee as appropriate.
- b. The administrator will contact parents of the victim, the perpetrator, and bystanders as appropriate to gather their input on the needs of the students toward responding to, and resolving, conduct prohibited in this policy.
- c. Plans will be developed for the perpetrator and the victim, as needed, for the purpose of changing behavior so similar incidents are not repeated. Plans may include but are not limited to the following:
 - i. Reporting any future violations.
 - ii. Resolving conflicts associated with the incident
 - iii. Educating students on how to deal with difficult people and situations
 - iv. Expressing feelings associated with the experience
 - v. Alternate plans or restrictions for unsupervised time
 - vi. Meeting with school counselor following parental notice and consent

C. Non-Verified Complaints

- a. When the investigation determines that the situation does not meet the criteria for bullying, hazing, or retaliation the administrator or designee will follow the procedures outlined in the NDPA Safe School – Discipline Policy Administration will notify parents of the resulting actions determined by those involved.
- b. Staff and Teachers will be alerted to watch these students for behaviors typically associated with bullying, hazing, or retaliation.

D. Other Actions, as appropriate:

- a. If the incident included any criminal activity the administrator may report it to law enforcement in a timely manner.
- b. Issues that may potentially be a violation of civil rights may be promptly reported to the Office of Civil Rights (OCR).
- c. If the student or employee does not feel they have been treated fairly they are entitled to 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 discipline or employee discipline.
 - i. File a written complaint with Mrs. Gomberg, the head administrator
 - ii. If not resolved within 8 school days, file a written complaint with the NDPA Board of Directors.
- d. The school may inform parents or guardians of the victim about actions taken against the perpetrators as long as it doesn't violate any federal and state law, including the federal Family Educational Rights to Privacy Act (FERPA) of 1974, as amended.

VII. Training

- A. Training shall include methods for supporting students toward personal and social responsibility for the purpose of developing a community where all children, and adults, feel safe and welcome; and will include awareness training for behaviors typically associated with bullying, hazing, and retaliation.
- B. Training will be available for the following groups:
 - a. Class discussions for students
 - b. Awareness and methods training for teachers and staff.
 - c. Love and Logic training for Parents
- C. In addition to training for all students and school employees, students, employees, and volunteer coaches involved in any extra-curricular activity shall:
 - a. Participate in bullying and hazing prevention training prior to participation;
 - b. repeat bullying and hazing prevention training at least every three years;
 - c. be informed of the prohibited activities list before participating in any sport.

VIII. Additional Notes

- A. This policy was developed by the Community Council, through multiple reviews.
 - a. Board Intent language was developed and approved on August 1, 2012.
 - b. Community meeting held August 16, 2012, where parents, teachers, and students voiced concerns and suggestions.
 - c. Community Council members reviewed the draft via electronic comments August 20-27, 2012, including parents, teachers, board members, and administrators.
 - d. Community Council members approved the policy on August 27, 2012.
- B. All information about the person who filed the complaint with the school will be kept in confidence. In the rare event that we would have to tell who reported the problem, administration would contact that person before revealing his/her name.

- C. The school may inform parents or guardians of the victim about actions taken against the perpetrators only when it doesn't violate any federal and state law, including the federal Family Educational Rights to Privacy Act (FERPA) of 1974, as amended.