

# Emery County School District



## Policy: JICK—Bullying, Cyber-bullying, Hazing and Abusive Conduct

Date Adopted: 3 December 2008  
Current Review / Revision: 8 August 2018

### Definitions

1. “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.
2. “Bullying” in general is aggressive behavior that is intended to cause distress and harm, exists in a relationship where there is an imbalance of power and strength, and is repeated over time. Bullying includes relational aggression or indirect, covert, or social aggression, including rumor spreading, intimidation, enlisting a friend to assault a child, and social isolation. As specifically defined by this policy, bullying means intentionally committing a written, physical, or verbal act against a school employee or student that a reasonable person under the circumstances should know or reasonably foresee will have one of the following effects:
  - a. Causing physical or emotional harm to the school employee or student
  - b. Causing damage to the school employee’s or student’s property;
  - c. Placing the school employee or student in reasonable fear of:
    - i. Harm to the school employee’s or student’s physical or emotional well-being; or
    - ii. Damage to the school employee’s or student’s property;
  - d. Creating a hostile, threatening, humiliating, or abusive educational environment due to:
    - i. The pervasiveness, persistence, or severity of the actions; or
    - ii. A power differential between the bully and the target; or
  - e. Substantially interfering with a student having a safe school environment that is necessary to facilitate the educational performance, opportunities, or benefits.

The foregoing conduct constitutes bullying regardless of whether the person against whom the conduct is committed directed, consented to, or acquiesced in the conduct.

3. “Communication” means the conveyance of a message, whether verbal, written, or electronic.
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. “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:

- a. Endangers the mental or physical health or safety of a school employee or student;
- b. Involves any brutality of a physical nature, including whipping, beating, branding, calisthenics, bruising, electric shocking, placing of a harmful substance on the body, or exposure to the elements;
- c. Involves consumption of any food, alcoholic product, drug, or other substance, or other physical activity that endangers the mental or physical health and safety of a school employee or student; or
- d. 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
  - i. Is committed for the purpose of initiation into, admission into, affiliation with, holding office in, or as a condition for membership in a school or school sponsored team, organization, program, club, or event; or
  - ii. Is directed toward a school employee or student whom 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.
- e. The conduct described in Subsection (4) constitutes hazing, regardless of whether the school employee or student against whom the conduct is committed directed, consented to, or acquiesced in, the conduct.

Utah Admin. Rules R277-613-2

Utah Code § 76-5-107.5

Utah Code § 53G-9-601(1) to (5)

6. “Policy” means a bullying, cyber-bullying, retaliation, and hazing policy described in Section 53G-9-605.

7. “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.

Utah Code § 53G-9-601(7)

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

9. “School board” means:

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

10. "School employee" means an individual working in the individual's official capacity as:

- a. A school teacher;
- b. A school staff member;
- c. A school administrator; or
- d. An individual:
  - i. Who is employed, directly or indirectly, by a school, school board, or school district; and
  - ii. Who works on a school campus.

Utah Code § 53G-9-601(10)

#### Bullying and Abusive Conduct Prohibited

No student may engage in bullying of a student or school employee on school property, at a school related or sponsored event, on a school bus, at a school bus stop, or while the student is traveling to or from a school location or school related or sponsored event. No student may engage in abusive conduct.

Students who engage in bullying or abusive conduct are in violation of this policy and verified violations shall result in disciplinary action up to and including expulsion, consistent with the District's Safe Schools policy (FHA).

Anonymous reports of bullying or abusive conduct alone cannot constitute the basis for formal disciplinary action.

The school or District may also report students who engage in bullying or abusive conduct to law enforcement if that is permitted by Utah Code § 53G-8-211.

Utah Code § 53G-9-605

Utah Admin. Rules R277-613-4(1)(a)

Utah Admin. Rules R277-613-7

#### Hazing and Cyber-bullying Prohibited

No student may engage in hazing or cyber-bullying of a student or employee at any time or at any location.

Students who engage in hazing or cyber-bullying are in violation of this policy and verified violations shall result in disciplinary action up to and including expulsion, as well as suspension or removal from a school-sponsored team or activity, including school sponsored transportation, consistent with the District's Safe Schools policy (FHA).

The school may also determine to break up or dissolve a team, organization, or other school-sponsored group for hazing violations by its members.

Anonymous reports of hazing or cyber-bullying alone cannot constitute the basis for formal disciplinary action.

The school or District may also report students who engage in hazing or cyberbullying to law enforcement if that is permitted by Utah Code § 53G-8-211.

Utah Code § 53G-9-605

Utah Admin. Rules R277-613-4(1)(a)

#### Retaliation Prohibited

No school employee 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, or retaliation against a school employee or student, or an alleged incident of abusive conduct.

Students who engage in such retaliation are in violation of this policy and are subject to disciplinary action up to and including expulsion, consistent with the District's Safe Schools policy (FHA). Anonymous reports of bullying, abusive conduct, cyber-bullying, or retaliation alone cannot constitute the basis for formal disciplinary action.

Anonymous reports of retaliation alone cannot constitute the basis for formal disciplinary action.

The school shall inform students who have reported being subject to bullying, cyber-bullying, or hazing and these students' parents that retaliation is prohibited and shall encourage the students and parents to be aware of and to report any subsequent problems or new incidents.

Utah Code § 53G-9-605

Utah Admin. Rules R277-613-4(1)(a), (4)

#### Making a False Report Prohibited

No student may make a false allegation of bullying, abusive conduct, cyber-bullying, hazing, or retaliation against a school employee or student.

Students who engage in making such false allegations are in violation of this policy and are subject to disciplinary action up to and including expulsion, consistent with the District's Safe Schools policy (FHA).

Utah Code § 53G-9-605(3)(d)

Utah Admin. Rules R277-613-4(1)(a)

#### Action Plan

Upon receipt of a reported incident of bullying, cyber-bullying, hazing, abusive conduct, or retaliation, the school principal or designee shall promptly review and investigate the allegations. At a minimum, this investigation shall include interviewing the alleged targeted individual and the individually alleged to have engaged in prohibited conduct. The principal or designee may also interview other individuals who may provide additional information, including the parents of the alleged target and alleged perpetrator, any witnesses to the conduct, and school staff. The principal or designee may also review physical evidence, including but not limited to video or audio recordings, notes, email, text messages, social media, and graffiti. The principal or designee shall inform any person being interviewed that the principal or designee is required to keep the details of the interview confidential to the extent allowed by law and that further reports of bullying will become part of the investigation.

Utah Admin. Rules R277-613-5(2), (3), (4)

When it is determined that a student has been bullied, cyber-bullied, or hazed, this plan of action should include consideration of what support, counseling, or other assistance the student may need to prevent such mistreatment from adversely affecting the student's ability to learn and function in the school setting.

Utah Code § 53G-9-605(3)(g)

The plan of action may include supporting involved students through trauma-informed care practices, if appropriate, as defined in Utah Admin. Rules R277-613-2(14).

Utah Admin. Rules R277-613-5(6)

The plan of action may also include positive restorative justice practice action, if permitted. Restorative justice practice is a discipline practice that brings together students, school personnel, school families, and community members to

resolve conflicts, address disruptive behaviors, promote positive relationships, and promote healing. An alleged targeted student is not required to participate in a restorative justice practice with an alleged perpetrator. If the principal or designee desires to have an alleged targeted student participate, the principal or designee shall first inform that student's parent about the restorative justice practice and obtain the parent's consent prior to such participation.

Utah Admin. Rules R277-613-2(11)

Utah Admin. Rules R277-613-5(6)

If any retaliation occurs, the principal or designee shall take strong responsive action against it, including but not limited to providing assistance to any targeted individual and his or her parent in reporting subsequent problems and new incidents.

Utah Admin. Rules R277-613-4(4)

#### Training and Education—

Each school shall establish procedures for training school employees, coaches, volunteers and students on bullying, cyber-bullying, hazing, or retaliation. Training to students, staff, and volunteers shall:

1. Include information on various types of aggression and bullying, including:
  - a. overt aggression that may include physical fighting such as punching, shoving, kicking, and verbally threatening behavior, such as name calling, or both physical and verbal aggression or threatening behavior;
  - b. relational aggression or indirect, covert, or social aggression, including rumor spreading, intimidation, enlisting a friend to assault a child, and social isolation;
  - c. sexual aggression or acts of a sexual nature or with sexual overtones;
  - d. cyber-bullying, including use of email, web pages, text messaging, instant messaging, social media, three-way calling or messaging or any other electronic means for aggression inside or outside of school; and
  - e. civil rights violations, including bullying, cyber-bullying, hazing, and retaliation based upon the students' or employees' actual or perceived identities and conformance or failure to conform with stereotypes;
2. Complement required student suicide prevention programs and required suicide prevention training; and
3. Include information on when issues relating to this policy may lead to student or employee discipline.

Utah Admin. Rules R277-613-4(5)(b)

This training shall be provided to all new employees, coaches, and volunteers and shall be provided to all employees, coaches, and volunteers at least once every three years.

Utah Admin. Rules R277-613-4(6)

In addition to training school employees and educating students mentioned above, all volunteer coaches, employees, and students involved in any curricular athletic program or any extra-curricular club or activity shall:

1. Complete bullying, cyber-bullying, harassment and hazing prevention training prior to participation;
2. Repeat bullying, cyber-bullying, harassment and hazing prevention training at least every three years;
3. Be informed annually of the prohibited activities list provided previously in this Policy and the potential consequences for violation of this Policy.

The content of this activity training shall be developed in collaboration with the Utah High School Activities Association (UHSAA) and the training shall also be provided in collaboration with UHSAA. The school shall obtain and keep signature lists of the participants in the activity training.

Utah Admin. Rules R277-613-6

Teachers should discuss this policy with their students in age-appropriate ways and should assure them that they need not endure any form of bullying, harassment, hazing, or cyber-bullying.

Utah Code § 53G-9-605

The District may also offer voluntary training to parents and students regarding abusive conduct.

Utah Code § 53G-9-607(1)(b)

The principal or designee responsible for reviewing and investigating allegations of bullying, cyber-bullying, hazing, and retaliation shall receive training on conducting a review and investigation as provided for in this policy.

Utah Admin. Rules R277-613-5(1)(b)

#### Assessment

Subject to the requirements of Utah Code § 53E-9-203 regarding parental consent for certain types of inquiries of students, each school shall regularly (and at least once per year) conduct assessment through student input (surveys, reports, or other methods) of the prevalence of bullying, cyber-bullying, and hazing in the school, and specifically in locations where students may be unsafe and adult supervision may be required such as playgrounds, hallways, and lunch areas.

Utah Admin. Rules R277-613-4(3)

Utah Code § 53E-9-203

#### Publication and Acknowledgment

A copy of this policy shall be included in student conduct handbooks, employee handbooks, shall be provided to the parent or guardian of each student enrolled in the District, and shall be available on the District website.

Each student 8 years of age and older and a parent or guardian of each student enrolled in the District shall annually provide a signed statement stating that the student and parent or guardian has received a copy of this policy.

Utah Code § 53G-9-605(3)(h), (4)

#### Parental Notification of Incidents—

The school shall notify the parent or guardian of a student who is involved in an incident of bullying, hazing, cyber-bullying, abusive conduct, or retaliation (whether as a target or as a perpetrator).

The school is also required to notify the parent or guardian of a student who threatens to commit suicide. (See Policy FDACD.) In addition, the school shall produce and maintain a record that verifies that the parent or guardian was notified of the threats or incidents listed above. The record is a private record for purposes of the Government Records Access and Management Act.

The process for notifying a parent or guardian shall consist of:

1. The school principal or designee shall attempt to make personal contact with a parent or guardian when the school has notice of a threat or incident listed above. It is recommended that the parent be informed of the threat or

incident with two school people present. If personal contact is not possible, the parent or guardian may be contacted by phone. A second school person should witness the phone call.

2. Contact with the parent or guardian must be documented in a "Verification of Parent or Guardian Contact Regarding Threat or Incident."

(A copy of the "Verification of Parent or Guardian Contact Regarding Threat or Incident" is attached below.) Subject to laws regarding confidentiality of student educational records, at the request of a parent or guardian, a school may provide information and make recommendations related to an incident or threat.

Utah Code § 53G-9-604

Utah Admin. Rules R277-613-4(2)

The record of parental notification shall be maintained in accordance with Policy FE, Policy FEA, Title 53E, Chapter 9, Part 3, Student Data Protection, Title 53E, Chapter 9, Part 2, Student Privacy, and the Federal Family Educational Rights and Privacy Act ("FERPA"). A copy of the record of parental notification shall upon request be provided to the student to whom the record relates. After the student has graduated, the District shall expunge the record of parental notification upon request of the student.

Utah Code § 53G-9-604(3)(b)

Report to State Superintendent—

Each year, on or before June 30, the District shall submit a report to the State Superintendent which includes (1) a copy of the District's bullying policy; (2) confirmation of compliance with the requirement to obtain a signed acknowledgment of the policy from students, parents, and employees; (3) verification of required training regarding bullying, cyber-bullying, hazing, and retaliation; (4) the number of incidents of bullying, cyber-bullying, hazing, and retaliation; and (5) the number of those incidents that either included a student who is part of a federally protected class or was bullied, cyber-bullied, hazed, or retaliated against because of the student's disability, race, national origin, religion, sex, gender identity, or sexual orientation.

Utah Admin. Rules R277-613-5(8)

## VERIFICATION OF PARENT OR GUARDIAN CONTACT REGARDING THREAT OR INCIDENT

I, [Name], principal or principal's designee, contacted [Name of parent or guardian] on [Date] and notified him or her that [Name of student] has made suicidal threats or was involved in an incident of bullying, hazing, cyber-bullying, abusive conduct, or retaliation. Contact was made:

- [ ☐ ] in person  
[ ☐ ] by telephone (number used: \_\_\_\_\_)  
[ ☐ ] by email (email address used: \_\_\_\_\_)  
[ ☐ ] by other method (specify): \_\_\_\_\_

Notice was given of:

- [ ☐ ] suicide threat  
[ ☐ ] bullying incident  
[ ☐ ] cyber-bullying incident  
[ ☐ ] abusive conduct incident  
[ ☐ ] hazing incident  
[ ☐ ] retaliation incident

[Name of school staff member], witnessed the contact.

_____	_____	_____
Principal or Principal's Designee	Title	Date

_____	_____	_____
School Staff Member	Title	Date