

# G-20: Administrative Procedures

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



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### 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](#)

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### 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:** 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:

- 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:
  1. harm to the school employee's or student's physical or emotional well-being; or
  2. damage to the school 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 these procedures only, communication means the conveyance of a message, whether verbal, written, or electronic.

**Compliance Officer:** The individual designated to handle inquires and complaints regarding bullying, cyber-bullying, hazing, or abusive conduct when employees are involved; specifically, Tina Hatch, 440 East 100 South, Salt Lake City, Utah 84111, 801.578.8388.

**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.

**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, sex, 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 school employee or student;
  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 school employee or student;
  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 administrative procedures and the corresponding board policy, "parent" means:

- A. a biological or adoptive parent;
- B. a legal guardian or other individual legally authorized to make educational decisions for the child;
- C. an individual, with whom the child lives, who is acting as a parent in the absence of a natural parent or a guardian;
- D. a foster parent if the authority of the biological or adoptive parents to make educational decisions on the child's behalf has been terminated or specifically limited by a court order;
- E. in the absence of any individual qualified under parts A-D, a surrogate parent appointed pursuant to the Individuals with Disabilities Education Act; and/or
- F. a stepparent if the stepparent is present on a day-to-day basis with the natural parent and child, and the other parent is absent from the home. A stepparent who is not present on a day-to-day basis in the home of the child does not have rights under Family Educational Rights and Privacy Act (FERPA) with respect to the child's education records. Stepparents without guardianship of a child do not have the authority to enroll or register a child in school.

**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.

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## PROCEDURES FOR IMPLEMENTATION

### I. Prohibited Conduct Directed Toward a Student or School Employee

- A. No student or school employee may bully, cyber-bully, or haze a student or school employee:
  - 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 student or school employee is traveling to or from a location or event described above in Subsections I.A.1-4.
- B. No student or school employee may haze or cyber-bully a student or school employee at any time or in any location.
- C. No individual may retaliate against another individual who participates in the reporting of or the investigation into a claim of bullying, cyber-bullying, or hazing.
- D. No individual may make a false report of bullying, cyber-bullying, or hazing against a student or school 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 a School Employee**

- A. No student or parent may abuse a school employee:
  - 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 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 a school employee at any time or in any location.
- C. No student or parent may retaliate against any individual who participates in the reporting of or investigation into a claim of abusive conduct.
- D. No school employee may make a false allegation of abusive conduct or retaliation against a student or parent. A school 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 Requirements**

- A. Any individual who observes 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 compliance officer.
  - 3. Non-school personnel shall report any violations to the district's compliance officer.
- B. Within 24 hours of receiving a report/complaint/allegation, a school administrator must notify parents that their student threatened to commit suicide or was involved in an incident of bullying, cyber-bullying, hazing, abusive conduct, or retaliation.
  - 1. The school shall provide the parent with:
    - a. Suicide prevention materials and information; and
    - b. Information on ways to limit the student's access to fatal means, including a firearm or medication.
  - 2. A phone call with a follow-up email is the preferred method for delivering this notification; however, if the administrator has left a voicemail message but has been unable to connect telephonically with the parent, an email will be sufficient.
  - 3. This notification must be documented on the "Record of Parent Notification of Student Threat or Incident" form (hereafter referred to as the "Notification Form"), linked in the References section above.
  - 4. The Notification Form must be maintained for at least one year in a separate and secure location, not in the student's cumulative file.
    - a. The Notification Form may be shredded after one year unless an appeal is pending.
    - b. The school will maintain this record in accordance with state and federal privacy laws.
- C. 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.
- D. 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.
- E. All information received in the complaint, including the name of the complaining party, shall be treated with the utmost confidence to the extent possible. Administrators shall notify the complaining party before revealing the complaining party's name.
- F. If a supervisor receives complaints from their 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 a supervisory investigation into any of the allegations that do not rise to the level of a G-20 complaint.
- G. Any individual who has reported violations of these procedures is 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 compliance officer shall promptly investigate, and respond to any report of bullying, cyber-bullying, hazing, abusive conduct, or retaliation by using the steps outlined in the First Level Investigation and Response in the G-19.A Administrative Procedures for Board Policy G-19: Discrimination, Harassment, Sexual Harassment, and Retaliation Prohibited.
  - 1. State law requires that investigations of incidents under these procedures include interviews of the following individuals:
    - a. the alleged victim;
    - b. the individual who is alleged to have engaged in the prohibited conduct;
    - c. parents of the alleged victim;
    - d. parents of the individual who is alleged to have engaged in prohibited conduct;
    - e. any witnesses;
    - f. school staff familiar with the alleged victim;
    - g. school staff familiar with the individual who is alleged to have engaged in the prohibited conduct;
    - h. other individuals who may provide additional relevant information.
  - 2. As outlined in Section V.F. of the G-19.A Administrative Procedures, the school administrator or the district's compliance officer may dismiss all or part of the complaint without any further investigation if:
    - a. after a cursory investigation it becomes clear that the complaint is frivolous and/or has been filed with malicious intent;
      - i. A complaining party who files a false complaint with malicious intent will be subject to disciplinary action, as outlined in Section J.1-3. below.
    - b. the allegations in the complaint are insufficient to establish a policy violation even if all the factual allegations in the complaint are true;
    - c. the delay in filing the complaint precludes a thorough investigation due to a lack of evidence and/or the unavailability of/lack of control over witnesses and/or the responding party; and/or
    - d. the investigator decides to limit the scope of the investigation.
- B. Administrators and/or the compliance officer 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 complaining party and other involved individuals from retaliation.
  - 1. If the incident involves a student responding party, this action will include the participation of the parents of the accused student(s).
  - 2. School administrators shall also provide assistance to any affected students and their parents in reporting subsequent problems and new incidents and shall provide supportive measures to those students, as appropriate.
    - a. Any further incidents of bullying, cyber-bullying, or hazing will be investigated appropriately.
  - 3. The compliance officer and/or the supervisor shall also provide assistance to any complaining employee in reporting subsequent problems and new incidents and shall provide supportive measures to that individual, as appropriate.
    - a. Any further incidents of bullying, cyber-bullying, hazing, or abusive conduct will be investigated appropriately.
- 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. The district may take disciplinary action against a school employee who initiates off-campus speech or behavior that constitutes bullying, cyber-bullying, hazing, abusive conduct, or retaliation against a district student or school employee if the incident creates a substantial disruption to the school or work environment.
- I. If it is determined that the bullying, cyber-bullying, hazing, or abusive conduct is directed at an individual because of the individual's membership in a protected class, the appropriate action listed above must be taken regardless of whether individual 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 Officer/Title IX Coordinator, 440 East 100 South, Salt Lake City, Utah 84111, 801.578.8388, or the Office for Civil Rights, Denver, CO, 303.844.5695.
- J. Verified violations of these procedures and the accompanying policy shall result in discipline.

1. Student discipline must comply with the district's S-3: Administrative Procedures, Student Conduct and Discipline. 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 school 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 school employees and activities.
- K. If an investigation confirms that an incident of bullying, cyber-bullying, hazing, or retaliation has occurred, the school administrator or supervisor may, if appropriate, take positive restorative justice practice action and support involved students or school employees through trauma-informed practices. Such actions must be in conjunction with other appropriate disciplinary actions.
1. A complaining party is not required to participate in a restorative justice practice.
  2. If the school or district would like a student to participate in a restorative justice practice, the school must notify that student's parent of the proposed restorative justice practice and obtain consent from that student's parent before including the student in the process.
  3. School administrators or supervisors must contact the student services department prior to implementing any restorative justice practice with students. Restorative justice practices involving employees must be coordinated through the human resource services department.
- L. 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.
- M. Allegations and verified incidents of bullying, cyber-bullying, hazing, and retaliation must be documented in the district's electronic student information system.
- N. The Family Educational Rights and Privacy Act (FERPA) does not permit sharing information regarding any discipline a school may have imposed on a student perpetrator with the victim or victim's parents.
- O. The school shall provide a student a copy of their own disciplinary record if the student requests a copy of the record.
1. The school shall expunge the student's disciplinary record if the student has graduated from high school and requests the record be expunged.

**V. Training and Prevention**

- 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. how bullying, cyber-bullying, hazing, abusive conduct, and retaliation are different from discrimination and may occur separately from each other or in combination; and
  6. bullying, cyber-bullying, hazing, abusive conduct, and retaliation based upon students' or school employees' actual or perceived characteristics, including race, color, national origin, sex, disability, religion, gender, gender identity, sexual orientation, other physical or mental attributes, or conformance or failure to conform to stereotypes.

- B. Training on bullying, cyber-bullying, and hazing 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 new school employees, coaches, advisors, and volunteers before starting their position with the district and before interacting with students in their official/volunteer capacity. Such training will be repeated annually thereafter.
- 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. 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.
  - 1. In creating the various training curricula, feedback will be gathered from administration, instruction and support staff, students, parents, school community council members and/or other community members.
- G. At least once every other year, each school will also conduct a climate survey, that complies with Utah Admin. Rule R277-623, School Climate Survey.
  - 1. All student surveys must be conducted in accordance Utah Code Ann. §53E-9-203, which prohibits giving students certain assessments without first obtaining written parental consent.
  - 2. The school shall utilize the climate survey responses to develop plans to prevent and address bullying, cyber-bullying, hazing, and retaliation that may be occurring on a school's campus.
  - 3. Each school's Positive Behavioral Interventions and Supports ("PBIS") plans must be developed with input from a variety of stakeholders, including administration, instruction and support staff, students, parents, school community council members and/or other community members. (See, Section I, S-3: Administrative Procedures, Student Conduct and Discipline.)