

G-20: Administrative Procedures

Bullying, Cyber-bullying, Hazing, and Abusive Conduct Prohibited



REFERENCES

[Board Policy G-20](#)

[Record of Parent Notification of Student Threat or Incident](#)

[Utah Code Ann. §53G-9-602 et seq., Bullying, hazing, and cyber-bullying prohibited](#)

DEFINITIONS

Abusive Conduct: 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. A single act does not constitute abusive conduct.

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

- A. causing physical or emotional harm to the employee or student;
- B. causing damage to the employee's or student's property;
- C. placing the employee or student in reasonable fear of:
 1. harm to the employee's or student's physical or emotional well-being; or
 2. damage to the employee's or student's property;
- D. creating a hostile, threatening, humiliating, or abusive environment due to:
 1. the pervasiveness, persistence, or severity of the actions; or
 2. 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 educational performance, opportunities, or benefits.

Bullying includes relational aggression or indirect, covert, or social aggression, including rumor spreading, intimidation, enlisting a friend to assault a child, and social isolation.

Civil Rights Violation: For purposes of this policy only, a civil rights violation means bullying, cyber-bullying, hazing, or abusive conduct that is targeted at an individual based upon the individual's identification as part of any group protected from discrimination under the following federal laws: Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and Title II of the Americans with Disabilities Act of 1990.

Communication: For the purposes of this policy only, communication means the conveyance of a message, whether verbal, written, or electronic.

Cyber-bullying: Using the internet, a cell phone, or another device to send or post text, video, or 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.

Employee: A district employee except where specifically indicated.

Federally Protected Class: Individuals protected from discrimination under the following federal laws: Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and Title II of the Americans with Disabilities Act of 1990. Federal law currently prohibits discrimination on the basis of age, color, disability, gender, gender identity, genetic information, national origin, pregnancy, race, religion, sexual orientation, and/or veteran status.

Hazing: A school employee or student intentionally, knowingly, or recklessly committing an act or causing another individual to commit an act towards a school employee or student that:

- A. endangers the mental or physical health or safety of a student or employee;
 1. 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;
 2. involves consumption of any food, alcoholic product, drug, or other substance;
 3. involves other physical activity that endangers the mental or physical health and safety of a student or employee;
 4. 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

- B. 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
- C. 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.

All conduct described above constitutes hazing, regardless of whether the school employee or student against whom the conduct is committed directed, consented to, or acquiesced in, the conduct.

Parent: For the purposes of these procedures, parent means a custodial parent or legal guardian of a student.

Restorative Justice Practice: A discipline practice that brings together students, school personnel, families, and community members to resolve conflicts, address disruptive behaviors, promote positive relationships, and healing.

Retaliation: An act or communication intended:

- A. as retribution against a person for reporting bullying, cyber-bullying, hazing, or abusive conduct; or
- B. to improperly influence the investigation of, or the response to, a report of bullying, cyber-bullying, hazing, or abusive conduct.

School Employee: 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:
 - 1. who is employed, directly or indirectly, by a school, school board, or school district; and
 - 2. who works on a school campus.

Trauma-Informed Care: A strengths-based service delivery approach that is grounded in an understanding of and responsiveness to the impact of trauma, that emphasizes physical, psychological, and emotional safety for both the alleged victim and the individual who is alleged to have engaged in prohibited conduct, and that creates opportunities for victims to rebuild a sense of control and empowerment.

PROCEDURES FOR IMPLEMENTATION

I. Prohibited Conduct Directed Toward a Student or Employee

- A. No student or employee may bully, cyber-bully, or haze a student or employee:
 - 1. on district/school property;
 - 2. at a district/school related or sponsored event;
 - 3. on a school bus;
 - 4. at a school bus stop; or
 - 5. while the student or employee is traveling to or from a location or event described above in Subsections I.A.1-4.
- B. No student or employee may haze or cyber-bully a student or employee at any time or in any location.
- C. No student or employee may retaliate against:
 - 1. a student;
 - 2. an employee; or
 - 3. an investigator for, or witness of, an alleged incident of bullying, cyber-bullying, hazing, or abusive conduct.
- D. No student or employee may make a false report of bullying, cyber-bullying, hazing, or abusive conduct against a student or employee.
- E. Any bullying, cyber-bullying, or hazing that is found to be targeted at an individual who is a member of a federally protected class is in violation of federal anti-discrimination laws.

II. Prohibited Conduct Directed Toward an Employee

- A. No student or parent may abuse an employee:
 - 1. on district/school property;
 - 2. at a district/school related or sponsored event;
 - 3. on a school bus;
 - 4. at a school bus stop; or
 - 5. while the student or parent is traveling to or from a location or event described above in Subsections II.A.1-4.
- B. No student or parent may abuse an employee at any time or in any location.
- C. No student or parent may retaliate against:
 - 1. an employee; or
 - 2. an investigator for, or witness of, an alleged incident of abusive conduct or retaliation.

- D. No employee may make a false allegation of abusive conduct or retaliation against a student or parent. An employee who makes a false report may be disciplined.
- E. Any abusive conduct that is found to be targeted at an individual who is a member of a federally protected class is in violation of federal anti-discrimination laws.

III. Reporting Violations

- A. Students and employees who observe bullying, cyber-bullying, hazing, abusive conduct, or retaliation must report such behavior.
 - 1. Students shall report any violations at the school level.
 - 2. School employees shall report any violations to either a school administrator or to the district's human resource services department.
 - 3. Non-school personnel shall report any violations to the district's human resource services department.
- B. Each school shall establish and post:
 - 1. procedures allowing for anonymous or in-person reporting of bullying, cyber-bullying, hazing, retaliation, or abusive conduct; and
 - 2. the names and positions of at least two school employees to receive reports.
- C. Each reported complaint should include:
 - 1. name of the complaining party, unless anonymous;
 - 2. name of the offender if known;
 - 3. date and location of incident(s); and
 - 4. a statement describing the incident(s), including the names of any witnesses.
- D. All information received in the complaint, including the names of the complainants, shall be treated with the utmost confidence to the extent possible. Administrators shall notify the complainant before revealing his/her name.
- E. If a supervisor receives complaints from his/her employees regarding the conduct of another employee under the supervisor's control, the supervisor shall refer the complaining employees to the compliance officer. Supervisors are not to submit G-20 complaints on behalf of their employees against another of the supervisor's employees. If appropriate, the supervisor shall begin his/her own supervisory investigation into any of the allegations that do not rise to the level of a G-20 complaint.
- F. Students and employees who have reported violations of these procedures are protected from ridicule, bullying, cyber-bullying, hazing, abusive conduct, or retaliation that may come as a result of their report. Moreover, a report which is made in good faith shall not affect the reporter's grades, learning or work environment, future employment, or work assignment.

IV. Mandatory Response

- A. The school administrator or district administrator shall promptly investigate, and respond to any report of bullying, hazing, abusive conduct, or retaliation by using the steps outlined in the First Level Investigation and Response in the Administrative Procedures for Board Policy G-19: Discrimination, Harassment, and Retaliation Prohibited.
 - 1. As outlined in Section V.E. of the G-19 Administrative Procedures, the district's compliance officer/Investigator may dismiss all or part of the complaint without any further investigation if:
 - a. the allegations in the complaint are insufficient to establish a policy violation even if all the factual allegations in the complaint are true;
 - b. the complaint was not filed in a timely manner; and/or
 - c. the Investigator decides to limit the scope of the investigation.
- B. Administrators shall investigate all anonymous reports, but may not take formal disciplinary action based solely on an anonymous report.
- C. Any allegation that has criminal implications shall be promptly reported to law enforcement.
- D. The investigation shall provide both notice to the accused of the allegations against them and an opportunity to respond.
- E. The accused shall be provided with all appropriate due process prior to any discipline being imposed.
- F. Appropriate action shall be taken to stop and prevent the recurrence of the conduct, eliminate any hostile environment, and protect the victim and other involved individuals from retaliation.
 - 1. If the incident involves a student, this action will include the participation of the parents of the accused student(s).
 - 2. School administrators shall also provide assistance to student victims and their parents in reporting subsequent problems and new incidents.
 - a. Any further incidents of bullying will become part of the review.

- G. School administrators may take disciplinary action against a student who initiates off-campus speech or behavior that constitutes bullying, cyber-bullying, hazing, abusive conduct, or retaliation if the incident creates a substantial disruption to the school environment.
- H. If it is determined that the bullying, cyber-bullying, hazing, or abusive conduct occurred as a result of the victim's membership in a protected class, the appropriate action listed above must be taken regardless of whether the victim makes a complaint, asks the school or district to take action, or identifies the conduct as a form of discrimination. Any possible violation of a student's or employee's civil rights must be reported to Tina Hatch, Compliance and Investigations, 440 East 100 South, Salt Lake City, Utah 84111, 801.578.8388, or the Office for Civil Rights, Denver, CO, 303.844.5695.
- I. Verified violations of this policy and/or these procedures shall result in discipline. Any retaliatory action by a student or employee will be cause for discipline. Making a false report is also a violation for which a student or employee may be disciplined.
 - 1. For students such discipline may include:
 - a. suspension or removal from school;
 - b. suspension or removal from a school-sponsored team or activity;
 - c. suspension of school sponsored transportation;
 - d. lesser disciplinary action; and/or
 - e. other appropriate interventions.
 - 2. For employees such discipline must include formal disciplinary action (see, Administrative Procedures for Board Policy P-4: Discipline of District Employees). Formal disciplinary actions include, but are not limited to:
 - a. written reprimand;
 - b. suspension with or without pay;
 - c. probation;
 - d. demotion; and
 - e. dismissal.
 - 3. For parents, adverse actions include, but are not limited to:
 - a. removal from the school;
 - b. restricted access to campus;
 - c. restricted access to school events or school sponsored activities; and
 - d. restricted/directed communication with district employees and activities.
- J. If an investigation confirms that an incident of bullying, cyber-bullying, harassment, or retaliation has occurred, the supervisor may, if appropriate, take positive restorative justice practice action and support involved students through trauma-informed practices. Such actions must be in conjunction with other appropriate disciplinary actions.
 - 1. A victim is not required to participate in a restorative justice practice.
 - 2. If the school or district would like a student victim to participate in a restorative justice practice, the school must notify the victim's parent of the proposed restorative justice practice and obtain consent from the victim's parent before including the victim in the process.
 - 3. School administrators must contact the student services department prior to implementing any restorative justice practice.
- K. The school will notify parents if their student threatens to commit suicide, or if the student is involved in an incident of bullying, cyber-bullying, hazing, abusive conduct, or retaliation. The school will ensure that parents are communicated with regularly during the course of an investigation and notified about the result of the investigation. Schools shall then work with students and their parents to ensure that the students involved can appropriately and safely continue with their education.
 - 1. The school will produce and maintain a record that verifies that the parent was notified of the incident or threat. See, Record of Parent Notification of Student Threat or Incident.
 - 2. This record shall not be kept in any student's cumulative file.
 - 3. The school will maintain this record in accordance with state and federal privacy laws.
 - 4. The Family Educational Rights and Privacy Act does not permit sharing information regarding any discipline a school may have imposed on a student perpetrator with the victim or victim's parents.
 - 5. The school shall provide a student a copy of this record that relates to the student if the student requests a copy of the record.
 - 6. The school shall expunge this record if the student to whom the record relates has graduated from high school and requests the record be expunged.

V. Training

- A. All students will receive annual training from a qualified professional regarding bullying, cyber-bullying, hazing, abusive conduct, and retaliation. This training will address:
 - 1. overt aggression that may include physical fighting, verbal threatening behavior, or both physical and verbal aggression, or threatening behavior;
 - 2. relational aggression or indirect, covert, or social aggression, such as rumor spreading, intimidation, enlisting a friend to assault a child, and social isolation;
 - 3. bullying, cyber-bullying, or hazing of a sexual nature or with sexual overtones;
 - 4. 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;
 - 5. bullying, cyber-bullying, hazing and retaliation based upon the students' or employees' identification as part of any federally protected class; and
 - 6. bullying, cyber-bullying, hazing, and retaliation based upon students' or employees' actual or perceived characteristics, including race, color, national origin, sex, disability, religion, gender identity, sexual orientation, other physical or mental attributes, or conformance or failure to conform to stereotypes.
- B. Training on bullying, cyber-bullying, and harassment should complement the suicide prevention program required for students and licensed educators, and include information on when issues relating to this rule may lead to student or employee discipline.
- C. The training described above shall be offered to:
 - 1. new school employees, coaches, and volunteers; and
 - 2. all employees, coaches, and volunteers at least once every three years.
- D. Annually, all students who are at least eight years old, parents, and school employees shall sign that they have received a copy of Board Policy G-20.
- E. A copy of Board Policy G-20 shall be included in all student handbooks and provided to students and parents during registration.
- F. A copy of Board Policy G-20 shall be included in all employee handbooks.
- G. Any coach, whether a student, employee, or volunteer, participating in a school-sponsored athletic program, either curricular or extracurricular, or an extracurricular club or activity must:
 - 1. participate in bullying and hazing prevention training prior to his or her initial participation;
 - 2. repeat prevention training at least every three years; and
 - 3. annually review the prohibited activities listed in these administrative procedures, specifically Section I, and the potential consequences for any violation.
- H. Training curriculum outlines, training schedules, and participant lists or signatures shall be maintained by each school for provision to the Utah State Board of Education upon request.
- I. At least once every other year, each school will also conduct a student assessment of the prevalence of bullying in the school, specifically locations where students are unsafe and additional adult supervision may be required, such as playgrounds, hallways, and lunch areas.
 - 1. All student assessments must be conducted in accordance Utah Code Ann. §53E-9-203, which prohibits giving students certain assessments without first obtaining written parental consent (formerly these prohibitions were contained within the Utah Family Educational Rights and Privacy Act).