



Approved 03/26/2013
Amended: none

FPA Bullying and Hazing Policy

Policy No. 18

Purpose:

The purpose of this policy is to eliminate all types of bullying and hazing by and against students and employees of Freedom Preparatory Academy (hereinafter FPA). A secondary purpose of this policy is to provide clear standards and a safe and accessible reporting process for victims of bullying and hazing.

Preamble:

Pursuant to 53A-11a-301, this policy was developed with input from students, parents, teachers, school administrators, school staff, or law enforcement agencies.

Publication:

A copy of this policy shall be published on the FPA website and included in student conduct handbooks and employee handbooks.

I. Definitions

- A. "Bullying" means intentionally or knowingly committing an act that:
1. Endangers the physical health or safety of a school employee or student, including but not limited to the following:
 - a. 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;
 - b. forced or involuntary consumption of any food, liquor, drug, or other substance;
 - c. forced or coerced actions or activities of a sexual nature or with sexual connotations;
 - d. any physical activity that endangers the physical health and safety of a school employee or student;
 - e. physically obstructing a school employee's or student's freedom to move; and

2. Is done 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.

3. 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:

1. Endangers the physical health or safety of a school employee or student, including, but not limited to the following:

- a. 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;
- b. consumption of any food, liquor, drug, or other substance;
- c. forced or coerced actions or activities of a sexual nature or with sexual connotations;
- d. any other physical activity that endangers the physical health and safety of a school employee or student; or
- e. physically obstructing a school employee's or student's freedom to move; and

2. 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.

3. The conduct described 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 technology to harass, threaten, or intimidate someone for the purpose of placing a school employee or student in fear of:

- 1. physical harm to the school employee or student; or
- 2. harm to property of the school employee or student.

D. "Retaliate" means an act or communication intended:

- 1. as retribution against a person for reporting bullying or hazing; or

2. to improperly influence the investigation of, or the response to, a report of bullying or hazing.

E. "School" means FPA.

F. "School board" means the FPA Board.

G. "School employee" mean school teachers, school staff, school administrators, and all others employed or authorized as volunteers, directly or indirectly, by the school, or school board..

II. Bullying, Hazing, and Retaliation Prohibitions

A. No school employee or student may engage in bullying or cyberbullying a school employee or student;

1. on school property;
2. at a school related or sponsored event;
3. on a school bus;
4. at a school bus stop; or
5. 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:

1. a school employee;
2. a student; or
3. 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.

III. Procedure for Reporting and Responding to Bullying, Hazing, & Retaliation

A. FPA shall establish and publish a Bullying and Hazing Reporting Procedure that includes the following:

1. Procedures allowing for anonymous reporting of bullying, hazing, or retaliation;

2. Names and positions of persons responsible for taking, investigating, and responding to reports of bullying, hazing, or retaliation. At least two school employees in appropriate positions of authority shall be identified to receive reports.

B. In addition, FPA shall establish procedures for the following:

1. involving parents or guardians of a perpetrator or victim of bullying, hazing, or retaliation in the process of responding to and resolving conduct prohibited in this Policy;
2. referring a victim of bullying or hazing to counseling following parental notice and consent;
3. to the extent permitted by federal and state law, including the federal Family Educational Privacy Right Act of 1974, as amended, informing the parents or guardians of a student who is a victim of bullying or hazing of the actions taken against the perpetrators of the bullying or hazing;
4. publicizing this policy, preferably including electronic publication and availability, to school employees, to students, and parents/guardians of students; and
5. training school employees and students to recognize and prevent bullying, hazing, or retaliation.

IV. Responsive Actions Required when Prohibited Acts are Reported

A. Each complaint shall include: (1) the name of complaining party; (2) the name of offender; (3) the date and location of incident(s); and (4) a statement describing the incident(s), including the names of any witnesses. All information received in a complaint, including the names of the complainants, shall be treated with the utmost confidence to the extent possible. Administrators shall notify complainant before revealing his or her name.

B. Each complaint shall be promptly investigated by a school administrator or an individual designated by a school administrator. Formal disciplinary action is prohibited in cases where the sole basis for the report is an anonymous report of bullying, hazing, or retaliation.

C. Verified violations of the prohibitions shall result in formal disciplinary action as determined by administration including, but not limited to:

1. student suspension or removal from a school-sponsored team or activity including school sponsored transportation;
2. student suspension or expulsion from school or lesser disciplinary action;
3. employee suspension or termination for cause or lesser disciplinary action;
4. employee reassignment; or
5. other action against student or employee as appropriate.

D. Responsive action shall also include the following:

1. procedures for protecting the victim and other involved individuals from being subjected to further bullying or hazing, and . retaliation for reporting the bullying or hazing.
2. prompt reporting to law enforcement of all acts of bullying, hazing, or retaliation that constitute suspected criminal activity.
3. prompt reporting to the Office of Civil Rights (OCR) of all acts of bullying, hazing, retaliation that may be violations of student(s)' or employee(s)' civil rights.
4. procedures for a fair and timely opportunity for the accused to explain the accusations and defend his actions prior to student or employee discipline.
5. 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 discipline or employee discipline.

V. Training and Preventative Measures

A. School employees shall receive annual training regarding bullying, hazing, and retaliation.

B. To the extent possible, programs or initiatives designed to provide training and education regarding the prevention of bullying, hazing, and retaliation shall be implemented.

C. Students, employees, and volunteer coaches involved in any extra-curricular activity shall:

1. participate in bullying and hazing prevention training prior to participation;
2. repeat bullying and hazing prevention training at least every three years;
- 3 be informed annually of the prohibited activities list and the potential disciplinary actions that may be taken for violation of this policy.