Bullying/Cyberbullying Prevention

This policy is meant to eliminate all types of bullying, cyber bullying, hazing, harassment, and retaliation by and/or against students and employees of Mana Academy Charter School. This will be accomplished through awareness efforts, training, identification, and disciplinary action (both students and employees) against those who violate this Policy.

Bullying, cyberbullying, harassment, and hazing of students and employees are against federal, state, and local policy, and are not tolerated by Mana Academy. Mana Academy is committed to providing all students with a safe and civil school environment in which all members of the school community are treated with dignity and respect.

School officials have the authority to discipline students for off-campus threats and/or speech that causes or threatens a substantial disruption(s) on campus, including school-related activities, violent altercations, or a significant interference with a student's educational performance and involvement in school activities. If after an investigation a student is found to be in violation of this policy, the student shall be disciplined by appropriate measures, including suspension and expulsion, pursuant to Utah Code Ann. 53A-11-904 and/or in accordance with the U.S. Department of Education Office for Civil Rights. If after an investigation a school employee is found to be in violation of this policy, the employee shall be disciplined by appropriate measures, including termination.

A secondary purpose of this policy is to provide clear standards and a safe and accessible reporting process for victims of bullying, hazing, cyber bullying, harassment, and retaliation.

Definitions

"**Bullying**" means intentionally or knowingly committing an act that:

- endangers the physical health or safety of a school employee or student;
- 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;
- involves physical activity endangering the physical health and safety of a school employee or student; or
- involves physically obstructing a school employee's or student's freedom to move; and
- is carried out for the purpose of placing a school employee or student in fear:

- physically harms the school employee or student; or
- defaces property of the school employee or student.

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.

“Civil Rights violations” means bullying (including cyber bullying), harassing, or hazing that is targeted at a federally protected class.

“Federally protected class” means:

- any group protected from discrimination under federal law Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin.
- Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of sex.
- Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990 prohibits discrimination on the basis of disability.

“Cyber bullying" means:

- the use of email, instant messaging, social and other networking sites or apps, chat rooms, cell phones, or other forms of information technology 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;
- deliberately harass, threaten, or intimidate someone for the purpose of placing a school employee or student in fear of physical, emotional, or mental harm to the school employee or student;
- or harm to property of the school employee or student,
- regardless of whether the individual directed, consented to, or acquiesced in the conduct, or voluntarily accessed the electronic communication.
- This includes demeaning, harassing, defaming, or impersonating a school employee or student.

“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 the individual. All students have the right to participate in all school activities without being subjected to conduct that is discriminatory, humiliating, demeaning, offensive or embarrassing. Harassment refers to sexual harassment, as well as ethnic, religious and general harassment.

“Sexual harassment” includes unwelcome sexual advances or sexual behaviors, including verbal behaviors, which might interfere with a student's educational benefits, opportunities or performance; or, a student's physical or psychological well-being; or, that is intimidating. Furthermore, sexual harassment consists of requests for sexual favors, sexually motivated physical conduct, or other verbal or physical conduct or communication that has the purpose or effect of substantially or unreasonably interfering with an individual's education or creating an intimidating, hostile or offensive educational or social environment on school property or at any school sponsored or related event or activity.

A student shall not engage in harassment relating to a person's sex, race, color, national origin, religion, height, weight, marital status, sexual orientation, or disability.

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

- 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
- 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;
- regardless of whether the person against whom the conduct is committed directed, consented to, or acquiesced in, the conduct.
- endangers the health or safety of a school employee or student;
- 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;
- involves consumption of any food, liquor, drug, or other substance;
- involves other physical activity that endangers the physical health and safety of a school employee or student; or
- involves physically obstructing a school employee’s or student’s freedom to move.

“Parent” includes a student’s biological or adoptive parent or student’s legal guardian.

"Retaliate" means an act or communication intended:

- as retribution against a person for reporting bullying, hazing, harassment, or cyberbullying; or
- to improperly influence the investigation of, or the response to, a report of bullying, harassment, cyber bullying, or hazing.

“School employee” means:

- school teachers;
- school staff;
- school administrators; and
- all others employed, directly or indirectly, by the school or school board.

Prohibitions

- No school employee or student may engage in bullying, hazing, cyber bullying, or harassment of a school employee or student on school property, at a school related or sponsored event, on a school bus, at a school bus stop; or while the school employee or student is traveling to or from a location or event described above.
- No school employee or student may engage in hazing or cyber bullying a school employee or student at any time or in any location.
- No school employee or student may engage in retaliation against a school employee, a student, or an investigator for, or witness of, an alleged incident of bullying, cyber bullying, hazing, harassment, or retaliation.
- No school employee or student may make a false allegation of bullying, cyber bullying, hazing, harassment or retaliation against a school employee or student.
- Any bullying, harassing, or hazing that is found to be targeted at a federally protected class is further prohibited under federal anti-discrimination laws and is subject to compliance regulations from the Office for Civil Rights.

Actions required of the school

The bullying policy will be available as part of the school policy manual and will include procedures allowing for anonymous reporting of bullying, cyber bullying, hazing, harassment or retaliation;

- In addition to the published procedures and notification above, the School Leader shall establish procedures and plans for the following in the Administrative Rules:
    - involving parents or guardians of a perpetrator or victim of bullying, cyber bullying, hazing, harassment, or retaliation in the process of responding to, and resolving, conduct prohibited in this Policy;
    - referring a victim of bullying, cyberbullying, harassment or hazing to counseling following parental notice and consent;
    - 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,

cyberbullying, harassment or hazing of the actions taken against the perpetrators of the bullying, cyberbullying, harassment or hazing;
    - publicizing this policy, preferably including electronic publication and availability, to school employees, to students, and parents/guardians of students; and training school employees and students to recognize and prevent bullying, cyber bullying, harassment, hazing, or retaliation.

Actions required if prohibited acts are reported

- Each reported complaint shall include: (1) name of complaining party; (2) name of offender (if known); (3) date and location of incident(s); (4) a statement describing the incident(s), including names of witnesses (if known). All complaints will be reviewed and considered for appropriate action. Data collected for students will be safeguarded in accordance with the Student Data Protection Act (Utah Code 53A-1-14).
- 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 based solely on an anonymous report of bullying, cyberbullying, harassment, hazing, or retaliation is prohibited.
- Verified violations of the prohibitions noted previously shall result in consequences or penalties. Consequences or penalties will be in accordance with Mana Academy 7.5 Discipline Code Policy for students or 2.5 Employee Misconduct Policy for staff.
- All reported violations will be maintained until the school administration deems it no longer necessary and destroys the data in accordance with Utah Code 53A-1-1407.

Compliance with the Office for Civil Rights when civil rights violations are reported

- Once Mana Academy knows or reasonably should know of possible student-on-student bullying, cyberbullying, harassment, or hazing, the school must take immediate and appropriate action to investigate or otherwise determine what occurred.
- If it is determined that the bullying, cyberbullying, harassment or hazing did occur as a result of the student-victim's membership in a protected class, Mana Academy shall take prompt and effective steps reasonably calculated to (1) end the bullying, cyberbullying, harassment, or hazing; (2) eliminate any hostile environment; and (3) prevent its recurrence.
- These duties are Mana Academy's responsibilities even if the misconduct also is covered by a separate anti-bullying policy and regardless of whether the student

makes a complaint, asks the school to take action, or identifies the bullying, cyberbullying, harassment, or hazing as a form of discrimination.

- Actions may include, as appropriate:
    - procedures for protecting the victim and other involved individuals from being subjected to (1) further bullying, harassment, or hazing, and (2) retaliation for reporting the bullying, harassment, or hazing;
    - prompt reporting to law enforcement of all acts of bullying, harassment, hazing, or retaliation that constitute suspected criminal activity;
    - prompt reporting to the Office for Civil Rights of all acts of bullying, harassment, hazing, or retaliation that may be violations of student or employee civil rights;
    - procedures for a fair and timely opportunity for the accused to explain the accusations and defend his actions prior to student or employee discipline;
    - procedures for providing due process rights under Utah's State Code 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 days) student discipline or employee discipline.

Parental notification of certain incidents and threats

The School Leader or other authorized school employee will:

- notify a parent if the parent's student threatens to commit suicide; or
- notify the parents of each student involved in an incident of bullying, cyber bullying, hazing, harassment, or retaliation.
- If the School Leader or other authorized school employee notifies a parent of an incident or threat required to be reported as stated above, the school will produce and maintain a record that verifies that the parent was notified of the incident or threat.
- The school may disclose a record as described above, including any information obtained to prepare the record to (1) the parent or the parent's student, or (2) to a person if required to disclose the record or information to a person pursuant to the terms of a court order.
- The school will not:
    - disclose a record as described above, including any information obtained to prepare the record, to a person other than a person authorized to receive the record as stated above; or
    - use a record as described above, including any information obtained to prepare the record, for the school's own purposes, including (1) for a report or study, (2) for a statistical analysis, or (3) to conduct research.

The School Leader will take appropriate action to protect the victim of substantiated bullying, cyberbullying, harassment, or hazing reports, regardless of the student's legal status. The School Leader will also report any significant incidents to appropriate local and state authorities. At the request of a parent, the School Leader may provide information and make recommendations related to an incident of bullying, cyber bullying, harassment, hazing, retaliation, or threat of suicide.

Investigations

Mana Academy will promptly and reasonably investigate allegations of bullying, cyberbullying, harassment, and/or hazing. At least two school employees (preferably one male and one female) in appropriate positions of authority shall be identified to receive reports through Administrative rule of this policy and will be responsible for handling all complaints by students and employees alleging bullying, cyberbullying, harassment, or hazing.

It is Mana Academy's policy, in compliance with state and federal law, that students have a limited expectation of privacy on the school's Internet system, and routine monitoring or maintenance may lead to discovery that a user has violated policy or law. Also, individual targeted searches will be conducted if there is reasonable suspicion that a user has violated policy or law. Personal electronic devices of any student suspected of violation of the above policy will be confiscated for investigation and may be turned over to law enforcement.

Training

- The training of school employees shall include training regarding bullying, cyber bullying, harassment, hazing, and retaliation.
- The training should include training on civil rights violations and compliance when civil rights violations are reported.
- In addition to training for all students and school employees, students, employees, and volunteer coaches involved in any extracurricular activity shall (1) participate in bullying, cyberbullying, harassment and hazing prevention training prior to participation; (2) repeat bullying, cyberbullying, harassment and hazing prevention training at least every three years; and (3) be informed annually of the prohibited activities list provided previously in this policy and the potential consequences for violation of this Policy.
- Training may take place through an online program provided that there is documentation to prove participation.

Additional notes

Utah State Code 53A-11a-301 requires that this policy be developed with input from (1) students, (2) parents, (3) teachers, (4) school administrators, (5) school staff, or (6) law enforcement agencies. Nothing in this policy is intended to infringe upon the right of a school employee or student to exercise their right of free speech.

Approved: February 15, 2017