

Bullying and Hazing Policy

The purpose of this policy is to eliminate all types of bullying and hazing by and against scholars and employees of Capstone Classical Academy. This will be accomplished through awareness efforts, training, identification, and disciplinary action (for both scholars and employees) against those who violate this policy. A secondary purpose is to provide clear standards and a safe and accessible reporting process for victims of bullying and hazing.

Definitions

(1) "Bullying" means intentionally or knowingly committing an act that endangers the physical health or safety of a school employee or scholar; 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 scholar; or involves physically obstructing a school employee's or scholar's freedom to move; and is done for the purpose of placing a school employee or scholar in fear of physical harm to the school employee or scholar; or harm to property of the school employee or scholar.

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.

(2) "Communication" means the conveyance of a message, whether verbal, written, or electronic.

(3) "Civil Rights Violation" means bullying (including cyber bullying), harassing, or hazing that is knowingly targeted at a federally protected class

(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 accessed the electronic communication.

(5) "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.

(6) "Hazing" means intentionally or knowingly committing an act that:

1. endangers the physical health or safety of a school employee or scholar;
 - a. 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;

- b. involves consumption of any food, liquor, drug, or other substance;
 - c. involves other physical activity that endangers the physical health and safety of a school employee or scholar; or
 - d. involves physically obstructing a school employee's or scholar'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; or
 3. If the person committing the act against a school employee or scholar knew that the school employee or scholar 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.
 4. The conduct described in Subsection (5)(a) constitutes hazing, regardless of whether the person against whom the conduct is committed directed, consented to, or acquiesced in, the conduct.

(7) "Policy" means a bullying and hazing policy described in Section 53A-11a-301.

(8) "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.

(9) "School" means any public elementary or secondary school or charter school.

(10) "School board" means:

- a. a local school board; or
- b. a local charter board.

(11) "School employee" means:

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

| Prohibitions:

1. No school employee or scholar may engage in bullying or harassing a school employee or scholar:
 - a. on school property;
 - b. at a school related or sponsored event;
 - c. on a school bus;
 - d. at a school bus stop; or
 - e. while the school employee or scholar is traveling to or from a location or event described in Subsections (1)(a) through (d).
2. No school employee or scholar may engage in hazing or cyber-bullying a school employee or scholar at any time or in any location.
3. No school employee or scholar may engage in retaliation against:
 - a. a school employee;
 - b. a scholar; or
 - c. an investigator for, or a witness of, an alleged incident of bullying, cyber-bullying, harassment, hazing, or retaliation.
4. No school employee or scholar may make a false allegation of bullying, cyber-bullying, harassment, hazing, or retaliation against a school employee or scholar.
5. Any bullying, harassing, or hazing that is found to be targeted at a federally protected class, under the law, is further prohibited under federal anti-discrimination laws and is subject to compliance regulations from the Office for Civil Rights.

Actions required if Prohibited Acts are reported:

1. 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).
2. 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.
3. Verified violations of the prohibitions noted previously shall result in consequences or penalties. Consequences or penalties may include but are not limited to:
 - a. Scholar suspension or removal from a school-sponsored team or activity including school sponsored transportation;
 - b. Scholar suspension or expulsion from school or lesser disciplinary action;
 - c. Employee suspension or termination for cause or lesser disciplinary action;
 - d. Employee reassignment; or

- e. Other action against scholar or employee as appropriate.
- 4. Compliance with the Office for Civil Rights when Civil Rights Violations are reported:
 - a. Once Capstone knows or reasonably should know of possible scholar-on-scholar bullying, cyber-bullying, harassment or hazing, the school must take immediate an appropriate action to investigate or otherwise determine what occurred.
 - b. If it is determined that bullying, cyber-bullying, harassment or hazing did occur **as a result of the scholar-victim's membership in a protected class**, Capstone shall take prompt and effective steps reasonably calculated to:
 - i. End the bullying, cyber-bullying, harassment, or hazing
 - ii. Eliminate any hostile environment; and
 - iii. Prevent the recurrence.
 - c. These duties are Capstone's responsibilities even if the misconduct also is covered by a separate anti-bullying policy and regardless of whether the scholar makes a complaint, asks the school to take action, or identifies the bullying, cyber-bullying, harassment or hazing as a form of discrimination.
- 5. Actions must also include, as appropriate:
 - a. Procedures for protecting the victim and other involved individuals from being subject to:
 - i. Further bullying or hazing, and
 - ii. Retaliation for reporting the bullying or hazing.
 - b. Prompt reporting to parents of acts of bullying, cyber-bullying, harassment, hazing, retaliation incident and threat to commit suicide.
 - c. Prompt reporting to law enforcement of all acts of bullying, hazing, or retaliation that constitute suspected criminal activity.
 - d. Prompt reporting to the Office for Civil Rights (OCR) of all acts of bullying, hazing, retaliation that may be violations of scholar(s); or employee(s)' civil rights.
 - e. Procedures for a fair and timely opportunity for the accused to explain the accusations and defend his actions prior to scholar or employee discipline.
 - f. 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 (scholars) prior to long term (more than 10 day) scholar discipline or employee discipline.

Investigations

Capstone will promptly and reasonably investigate allegations of bullying, cyber-bullying, harassment and/or hazing. The Capstone Administrative team will be responsible for handling all complaints by scholars and employees alleging bullying, cyber bullying, harassment, or hazing.

It is Capstone's policy, in compliance with state and federal law, that scholars 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 a reasonable suspicion that a user has violated policy or law. Personal electronic devices of any scholar suspected of violation of the above policy will be confiscated and may be turned over to law enforcement.

Training

1. The training of school employees shall include training regarding bullying, cyber-bullying, harassment, hazing, retaliation, and suicide prevention.
2. The training should include training on civil rights violations and compliance when civil rights violations are reported.
3. To the extent possible, programs or initiatives designed to provide training and education regarding the prevention of bullying, hazing, and retaliation should be implemented.
4. In addition to training for all scholars and school employees, scholars, 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 3 years;
 - c. Be informed annually of the prohibited activities list provided previously in this Policy and the potential consequences for violation of this Policy.

Additional Notes:

All information received in a complaint, names of complainants shall be treated with the utmost confidence to the extent possible. Administrators shall notify complainant before revealing his/her name.

See Utah Code R277-112, 613, 620, 53A-11a-203, 301