

Adopted:

## BULLYING, CYBERBULLYING, HARASSMENT & HAZING, AND RETALIATION

Purpose:

Bullying, cyber-bullying and hazing of students and employees are prohibited, are against federal, state and local policy, and are not tolerated by Bonneville Academy. Bonneville 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. To that end, Bonneville Academy has in place policies, procedures, and practices designed to reduce and eliminate bullying, cyber-bullying, and hazing—including civil rights violations or actions based on a student's or employee's actual or perceived race, color, national origin, sex, disability, religion, religious clothing, gender identity, sexual orientation, or other physical or mental attributes—as well as processes and procedures to deal with such incidents. Bullying, cyber-bullying, and hazing of students and/or employees by students and/or employees will not be tolerated in Bonneville Academy.

School officials have the authority to discipline students for off-campus speech and behavior that causes or threatens a substantial disruption on campus or during school activities, including 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 up to, and including, suspension and expulsion, pursuant to Utah Code Section 53G-8-205 and, loss of participation in extracurricular activities, and/or probation. If after an investigation, a school employee is found to have violated this policy, the employee shall be disciplined by appropriate measures up to, and including, termination.

Definitions:

"Abusive conduct" means:

1. verbal, nonverbal, or physical conduct of an employee to another employee that, based on its severity, nature, and frequency of occurrence, a reasonable person would determine:
  - a. is intended to cause intimidation, humiliation, or unwarranted distress;
  - b. results in substantial physical or psychological harm as a result of intimidation, humiliation, or unwarranted distress; or
  - c. exploits an employee's known physical or psychological disability
    - i. a single act does not constitute abusive conduct, unless it is an especially severe and egregious act that meets the standard under Subsection (A)(1), (2), or (3).

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

1. endangers the physical health or safety of a school employee or student;
  - 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 student; or
  - d) involves physically obstructing a school employee's or student's freedom to move; and

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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. creating a hostile, threatening, humiliating, or abusive educational environment due to:
  - a) the pervasiveness, persistence, or severity of the actions; or
  - b) a power differential between the bully and the victim
4. substantially interfering with a student having a safe school environment that is necessary to facilitate educational performance, opportunities, or benefits.
5. 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.
6. "bullying" includes relational aggression or indirect, covert, or social aggression, including rumor spreading, intimidation, enlisting someone to engage in the bullying of another person, and social isolation.

"Civil Rights Violations" means bullying (including cyberbullying), harassing, or hazing that is targeted at a federally protected class.

"Federally protected class" means any group protected from discrimination under federal law

1. Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin.
2. Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of sex.
3. 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.
4. Other areas included under these acts include religion, gender identity, and sexual orientation.

"Cyberbullying" means:

1. the use of the Internet, cell phones, or other forms of information technology to;
  - a) 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;
  - b) 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;
  - c) or harm to property of the school employee or student,
  - d) regardless of whether the individual directed, consented to, or acquiesced in the conduct, or voluntarily accessed the electronic communication.
  - e) 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.

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

1. endangers the health or safety of a school employee or student;
  - 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 student; or
  - d) involves 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; or
3. 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;
4. regardless of whether the person against whom the conduct is committed directed, consented to, or acquiesced in, the conduct.

"Parent" includes a student's biological or adoptive parent or student's legal guardian.

"Restorative justice practice" means a discipline practice designed to enhance school safety, reduce school suspensions, and limit referrals to court, and is designed to help minors take responsibility for and repair the harm of behavior that occurs in school.

"Retaliate" means an act or communication intended:

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

"School employee" means:

1. school teachers;
2. school staff;
3. school administrators; and
4. all others employed, directly or indirectly, by the school or school board.

"Trauma-Informed Care" means a strengths-based service delivery approach grounded in an understanding of and responsiveness to the impact of trauma, emphasizing physical, psychological, and emotional safety for both offenders and victims, and creating opportunities for victims to rebuild a sense of control and empowerment.

"Volunteer" means:

1. a person working under the direct supervision of a licensed educator.

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2. an unpaid person working on school property or at a school sponsored off-campus activity on behalf of the school.

Prohibitions:

1. A school employee or student shall not engage in bullying a school employee or student:
  - a) on school property;
  - b) at a school related or sponsored event;
  - c) while the school employee or student is traveling to or from a location or event described above in Subsection A (1) – (4)
2. A school employee or student shall not engage in hazing or cyber-bullying a school employee or student at any time or in any location.
3. A school employee or student shall not engage in retaliation against:
  - a) a school employee;
  - b) a student; or
  - c) an investigator for, or witness of, an alleged incident of bullying, cyber-bullying, hazing, or retaliation.
4. A school employee or student shall not make a false allegation of bullying, cyber-bullying, hazing, or retaliation against a school employee or student.
5. Any bullying, cyber-bullying, 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:

In addition to the requirements of Utah Code Subsection 53G-9-605 (3), Bonneville Academy is required to:

1. develop, update, and implement policies as required by Utah Code Section 53G-9-605 and this rule;
2. develop policy with the input from students, parents, teachers, school administrators, school staff, or law enforcement agencies;
3. post a copy of Bonneville Academy's policy on the school's website;
4. develop an action plan to address a reported incident of bullying, cyber-bullying, hazing, or retaliation, [or abusive conduct];
5. provide a requirement for a signed statement that meets the requirements of Utah Code Subsection 53G-9-605 (3)([g]h) annually; and
6. assess students about the prevalence of bullying, cyber-bullying, hazing, and retaliation in Bonneville Academy:
  - a) specifically, locations where students are unsafe and additional adult supervision may be required, such as playgrounds, hallways, bathrooms, locker rooms and lunch areas.
7. The bullying policy will be available as part of the school policy manual and will include procedures allowing for anonymous reporting of bullying, cyberbullying, hazing, harassment or retaliation;
8. In addition to the published procedures and notification above, the School Director shall establish procedures and plans for following in Administrative Rule:
  - a) involving parents or guardians of a perpetrator or victim of bullying, cyberbullying, hazing, harassment, or retaliation in the process of responding to, and resolving, conduct prohibited in this Policy;

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- b) referring a victim of bullying, cyberbullying, harassment or hazing to counseling following parental notice and consent;
- c) 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;
- d) 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, cyberbullying, harassment, hazing, or retaliation.

Actions Required if Prohibited Acts are Reported:

1. 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.
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, cyberbullying, harassment, 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) use a discipline plan consistent with State Board of Education Administrative Rule R277-609;
  - b) use restorative justice practices consistent with State Board of Education Administrative Rule R277-613;
  - c) notify the involved students' parents of the restorative justice practice and obtain consent from the involved student(s)'s parent(s) before including victim in the process;
  - d) support involved students through trauma-informed practices;
  - e) use student suspension or removal from a school-sponsored team or activity including school sponsored transportation;
  - f) use student suspension or expulsion from school or lesser disciplinary action;
  - g) use employee suspension or termination for cause or lesser disciplinary action consistent with Utah Code Section 53G-11-512;
  - h) use employee reassignment;
  - i) take other actions against student or employee as appropriate; and
  - j) use a grievance process required under Subsection 53E-9-605(3)(f) consistent with the Bonneville Academy's established grievance process.
4. Compliance with the Office for Civil Rights when Civil Rights Violations are Reported:
  - a) Once Bonneville 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.
  - b) 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, Bonneville Academy shall take prompt

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and effective steps reasonably calculated to  
(1) end the bullying, cyberbullying, harassment, or hazing;  
(2) eliminate any hostile environment; and  
(3) prevent its recurrence.

- c) These duties are Bonneville 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.

Parental Notification of Certain Incidents and Threats:

1. The School Director or other authorized school employee will:
  - a) notify a parent if the parent's student threatens to commit suicide; or
  - b) notify the parents of each student involved in an incident of bullying, cyberbullying, hazing, harassment, or retaliation, of the incident involving each parent's student.
2. If the School Director 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.
3. 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.
4. The school will not:
  - a) 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
  - b) 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 Director 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 Director will also report any significant incidents to appropriate local and state authorities. At the request of a parent, the School Director may provide information and make recommendations related to an incident of bullying, cyberbullying, harassment, hazing, retaliation or threat of suicide.

Investigations

Bonneville Academy will promptly and reasonably investigate allegations of bullying, cyber-bullying, and/or hazing. Bonneville Academy will appoint at least 2 employees in appropriate positions of authority (preferably one male and one female) who will be responsible for handling all complaints by students and employees alleging bullying, cyber-bullying, or hazing as outlined in this policy. It is Bonneville Academy's policy, in compliance with state and federal law, that students have a limited

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expectation of privacy on the school's Internet system, and routine monitoring or maintenance may lead to discovery that a user has violated district 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.

1. Bonneville Academy shall adopt an action plan in accordance with State Board of Education Administrative Rule Subsection R277-613-4(1)(c), including a plan to:
  - a) investigate allegations of incidents of bullying, cyber-bullying, hazing, and retaliation in accordance with this section; and
  - b) provide an individual who investigates allegations of incidents of bullying, cyberbullying, hazing, and retaliation with adequate training on conducting an investigation.
2. Bonneville Academy is required to investigate allegations of incidents by interviewing at least the alleged victim and the individual who is alleged to have engaged in prohibited conduct.
  - a) Bonneville Academy may also interview the following as part of an investigation:
    - i) parents of the alleged victim and the individual who is alleged to have engaged in prohibited conduct;
    - ii) any witnesses;
    - iii) school staff; and
    - iv) other individuals who may provide additional information.
  - b) An individual who investigates an allegation of an incident shall inform an individual being interviewed that:
    - i) to the extent allowed by law, the individual is required to keep all details of the interview confidential; and
    - ii) further reports of bullying may become part of the investigation.
3. The confidentiality requirement does not apply to:
  - a) conversations with law enforcement professionals;
  - b) requests for information pursuant to a warrant or subpoena;
  - c) a state or federal reporting requirement; or
  - d) other reporting required by this rule.
4. In conducting an investigation under this section, Bonneville Academy may:
  - a) review disciplinary reports of involved students and employees; and
  - b) review physical evidence, consistent with search and seizure law in schools, which may include:
    - i) a. video or audio;
    - ii) notes;
    - iii) email;
    - iv) text messages;
    - v) social media; or
    - vi) graffiti.
5. Bonneville Academy is required to adopt a policy, consistent with state law and state board rule, outlining under what circumstances Bonneville Academy employees will report incidents of bullying, cyber-bullying, and retaliation to law enforcement

#### Training

All students, school employees, coaches, and volunteers at Bonneville Academy will receive annual training from a qualified professional regarding bullying, cyber-bullying, and hazing and retaliation. This training will address:

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1. 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;
2. relational aggression or indirect, covert, or social aggression, including rumor spreading, intimidation, enlisting a friend to assault a child, and social isolation;
3. bullying, cyber-bullying, and hazing of a sexual nature or with sexual overtones;
4. cyber-bullying, including use of email, web pages, text messaging, instant messaging, three-way calling or messaging or any other electronic means for aggression inside or outside of school;
5. bullying, cyber-bullying, hazing and retaliation based upon the students' or employees' identification as part of any group protected from discrimination under the following federal laws:
  - a) Title VI of the Civil Rights Act of 1964, including discrimination on the basis of race, color, or national origin;
  - b) Title IX of the Education Amendments of 1972, including discrimination on the basis of sex; or
  - c) Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990, including discrimination on the basis of disability; and
6. training on civil rights violations will include compliance when civil rights violations are reported;
7. bullying, cyber-bullying, hazing and retaliation including training and education specific to bullying based upon students' or employees' actual or perceived, characteristics, including race, color, national origin, sex, disability, religion, religious clothing, gender identity, sexual orientation, or other physical or mental attributes or and conformance or failure to conform to stereotypes; and
8. awareness and intervention skills such as social skills training.

A licensed educator shall supervise volunteers and is responsible for ensuring the volunteer is trained in the above areas. Volunteers shall report to their supervisor if the volunteer witnesses or is notified of a bullying, cyber-bullying, hazing, or retaliation incident among students or if the volunteer has reason to suspect such an incident. Volunteers shall not engage in bullying activities themselves and must follow policy requirements or may be asked to leave Bonneville Academy if in violation of this policy.

Bonneville Academy will implement a youth suicide prevention program for students as described in Utah Code Section 53E-9-702.

All licensed educators must complete 2 hours of professional development in youth suicide prevention training once every license renewal cycle.

In addition to training for all school employees, students, employees, and volunteer coaches involved in any extra-curricular activity shall:

1. participate in initial bullying and hazing prevention training prior to participation in the extra-curricular activity;
2. participate in initial bullying, cyber-bullying, and hazing prevention training to be completed by every employee by January 30, 2019 and repeated at least every three years thereafter;
3. receive information annually of the prohibited activities list provided previously in this Policy and the potential consequences for violation of this Policy.

Annual Reporting of Allegations of Bullying, Cyber-bullying, Hazing, and Retaliation

1. Bonneville Academy is required by Utah Code Subsection 53E-3-401 (3) and State Board of Education Administrative Rule R277-613 to report the following annually, on or before June 30, to the Superintendent in accordance with the Superintendent's submission requirements:
  - a) a copy of Bonneville Academy's policy required in Section R277-613-4;



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- b) implementation of the signed statement requirement described in Utah Code Subsection 53G-9-605 (3)(g);
- c) verification of Bonneville Academy's training of school employees relating to bullying, cyberbullying, hazing, and retaliation [, and abusive conduct] described in Utah Code Section 53G-9-607;
- d) incidents of bullying, cyber-bullying, hazing, and retaliation;
- e) the number of incidents described in Subsection (4) required to be reported separately under federal law, including the reporting requirements in:
  - i) Title VI of the Civil Rights Act of 1964;
  - ii) Title IX of the Education Amendments of 1972; or
  - iii) Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990; and
  - iv) the number of incidents described in Subsection (4) that include a student who was bullied, cyber-bullied, hazed, or retaliated against due to of based on the student's actual or perceived characteristics, including disability, race, national origin, religion, [or] sex, gender identity, or sexual orientation.

#### Additional Notes

1. 53A-11a-301 requires that this policy be developed with input from
  - a) students,
  - b) parents,
  - c) teachers,
  - d) school administrators,
  - e) school staff, or
  - f) law enforcement agencies.
2. Nothing in this policy is intended to infringe upon the right of a school employee or student to exercise their right of free speech.