



## **Bullying, Cyberbullying, Hazing, and Retaliation Policy**

### **I. Purpose**

Bullying, cyberbullying, and hazing of students and employees are against federal, state, and local policy, and are not tolerated by Canyon Rim Academy (“CRA”). CRA 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, CRA has in place policies, procedures, and practices that are designed to reduce and eliminate bullying, cyberbullying, harassment, 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, cyberbullying, and hazing of students and/or employees by students and/or employees will not be tolerated at CRA.

School officials have the authority to discipline students on and off-campus speech that causes or threatens a substantial disruption on campus or school activities, including violent altercations, or 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 § 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.

### **II. Definitions**

A. “Abusive conduct” means verbal, nonverbal, or physical conduct of an employee, a parent, a guardian or student directed toward a school employee or board member that, based on its severity, nature, and frequency of occurrence, a reasonable person would determine:

1. is intended to cause intimidation, humiliation, or unwarranted distress;
2. results in substantial physical or psychological harm as a result of intimidation, humiliation, or unwarranted distress; or
3. exploits an employee's known physical or psychological disability
  - a. 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).

B. "Bullying" means a school employee or student intentionally committing a written, verbal, or physical act against a school employee or student that a reasonable person under the circumstances should know or reasonably foresee will have the effect of:

1. causing physical or emotional harm to the school employee or student;
2. causing damage to the school employee's or student's property;
3. placing the school employee or student in reasonable fear of:
  - a. harm to the school employee's or student's physical or emotional wellbeing; or
  - b. damage to the school employee's or student's property;
4. 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; or
5. substantially interfering with a student having a safe school environment that is necessary to facilitate educational performance, opportunities, or benefits.
6. 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.
7. "bullying" includes relational aggression or indirect, covert, or social aggression, including rumor spreading, intimidation, enlisting a friend to assault a child, and social isolation

C. "Civil rights violation" means bullying, cyberbullying, or hazing that is targeted at a student or employee upon the students' or employees' identification as part of any group protected from discrimination under the following federal laws:

1. Title VI of the Civil Rights Act of 1964, including discrimination on the basis of race, color, or national origin;
2. Title IX of the Education Amendments of 1972, including discrimination on the basis of sex; or
3. 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;

D. "Cyberbullying" 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.

E. “Disruptive student behavior” means the same as that term is defined in Utah Code Subsection 53G-8-210(1)(a).

1. disruptive student behavior includes:

a. the grounds for suspension or expulsion described in Utah Code Section 53G-8-205 (and listed in CRA’s Safe School Policy); and

b. the following conduct described in Utah Code Subsection 53G-8-209 (2)(b):

- use of foul, abusive, or profane language while engaged in school-related activities;
- illicit use, possession, or distribution of controlled substances or drug paraphernalia, and the use, possession, or distribution of an electronic cigarette as defined in Utah Code Section 76-10-101, tobacco, or alcoholic beverages contrary to law; and
- hazing, demeaning, or assaultive behavior, whether consensual or not, including behavior involving physical violence, restraint, improper touching, or inappropriate exposure of body parts not exposed in public settings, forced ingestion of any, or any act which would constitute a crime against a person or public order under Utah law

F. “Hazing” means a school employee or student intentionally, knowingly, or recklessly committing an act or causing another individual to commit an act toward a school employee or student 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 or other physical activity that endangers the physical health and safety of a school employee or student; or

c. involves any activity that would subject a school employee or student to extreme mental stress, such as sleep deprivation, extended isolation from social contact, or conduct that subjects a school employee or student to extreme embarrassment, shame, or humiliation; and

1. is committed for the purpose of initiation into, admission into, affiliation with, holding office in, or as a condition for membership or acceptance in any school or school-sponsored team, organization, program, club, or event; or

2. the individual who commits the act knows, at the time the act is committed, is a member of, or candidate for, membership in, a school or school-sponsored team, organization, program, club, or event in which the individual who commits the act also participates.

The conduct described in Subsection “F” constitutes hazing, regardless of whether the person against whom the conduct is committed directed, consented to, or acquiesced in, the conduct.

G. “Parent” means a student’s parent or guardian.

H. “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.

I. “Retaliation” means an act of communication intended:

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

J. “School” means a public elementary or secondary school, including a charter school.

K. “School board” means:

1. a local school board; or
2. a local charter board.

L. “School employee” means an individual working in the individual’s official capacity as:

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

M. “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.

N. "Volunteer" means a person working under the direct supervision of a licensed educator.

### **III Training**

A. All students, staff, and volunteers at CRA will receive annual training from a qualified professional regarding bullying, cyberbullying, hazing and retaliation.

This training will address:

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, cyberbullying, harassment, or hazing of a sexual nature or with sexual overtones;
4. cyberbullying, 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.

B. 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 CRA if in violation of this policy.

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

D. In addition, 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 extracurricular activity;
2. participate in initial bullying, cyber-bullying, and hazing prevention training to be completed by every employee within 60 days of being hired-and repeated at least every three years thereafter;
3. receive information annually of the prohibited activities list provided in this Policy and the potential consequences for violation of this Policy.

#### **IV Prohibitions**

A. A school employee or student shall not engage in bullying 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 in Subsection A(1) – (4)

B. A school employee or student shall not engage in hazing or cyberbullying a school employee or student at any time or in any location.

C. A school employee or student shall not 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. A school employee or student shall not make a false allegation of bullying, cyber-bullying, hazing, or retaliation against a school employee or student.

E. 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.

## **V. Investigations**

CRA will promptly and reasonably investigate allegations of bullying, cyberbullying, and/or hazing. CRA Investigators, as may be designated by CRA administration, which may include CRA administrative personnel and/or school staff familiar with the allegations, will be responsible for handling all complaints by students and employees alleging bullying, cyberbullying, or hazing as outlined in the procedures below.

A. Action upon receiving a complaint:

1. Gather written reports from all parties involved including witnesses if warranted.
2. Determine if a violation of this policy has occurred.
3. If violations have occurred determine appropriate consequences with the goal of:
  - a. ensuring all students are able to have access to the most appropriate setting possible
  - b. ensuring all students are safe and able to attend school
  - c. Preventing future inappropriate behaviors related to bullying, hazing, etc.

B. CRA administration will investigate allegations described in (A)(1) by interviewing at least the alleged victim and the individual who is alleged to have engaged in prohibited conduct.

1. CRA may also interview the following as part of an investigation:
  - a. parents of the alleged victim and the individual who is alleged to have engaged in prohibited conduct;
  - b. any witnesses;
  - c. school staff; and
  - d. other individuals who may provide additional information.
2. An individual who investigates an allegation of an incident shall inform an individual being interviewed that:
  - a. to the extent allowed by law, the individual is required to keep all details of the interview confidential; and
  - b. further reports of bullying may become part of the investigation.

- C. The confidentiality requirement in Subsection (B)(2) does not apply to:
  - 1. Conversations and information shared with law enforcement professionals, including but not limited, to police officers and officers of the court provided the parents and/or guardians of the alleged victim and the individual who is alleged to have engaged in prohibited conduct are notified of the same;
  - 2. requests for information pursuant to a legal request, warrant or subpoena provided the parents and/or guardians of the alleged victim and the individual who is alleged to have engaged in prohibited conduct are notified of the same;
  - 3. a state or federal reporting requirement;
  - 4. Conversations and information shared with parents and/or guardians of individuals involved in the allegations provided the parents and/or guardians of the alleged victim and individual who is alleged to have engaged in prohibited conduct are notified of the same; or
  - 5. other reporting required by law.
  
- D. In conducting an investigation under this section, CRA may:
  - 1. review disciplinary reports of involved students; and
  - 2. review physical evidence, consistent with search and seizure law in schools, which may include:
    - a. video or audio;
    - b. notes;
    - c. email;
    - d. text messages;
    - e. social media; or
    - f. graffiti.

It is CRA'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 CRA 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.

## **VI. Actions Required if Prohibited Acts are Verified**

- A. Each reported complaint will 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).
- B. Each reported violation of the prohibitions noted previously will be promptly investigated by a school administrator or an individual designated by a school administrator. A report of bullying, cyberbullying, hazing, and retaliation may be made anonymously, but CRA will not take formal disciplinary action based solely on an anonymous report.
- C. Verified violations of the prohibitions noted previously shall result in consequences or penalties. Consequences or penalties may include but are not limited to:
1. use a written discipline plan consistent with State Board of Education Administrative Rule R277-609;
  2. use restorative justice practices consistent with State Board of Education Rule R277-613;
  3. 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;
  4. support involved students through trauma-informed practices;
  5. student suspension or removal from a school-sponsored team or activity including school sponsored transportation;
  6. use student suspension or expulsion from school or lesser disciplinary action;
  7. use employee suspension or termination for cause or lesser disciplinary action consistent with Utah Code Section 53G-11-512;
  8. use employee reassignment;
  9. take other actions against student or employee as appropriate; and
  10. use a grievance process required under Subsection 53E-9-605(3)(f) consistent with the CRA's established grievance process.
- D. School administration or designee of administration will notify a parent if the parent's student threatens to commit suicide, or if the student is involved in an incident of bullying, cyberbullying, hazing, or retaliation.
1. CRA will produce and maintain a record that verifies that the parent was notified of the incident or threat.
  2. CRA will not disclose the record described in D1 to anyone unauthorized to receive it and will not use the record for purposes not allowed under the law.

3. Retention of records will be kept for three years after promotion or withdrawal from school at which time records will be shredded.

E. Compliance with the Office for Civil Rights when Civil Rights Violations Occur:

1. the school is responsible for identifying bullying, cyber-bullying, and hazing incidents about which it knows or reasonably should have known when it involves a protected class. The school must take immediate and appropriate action to investigate or otherwise determine what occurred.
2. these duties are the school's responsibility to investigate regardless of whether a person makes a complaint, a person requests the school to take action, or a person identifies the bullying, cyber-bullying or hazing as a form of discrimination
3. If it is determined that the bullying, cyberbullying, or hazing occurred as a result of the student victim's membership in a protected class, CRA shall take prompt and effective steps reasonably calculated to:
  - a. end the bullying, cyberbullying, or hazing
  - b. eliminate any hostile environment, and
  - c. assess prevalence in school culture, physical facilities, and systemic practices to prevent its recurrence

F. Actions must also include, as appropriate:

1. procedures for protecting the victim and other involved individuals from being subjected to:
  - a. further bullying, cyberbullying, or hazing, and
  - b. retaliation for reporting bullying, cyberbullying, or hazing.
2. prompt reporting to law enforcement of all acts of bullying, cyberbullying, hazing, or retaliation that constitute suspected criminal activity.
3. procedures for a fair and timely opportunity for the accused to explain the accusations and defend his/her actions prior to student or employee discipline; and
4. procedures for providing due process rights under Utah Code § 53G-11-501 (licensed staff) and local employee discipline policies prior to employee discipline or Utah Code § 53G-8-202 and local policies (students) prior to long-term (more than 10 days) student discipline.
5. Confirmed reports of a bullying, cyberbullying or hazing incident will be recorded in the school SIS system by a school administrator.

## **VII. Actions Required to Create or Update Bullying Policies**

A. In addition to the requirements of Utah Code Subsection 53G-9-605 (3), CRA 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 CRA's policy on the CRA 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

## **VIII. Annual Reporting of Allegations of Bullying, Cyber-bullying, Hazing, and Retaliation**

A. CRA 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:

1. a copy of CRA's policy is required in Section R277-613-4;
2. implementation of the signed statement requirement described in Utah Code Subsection 53G-9-605 (3)(g);
3. verification of CRA's training of school employees relating to bullying, cyberbullying, hazing, and retaliation [, and abusive conduct] described in Utah Code Section 53G-9-607;
4. incidents of bullying, cyber-bullying, hazing, and retaliation;
5. the number of incidents described in Subsection (4) required to be reported separately under federal law, including the reporting requirements in:
  - a. Title VI of the Civil Rights Act of 1964;
  - b. IX of the Education Amendments of 1972; or
  - c. Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990; and
  - d. 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.

## **IX. Grievance Process for Incident of Abusive Conduct**

A. For purposes of this policy, “abusive conduct” means verbal, nonverbal, or physical conduct of a parent or student-directed toward a school employee that, based on its severity, nature, and frequency of occurrence, a reasonable person would determine is intended to cause intimidation, humiliation, or unwarranted distress.

1. a school employee who has experienced an incident of abusive conduct and is not satisfied with initial efforts to resolve the issue, may submit a written grievance with the school employee’s principal within thirty (30) calendar days of the incident.
2. the written grievance described in Subsection (1) shall include:
  - a. the date of the incident;
  - b. circumstances of the incident; and
  - c. the signature of the school employee submitting the grievance to the principal.
3. within ten (10) business days of receiving the written grievance, the principal shall meet with the school employee to discuss the grievance and possible resolutions.
4. within ten (10) business days after the meeting described in Subsection (3), the principal shall respond to the school employee in writing explaining the principal’s position and offer options for substantive resolution of the complaint.
5. if the response by the principal described in Subsection (4) does not satisfactorily resolve the issue, the school employee may appeal the principal’s response in writing within ten (10) business days after receipt of the response to the chair of the CRA Board of Trustees.
6. within ten (10) business days after receipt of the grievance appeal described in Subsection (5), the chair of the CRA Board of Trustees shall meet with the school employee to discuss the grievance and possible resolutions.
7. within fifteen (15) business days after the meeting, the chair of the CRA Board of Trustees shall respond in writing with a final resolution of the grievance.
8. the chair of the CRA Board of Trustees’ written response shall be the final administrative action in the matter.

## **X. Additional Notes**

A. This policy does not prohibit expressive activity protected by the First Amendment of the United States Constitution. However, if off-campus speech that may constitute bullying, cyberbullying, hazing, or harassment incident

creates a substantial disruption to the school environment, under *Tinker v. Des Moines*, CRA may take disciplinary action against the student who initiated the speech. Factors that CRA may consider in determining whether a substantial disruption has occurred are:

1. whether there is a verbal or physical confrontation over the incident at school;
2. whether there is likely to be a verbal or physical confrontation based on evidence of a prior relationship between the victim and the student who initiated the speech;
3. whether any part of the speech that gave rise to the incident was repeated at school;
4. whether students are discussing the incident during class or if it otherwise is disrupting school work;
5. whether there is a widespread whispering campaign sparked by the off-campus incident that disrupts the school environment and students' abilities to focus on school;
6. whether administrators who dealt with the incident were pulled from their ordinary tasks to address the incident and how much time it took out of an administrator's day to do so;
7. whether speech similar to the off-campus speech in this incident has occurred in the past and has resulted in violence or near violence at school;
8. whether there is a negative effect on classroom activities as a result of the off-campus incident;
9. whether the speech was violent or whether there is a history of violence from the student/s who initiated the speech; (Note: true threats are not protected by the First Amendment if it advocates "imminent" violence or unlawful conduct. Thus, a message that threatens physical harm, even if it isn't meant to be serious, may not be protected by the First Amendment and the person who utters such a message may be disciplined by CRA).