



Book	Policy Book
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BULLYING, CYBER-BULLYING, ABUSIVE CONDUCT, HARASSMENT, HAZING, DISCRIMINATION AND RETALIATION

I. Policy

The Board of Education is committed to providing a safe and orderly environment for all students and school employees that promotes respect, civility, and dignity and which is free from illegal discrimination and harassment.

The purpose of this policy is to ensure that the educational environment of Park City schools is free from Bullying, Cyber-bullying, Abusive Conduct, Harassment, Hazing Discrimination, and Retaliation.

II. Definitions

- A. "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 or occurrence, a reasonable person would determine is intended to cause intimidation, humiliation, or unwarranted distress. A single act cannot constitute abusive conduct.
- B. "Action plan" means a process to address an incident of prohibited bullying, cyber-bullying, hazing, or retaliation, the contents of which plan meet the requirements described herein.
- C. "Actual notice" means when someone knows for sure that harassment is happening. It could be because they saw it themselves, someone told them about it, or there was an official report.
- D. "Bullying" means a school employee or student intentionally or knowingly committing a written, verbal, or physical act against another 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 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 well-being; 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 target; or
 - 5. substantially interfering with a student having a safe school environment that is necessary to facilitate educational performance, opportunities, or benefits.

- E. "Civil rights violation" means prohibited behavior that is targeted at a federally protected class-, as defined herein.
- F. "Communication" means the conveyance of a message, whether verbal, written, or electronic.
- G. "Constructive notice" means the notice of a hostile environment that may be imputed to the District if it could have found out about the harassment if it had made a proper inquiry or where it has knowledge or some but not all of the incidents involved in a particular complaint. The District may be deemed to be constructive notice where employees fail to report incidences of harassment or discrimination as required by applicable policy.
- H. "Cyber-bullying" means:
1. 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.
- I. "Federally protected class" means any group protected from discrimination under federal law.
1. Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin.
 - a. While not explicitly addressed by Title VI, Executive Order 13899 on Combating Anti-Semitism (2020) reaffirms the long-standing position of the federal government that antisemitic discrimination may violate Title VI where it overlaps with other forms of prohibited discrimination on the basis of race, color, or national origin, including discrimination based on actual or perceived shared ancestry or ethnic characteristics (e.g., shared Jewish ancestry). The same reasoning applies to other religiously based discrimination, not just Judaism (e.g., an association of the Muslim faith with Middle Eastern countries having a dominant religion or distinct religious identity).
 2. Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of sex, including sexual orientation and gender identity.
 3. Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990 prohibits discrimination on the basis of disability.
- J. "Harassment" means repeatedly communicating to another individual, in an objectively demeaning or disparaging manner, statements that contribute to a hostile learning or work environment for the individual.
- K. "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. Satisfies one of the following:
 - a. endangers the mental or physical health or safety of a school employee or student; or
 - b. 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; or
 - c. 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
 - d. involves any activity that would subject a school employee or student to extreme mental stress, such as sleep deprivation, extended isolation from social contacts, or conduct that subjects a school employee or student to extreme embarrassment, shame, or humiliation, AND
 2. Satisfies one of the following:
 - a. is done for the purpose of initiation or admission into, affiliation with, holding office in, or as a condition for, membership or acceptance, or continued membership or acceptance, in any school or school-sponsored team, organization, program, or event; or
 - b. the person committing the act against a school employee or student knows at the time of committing the act that the object of the act is a member of, or candidate for, membership with a school, or school-sponsored team, organization, program, or event in which the person committing the act also belongs or participates
 3. The conduct described in this Subsection "J" constitutes hazing, regardless of whether the person against whom the conduct is committed directed, consented to, or acquiesced in, the conduct.

- L. "Hostile environment" refers to an environment where there is harassing conduct on the basis of one of the characteristics identified in this policy, that is sufficiently severe, pervasive, or persistent so as to interfere with or limit the ability of an individual to participate in or benefit from the services, activities, or privileges provided by Park City School District. In most cases, the harassment must consist of more than casual or isolated incidents to create a hostile environment. However, a single severe incident may be sufficient to meet this standard. Further, the severe, pervasive, or persistent standard should consider the setting of the conduct, the age and impressionability of the students, the special purposes of the educational setting, and the identity, number, and relationships of the individuals involved.
- M. "Incident" means an incident of bullying, cyber-bullying, hazing, or retaliation that is prohibited by this policy.
- N. "Parent" means a student's parent or legal guardian.
- O. "Retaliation" means an act or communication intended:
1. as retribution against a person for reporting bullying, cyber-bullying, harassment, or hazing; or
 2. to improperly influence the investigation of, or the response to, a report of bullying or hazing.
- P. "School" means any public elementary or secondary school or charter school.
- Q. "School board" means:
1. a local school board; or
 2. a local charter board.
- R. "School employee" means
1. school teachers;
 2. school staff;
 3. school administrators and
 4. all other individuals employed, directly or indirectly, by the school, school board, or school district who work on a school campus.
- S. "Volunteer" means a person working under direct supervision of a licensed educator.

III. Prohibitions

- A. No school employee or student may engage in abusive conduct, bullying, cyber-bullying, hazing, or harassing 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)
 6. that is a substantial disruption to the educational process
- B. No school employee or student may engage in hazing or cyber-bullying a school employee or student at any time or in any location.
- C. No school employee or student may engage in harassment or discrimination against any other school employee, student, or other person participating in the district's educational programs based on their membership in a federally protected class.
1. Some examples include but are not limited to:
 - i. Racial slurs and insults
 - ii. Mockery and mimicry
 - iii. Exclusion and isolation
 - iv. Physical intimidation
 - v. Cyber-bullying
 - vi. Vandalism and graffiti
 - vii. Repeated microaggressions
 - viii. Threats and intimidation
 - ix. Sexual advances, requests for sexual favors, sexually-motivated physical conduct
 - x. Subtle pressure for sexual activity
 - xi. Inappropriate or unwelcome touching, patting, pinching, blocking, or brushing against another's body

- xii. Foul or obscene language or gestures
 - xiii. Display or sexually offensive or suggestive posters, pictures, or objects
 - xiv. Sexually offensive verbal harassment, including remarks, questions, teaching, slurs, or innuendo
 - xv. Inappropriate jokes about gender-specific traits
 - xvi. Viewing, printing, or transmitting sexually offensive material on a district computer
 - xvii. Conduct that is demeaning or derogatory and occurs substantially because of a person's gender, gender identity, or sexual orientation
 - xviii. Display of offensive printed materials, pictures, or objects
 - xix. Offensive verbal harassment, including remarks, questions, teasing, slurs, or innuendos
 - xx. Inappropriate jokes about any of the listed traits or characteristics
 - xxi. Viewing, printing, or transmitting offensive material on a district computer; and
 - xxii. Conduct that is unwelcome, pervasive, demeaning, ridiculing, derisive, or coercive and occurs substantially because of a person's race, religion, national origin, color, age or disability.
 - xxiii. Any of the above carried out through electronic means
- D. No school employee or student may engage in retaliation against:
- 1. a school employee;
 - 2. a student; or
 - 3. an investigator or witness for, reporting or providing a statement or evidence of an alleged incident of abusive conduct, bullying, cyber-bullying, hazing, or harassment
- E. No school or student may make a false allegation of abusive conduct, bullying, cyber-bullying, hazing, abusive conduct, harassment, or retaliation against a school employee or student.
- F. Any abusive conduct, bullying, cyber-bullying, hazing, or harassment that is found to be targeted at a federally protected class is further prohibited under federal anti-discrimination laws and District policy.

IV. Reporting

- A. School employees who become aware of bullying, cyber-bullying, abusive conduct, harassment, having, discrimination, or retaliation activity shall report such incidents immediately to school administrators so that prompt and appropriate action can be taken. School personnel who fail to report such incidents may face disciplinary action.
- B. Students who observe bullying, cyber-bullying abusive conduct, harassment, having, discrimination, or retaliation activity and fail to intervene or report the activity to school officials may face disciplinary action for conspiring to engage in such conduct.
- C. Reporting can also be reported through the online form.

V. Actions Required if Prohibited Acts are Reported

- A. Each reported complaint will include items on Form 2(R2)
- 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 abusive conduct, bullying, cyber-bullying, hazing, harassment, and retaliation may be made anonymously, but schools will not take formal disciplinary action based solely on anonymous reports. However, multiple reports shall be investigated and regarded as a potential safety risk.
- C. The principal or principal designee must notify a parent as soon as reasonably possible if the parent's student threatens to commit suicide.
- D. The principal or principal's designee must notify a parent if the parent's student is involved in an incident of bullying, cyber-bullying, hazing, or retaliation, including any such incident involving the potential violation of a student's civil rights due to the membership in a protected class. In addition, an action plan shall be developed to address the incident.
- E. Park City School District will produce and maintain a record that verifies that the parent was notified of the incident or threat. The record will be shredded upon High School graduation of the students in the report. The district will also track the implementation of the action plan to address the incident.
 - 1. The plan shall include:
 - i. a communication plan designed to keep each parent updated on the implementation of the action plan;

- ii. with respect to the student to whom the incident was directed and in direct coordination with the student's parent:
 - 1. a tailored response to the incident that addresses the student's needs
 - 2. a mechanism to consider consequences or accommodations the student may need regarding decreased exposure or interactions with the student who caused the incident
 - 3. notification of the consequences and plan to address the behavior of the student who caused the incident;
 - 4. supportive measures designed to preserve the student's access to educational services and opportunities and if necessary, to remedy any hostile environment caused by the severity or frequency or any prohibited harassment; and
 - 5. to the extent available, access to other resources the parent requests for the student; and
- iii. with respect to the student who caused the incident and in direct coordination with the student's parent:
 - 1. a range of tailored and appropriate consequences, making reasonable effort to
 - 2. preserve the student's access to educational services and activities;
 - 3. a process to determine and provide any needed resources related to the underlying cause of the incident;
 - 4. supportive measures designed to preserve the student's access to educational services and opportunities while protecting the safety and well-being of other students; and
 - 5. a process to remove the student from school in an emergency situation, including a description of what constitutes an emergency
- 2. If, after a school attempts to involve a parent in the development and implementation of an action plan, the parent chooses not to participate in the process, the school may develop and implement an action plan without the parent's involvement.
- F. Park City School District will not disclose the record described in E1 to anyone unauthorized to receive it and will not use the record for purposes not allowed under the law. The record shall be maintained in accordance with the requirements of the Utah Student Data Protection Act, federal Family Educational Rights and Privacy Act, and Utah Family Educational Rights and Privacy Act.
- G. School employees who reasonably believe that a hazing violation may have occurred shall immediately report that belief to the school principal or district superintendent.
- H. Principals who receive a report of a hazing violation shall submit a report of the alleged incident, and actions taken in response to the district superintendent within ten working days after receiving the hazing report.
- I. Failure to report a hazing violation by a person holding a professional certificate constitutes an unprofessional practice.
- J. The school shall promptly report to law enforcement of all reported acts of bullying, cyber-bullying, harassment, hazing, or retaliation that it reasonably believes may constitute criminal behavior or activity.
- K. Upon receiving a report of a violation of this policy, and pending the completion of an investigation, the school will consider whether interim measures and steps should be taken to protect the complainant, victim, and/or other involved individuals from being subjected to:
 - 1. further abusive conduct, bullying, cyber-bullying, harassment, or hazing, and
 - 2. retaliation for reporting the abusive conduct, bullying, cyber-bullying, harassment, or hazing.
- L. The school district will have a district-wide record-keeping system for all incidents, including but limited to Title IX, Title XI, safe school violations, and bullying.
 - 1. School administration and their designee will be responsible for maintaining the records.
 - 2. The district office will audit these records yearly to ensure fidelity. The district will maintain a district-wide record keeping and reporting system for all incidents.

VI. Investigations

The school will promptly and reasonably investigate allegations of bullying, cyber-bullying, harassment and/or hazing. All reports of violations involving complaints or sex-based harassment or discrimination pursuant to Title IX will be addressed pursuant to the District's Title IX policy and procedures as set forth in Policy 3100. The school investigators shall use reasonable efforts to include at least 2 school employees in the investigation with a goal of ensuring the comfort and safety of the student. The school employees must be in the appropriate positions of authority, who are responsible to receive, investigate, and respond to reports, and who will be responsible for

handling all complaints by students and employees alleging bullying, cyber-bullying, harassment, or hazing as outlined in this policy. It is the District'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 district policy or law. Also, individual targeted searches may be conducted if there is reasonable suspicion that a user has violated policy or law. Personal electronic devices of any student suspected of cyber-bullying or other policy violations involving inappropriate or unlawful electronic communications may be confiscated for investigation and may be turned over to law enforcement.

VII. Disciplinary Action

- A. Verified violations of the prohibitions set forth in this policy shall result in consequences or penalties pursuant to the Safe Schools Policy, 10010. Consequences or penalties may include but are not limited to:
 1. student suspension or removal from a school-sponsored team or activity including school-sponsored transportation;
 2. student suspension or expulsion from school or lesser disciplinary action;
 3. employee suspension or termination for cause or lesser disciplinary action;
 4. employee reassignment; or
 5. other action against student or employee as appropriate.
- B. Prior to the imposition of short-term student or employee discipline, the accused shall be given an informal opportunity to respond to the accusations and defend his or her actions.
- C. The District shall follow its student and employee policies and procedures in order to protect the due process rights of students and employees and to comply with applicable federal and/or state law.
- D. Any student who shares a recording of an act of bullying, cyber-bullying, hazing, abusive conduct, or retaliation will face consequences pursuant to the Safe Schools Policy, 10010.

VIII. Other Action

- A. Verified violations of this policy should result in the school's consideration of whether additional measures are reasonable and necessary to protect the complainant, victim, and/or other involved individuals from being subjected to:
 1. further bullying, cyber-bullying, harassment, or hazing, and
 2. retaliation for reporting bullying, cyber-bullying, harassment, or hazing.
- B. To the extent such verified violations are based on a protected class and amount to a civil rights violation, complainants may have additional rights and remedies under federal law and the District's equal opportunity policy. The District will take such measures as are reasonable, necessary, and appropriate in an effort to remedy the effects of a hostile environment.
- C. Each school will include a copy of this policy, in its entirety, in its student conduct handbook and provide a copy to parents, either in the parent handbook or through other means. The District will include a copy of this policy in its employee handbook.

IX. Training

All students, staff, and volunteers at the school will receive annual training from a qualified professional regarding bullying, cyber-bullying, harassment, and hazing. This training will address:

- A. 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
- B. relational aggression or indirect, covert, or social aggression, including rumor spreading, intimidation, enlisting a friend to assault a child, and social isolation;
- C. bullying, cyber-bullying, harassment, or hazing of a sexual nature or with sexual overtones;
- D. cyber-bullying, including the 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
- E. civil rights violations including training and education specific to bullying based upon students' actual or perceived identities, and conformance or failure to conform to stereotypes. Training on civil rights violations will include compliance when civil rights violations are reported.
- F. awareness and intervention skills such as social skills training.
- G. Volunteers are under the direct supervision of a licensed educator who is responsible for ensuring the volunteer is trained in the above areas. Volunteers are required to report to their supervising licensed educator if they are notified of a bullying, cyber-bullying, hazing, harassment, or retaliation incident among students or if they have reason to suspect such an incident. Volunteers are prohibited from engaging in

bullying activities themselves and will be asked to leave Park City School District if in violation of this policy.

H. Pursuant to 53G-9-702, the school will implement a youth suicide prevention program for students.

I. Pursuant to 53E-9-203, school employees, agents, or school resource officers are allowed to intervene, under certain circumstances such as: belief that a student is at risk of attempting suicide, physical self-harm, or harm to others. In these circumstances, school employees, agents, or school resource officers may ask the student questions regarding the student's suicidal thoughts, physical or self-harming behavior prior to referring the student to the appropriate prevention service and prior to informing the student's parent or legal guardian. District staff responsible for suicide prevention programs may also ask a student questions related to youth suicide prevention, intervention, and postvention issues.

Park City School District will provide professional development for teachers and administrators regarding the ability to intervene at a minimum degree when the belief that a student is at risk of attempting suicide, physical self-harm, or harm to others.

1. Pursuant to 53E-4-302, all licensed educators must complete 2 hours of professional development of youth suicide prevention training once every license renewal cycle. To the extent possible, other programs or initiatives designed to provide training and education regarding the prevention of bullying, cyber-bullying, harassment, hazing, and retaliation will be implemented.
2. In addition to training for all school employees, students, employees, and volunteer coaches involved in any extra-curricular activity shall:
 - a. participate in bullying, cyber-bullying, harassment, and hazing prevention training prior to participation in the extra-curricular activity;
 - b. repeat bullying, cyber-bullying, harassment, and hazing prevention training at least every three years;
 - c. be informed annually of the prohibited activities list provided previously in this Policy and the potential consequences for violation of this Policy.

X. Additional Notes

- A. All information received in a complaint, names of complainants shall be treated confidentially to the extent possible. Although it may be impossible to provide complete confidentiality, administrators shall notify a complainant before revealing his/her name and consider whether doing so will result in the need for implementation of additional safeguards to prevent further bullying, harassment, and/or retaliation.
- B. A student assessment of the prevalence of bullying in Park City School District, specifically locations where students are unsafe and additional adult supervision may be required, such as playgrounds, hallways, and lunch areas, will be provided on a bi-annual basis.
- C. 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 a bullying, cyber-bullying, or harassment incident creates a substantial disruption to the school environment, Park City School District may take disciplinary action against the student(s) involved. Factors that may be considered 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 at issue 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 the District.)

XI. Appeal Process

- A. A student or parent may appeal one or more of the consequences included in a school's action plan by giving written notice to the Superintendent within ten (10) calendar days of the issuance of the action plan. Suspensions or expulsions of more than 10 days may be appealed pursuant to the procedures set forth in the District's Safe Schools Policy, 10010.
- B. A student or parent who is aggrieved by a finding that a complaint of harassment, discrimination, retaliation, bullying, cyber-bullying, hazing, or abusive conduct by another student was not substantiated may also appeal that determination to the Superintendent within ten (10) calendar days of the date of the determination.
- C. All appeals to the Superintendent must be submitted in writing. Failure to submit in writing within ten (10) calendar days constitutes forfeiture of any right to appeal.
- D. The Superintendent or their designee will review the written appeal and the record of the school investigation to determine whether the investigative procedures of this policy were followed. No new evidence will be considered for the first time by the Superintendent in the appeal. The Superintendent may uphold the initial decisions, may reverse the decision, or may remand the matter back to the school for additional investigation and fact-finding. The decision of the Superintendent or their designee is final.

Legal

[Utah Code Ann. 53A-11a-101 to -402](#)

[Utah Code Ann. 53A-9-908](#)

[Utah Admin. Code R277-613, LEA Bullying, Cyber-bullying, Hazing and Harassment Policies and Training](#)

Cross References

[Educator Safeguards](#)

[Safe Schools Policy](#)