

**DaVinci Academy of Science and The Arts**

**Policy Number: 108**

**Policy Section: 100- Administration**

**POLICY TITLE: Anti-Bullying Policy**

**Revision History**

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8 April 2014	Revise Policy	December 19, 2024

Anti-bullying Policy  
Effective Date: 8 April 2014  
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## **BULLYING, CYBERBULLYING, HARASSMENT, AND HAZING**

### **I. Purpose**

Bullying, cyberbullying, harassment, and hazing of students and employees are against federal, state and local policy, and are not tolerated by DaVinci Academy of Science and the Arts. DaVinci Academy is committed to providing all students with a safe and civil school environment in which all members of the school community are treated with dignity and respect. To that end, DaVinci Academy has in place policies, procedures, and practices that are designed to reduce and eliminate bullying, cyberbullying, harassment and hazing—including but not limited to civil rights violations—as well as processes and procedures to deal with such incidents. Bullying, cyberbullying, harassment, and hazing of students and/or employees by students and/or employees will not be tolerated in DaVinci Academy.

School officials have the authority to discipline students for off-campus speech that causes or threatens a substantial disruption on campus, including school activities, violent altercations, or a significant interference with a student’s educational performance and involvement in school activities. If after an investigation, a student is found to be in violation of this policy, the student shall be disciplined by appropriate measures up to, and including, suspension and expulsion, pursuant to Utah Code Ann. 53G-8-205 and or in accordance with the U.S. Department of Education Office for Civil Rights. If after an investigation, a school employee is found to be in violation of this policy, the employee shall be disciplined by appropriate measures up to, and including, termination.

### **II. References**

- DaVinci Academy Board Safe Schools Policy
- Utah Code Ann. § 53G-9-601 et seq- Definitions, prohibitions, and policy
- Utah Code Ann. § 53G-9-603-Retaliation and making a false allegation prohibited
- Utah Code Ann. § 53G-9-604—Parent Notification Requirements
- Utah Code Ann. § 53G-9-605-- Bullying, Cyber-bullying, harassment, hazing, and retaliation policy
- Utah Code Ann. § 53G-9-605.5—Action plans Required
- Utah Code Ann. § 53G-8-204-Suspension and expulsion procedures
- Utah Code Ann. § 53G-8-205-Grounds for suspension or expulsion from a public school
- Utah Code Ann. § 53G-11-501-Public Education Human Resource Management Act
- Adm. Rule R277-613-School District Bullying and Hazing Policies and Training
- Adm. Rule R277-515-Utah Educator Standards

### **III. 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

of occurrence, a reasonable person would determine:

1. is intended to cause intimidation, humiliation, or unwarranted distress;
  2. results in substantial physical or psychological harm as a result of intimidation, humiliation, or unwarranted distress; or
  3. exploits an employee's known physical or psychological disability
    - a. a single act does not constitute abusive conduct, unless it is an especially severe and egregious act that meets the standard under Subsection (A)(1), (2), or (3).
- B. "Bullying" means a school employee or student intentionally committing a written, verbal, or physical act against a school employee or student that a reasonable person under the circumstances should know or reasonably foresee will have the effect of:
1. causing physical or emotional harm to the school employee or student;
  2. causing damage to the school employee's or student's property;
  3. placing the school employee or student in reasonable fear of:
    - a. harm to the school employee's or student's physical or emotional 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 victim; or
  5. substantially interfering with a student having a safe school environment that is necessary to facilitate educational performance, opportunities, or benefits.
  6. the conduct described above constitutes bullying, regardless of whether the person against whom the conduct is committed directed, consented to, or acquiesced in, the conduct.
  7. "bullying" includes relational aggression or indirect, covert, or social aggression, including rumor spreading, intimidation, enlisting a friend to assault a child, and social isolation.
  8. Sharing a recording or act of bullying, cyber-bullying, abusive conduct, hazing, or any other prohibited conduct with the intent to encourage more inappropriate acts.
- C. "Civil rights violation" means bullying, cyber-bullying, or hazing that is targeted at a student or employee upon the students' or employees' identification as part of any group protected from discrimination under the following federal laws:
1. Title VI of the Civil Rights Act of 1964, including discrimination on the basis of race, color, or national origin;
  2. Title IX of the Education Amendments of 1972, including discrimination on the basis of sex; or
  3. Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990, including discrimination on the basis of disability;
- D. "Cyberbullying" means:
1. using the Internet, a cell phone, or another device to

2. 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,
  3. regardless of whether the individual directed, consented to, or acquiesced in the conduct, or voluntarily accessed the electronic communication.
- E. “Disruptive student behavior” means the same as that term is defined in Utah Code Subsection 53G-8-210(1)(a).
1. disruptive student behavior includes:
    - a. Any pattern behavior that violates the Davinci Student Code of conduct (pattern behavior means a behavior that occurs more than once for the same offense; and
    - b. the following conduct described in Utah Code Subsection 53G-8-209 (2)(b):
      - use of foul, abusive, or profane language while engaged in school related activities;
      - illicit use, possession, or distribution of controlled substances or drug paraphernalia, and the use, possession, or distribution of an electronic cigarette as defined in Utah Code Section 76-10-101, tobacco, or alcoholic beverages contrary to law; and
      - hazing, demeaning, or assaultive behavior, whether consensual or not, including behavior involving physical violence, restraint, improper touching, or inappropriate exposure of body parts not normally exposed in public settings, forced ingestion of any substance, or any act which would constitute a crime against a person or public order under Utah law.
- F. “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
- G. “Hazing” means a school employee or student intentionally, knowingly, or recklessly committing an act or causing another individual to commit an act toward a school employee or student that:
1. endangers the mental or physical health or safety of a school employee or student;
    - a. 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;
    - b. 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
    - c. involves any activity that would subject a school employee or student to extreme mental stress, such as sleep deprivation, extended isolation from social contact, or conduct that subjects a school employee or student to extreme embarrassment, shame, or humiliation; and
  2. is committed for the purpose of initiation into, admission into, affiliation with, holding office in, or as a condition for in a school or school sponsored team, organization, program, club, or event; or

3. 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.
  4. the conduct described in this Subsection F constitutes hazing, regardless of whether the person against whom the conduct is committed directed, consented to, or acquiesced in, the conduct.
- H. "Parent" means a student's parent or guardian
- I. "Restorative justice practice" means a discipline practice designed to enhance school safety, reduce school suspensions, and limit referrals to court, and is designed to help minors take responsibility for and repair the harm of behavior that occurs in school.
- J. "Retaliation" means an act of communication intended:
1. as retribution against a person for reporting bullying, cyberbullying, harassing, or hazing; or
  2. to improperly influence the investigation of, or the response to, a report of bullying or hazing.
- K. "School" means any public elementary or secondary school or charter school
- L. "School board" means
1. a local school board; or
  2. a local charter board.
- M. "School employee" means:
1. school teachers;
  2. school staff;
  3. school administrators; and
  4. all others employed, directly or indirectly, by the school, school board, or school district.
- N. "Trauma-Informed Care" means a strengths-based service delivery approach grounded in an understanding of and responsiveness to the impact of trauma, emphasizing physical, psychological, and emotional safety for both offenders and victims, and creating opportunities for victims to rebuild a sense of control and empowerment.
- O. "Volunteer" means a person working under the direct supervision of a licensed educator.

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

- A. In addition to the requirements of Utah Code Subsection 53G-9-605 (3), DaVinci Academy is required to:
1. develop, update, and implement policies as required by Utah Code Section 53G-9-605 and this rule;
  2. develop policy with the input from students, parents, teachers, school administrators, school staff, or law enforcement agencies;
  3. post a copy of DaVinci Academy's policy on the Davinci Academy's website;
  4. develop an action plan to address a reported incident of bullying, cyber-bullying, hazing, or retaliation, [or abusive conduct];
  5. provide a requirement for a signed statement that meets the requirements of Utah Code Subsection 53G-9-605 (3)([g]h) annually; and
  6. assess students about the prevalence of bullying, cyber-bullying, hazing,

and retaliation in DaVinci Academy:

- a. specifically, locations where students are unsafe and additional adult supervision may be required, such as playgrounds, hallways, bathrooms, locker rooms and lunch areas, will be provided on a bi-annual basis.
- B. No school employee, board member, volunteer, or student may engage in ***bullying*** 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)
- C. No school employee or student may engage in ***hazing*** or ***cyberbullying*** a school employee or student **at any time or in any location**.
- D. No school employee or student may engage in retaliation against:
1. a school employee;
  2. a student; or
  3. an investigator for, or witness of, an alleged incident of bullying, harassing, cyberbullying, hazing, or retaliation
- E. No school employee or student may make a false allegation of bullying, harassing, cyberbullying, hazing, or retaliation against a school employee or student.
- F. Any bullying, harassing, or hazing that is found to be targeted at a federally protected class is further prohibited under federal anti-discrimination laws and is subject to compliance regulations from the Office for Civil Rights.

## V. **Training**

- A. All students, school employees, coaches, and volunteers at XYZ School will receive annual training from a qualified professional regarding bullying, cyber-bullying, and hazing and retaliation. This training will address:
1. overt aggression that may include physical fighting such as punching, shoving, kicking, and verbal threatening behavior, such as name calling, or both physical and verbal aggression or threatening behavior;
  2. relational aggression or indirect, covert, or social aggression, including rumor spreading, intimidation, enlisting a friend to assault a child, and social isolation;
  3. bullying, cyber-bullying, and hazing of a sexual nature or with sexual overtones;
  4. cyber-bullying, including use of email, web pages, text messaging, instant messaging, three-way calling or messaging or any other electronic means for aggression inside or outside of school;
  5. bullying, cyber-bullying, hazing and retaliation based upon the students' or employees' identification as part of any group protected from discrimination under the following federal laws:

- a. Title VI of the Civil Rights Act of 1964, including discrimination on the basis of race, color, or national origin;
  - b. Title IX of the Education Amendments of 1972, including discrimination on the basis of sex; or
  - c. Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990, including discrimination on the basis of disability; and
6. training on civil rights violations will include compliance when civil rights violations are reported;
  7. bullying, cyber-bullying, hazing and retaliation including training and education specific to bullying based upon students' or employees' actual or perceived, characteristics, including race, color, national origin, sex, disability, religion, religious clothing, gender identity, sexual orientation, or other physical or mental attributes or and conformance or failure to conform to stereotypes; and
  8. awareness and intervention skills such as social skills training.
- B. A licensed educator shall supervise volunteers and is responsible for ensuring the volunteer is trained in the above areas. Volunteers shall report to their supervisor if the volunteer witnesses or is notified of a bullying, cyber-bullying, hazing, or retaliation incident among students or if the volunteer has reason to suspect such an incident. Volunteers shall not engage in bullying activities themselves and must follow policy requirements or may be asked to leave XYZ School if in violation of this policy.
1. DaVinci Academy will implement a youth suicide prevention program for students as described in Utah Code Section 53E-9-702.
  2. All licensed educators must complete 2 hours of professional development in youth suicide prevention training once every license renewal cycle.
  3. In addition to training for all school employees, students, employees, and volunteer coaches involved in any extra-curricular activity shall:
    - a. participate in initial bullying and hazing prevention training prior to participation in the extra-curricular activity;
    - b. participate in initial bullying, cyber-bullying, and hazing prevention training to be completed by every employee by January 30, 2019 and repeated at least every three years thereafter;
    - c. receive information annually of the prohibited activities list provided previously in this Policy and the potential consequences for violation of this Policy.

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

- A. Each reported complaint shall include:
  1. name of complaining party;
  2. name of offender (if known);
  3. date and location of incident(s);
  4. a statement describing the incident(s), including names of witnesses (if

- known).
5. An action plan as outlined by Utah Code Ann. § 53G-9-605.5
- B. Each reported violation of the prohibitions noted previously shall be promptly investigated by a school administrator or an individual designated by a school administrator. Formal disciplinary action is prohibited based solely on an anonymous report of bullying, hazing, or retaliation.
- C. Verified violations of the prohibitions noted previously shall result in consequences or penalties. Consequences or penalties may include but are not limited to:
1. 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.
- D. Compliance with the Office for Civil Rights when Civil Rights Violations are Reported:
1. Once DaVinci Academy knows or reasonably should know of possible student-on-student bullying, cyber-bullying, harassment or hazing, the school must take immediate an appropriate action to investigate or otherwise determine what occurred.
  2. If it is determined that the bullying, cyber-bullying, harassment or hazing did occur as a result of the student-victim's membership in a protected class, DaVinci Academy shall take prompt and effective steps reasonably calculated to:
    - a. end the bullying, cyber-bullying, harassment, or hazing
    - b. eliminate any hostile environment, and
    - c. prevent its recurrence.
  3. These duties are DaVinci Academy's responsibilities even if the misconduct also is covered by a separate anti-bullying policy and regardless of whether the student makes a complaint, asks the school to take action, or identifies the bullying, cyberbullying, harassment or hazing as a form of discrimination.
- E. Actions must also include, as appropriate:
1. procedures for protecting the victim and other involved individuals from being subjected to:
    - a. further bullying or having, and
    - b. retaliation for reporting the bullying or hazing.
  2. prompt reporting to law enforcement of all acts of bullying, hazing, or retaliation that constitute suspected criminal activity.
  3. prompt reporting to the Office for Civil Rights (OCR) of all acts of bullying, hazing, retaliation that may be violations of student(s)' or employee(s)' civil rights.
  4. procedures for a fair and timely opportunity for the accused to explain the accusations and defend his actions prior to student or employee discipline.
  5. procedures for providing due process rights under Section 53G-8-203 (licensed staff), local employee discipline policies or Section 53G-8-204 and local policies (students) prior to long term (more than 10 day) student



## **VII. Investigations**

DaVinci Academy will promptly and reasonably investigate allegations of bullying, cyberbullying, harassment and/or hazing. The DaVinci Academy Investigators (program directors or Executive Administrator) will be responsible for handling all complaints by students and employees alleging bullying, cyberbullying, harassment, or hazing as outlined in the procedures below [DaVinci Witness Report can be turned in to administration or front office and will be given to DaVinci Academy Investigators upon receipt].

In accordance with State law (53G-9-604), DaVinci Academy will notify parents of students involved in an incident of bullying, cyber-bullying, harassment, hazing, or retaliation upon receiving such information. State law also requires that DaVinci Academy notify parents if their student threatens to commit suicide. All of these parent notifications will be documented on the DaVinci Witness Report along with a summary of what was communicated. Parents of students who threaten to commit suicide will be notified that their child is with the counselor or school administration and will only be released to the parent after a no self-harm contract has been signed by the student and the parent.

All documentation of these incidents will comply with Federal and State law: FERPA, 34 C.F.R part 99, Student Data Protection Act, 53G-9-905; and in accordance with DaVinci policies: Personal and Confidential Information #403 and GRAMA policy #106.

It is DaVinci Academy'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 of law. Also, individual targeted searches will be conducted if there is reasonable suspicion that a user has violated policy or law. Personal electronic devices of any student suspected of violation of the above policy will be confiscated for investigation and may be turned over to law enforcement.

## **VIII. Additional Notes**

- A. 53G-9-605 requires that this policy be developed with input from (1) students, (2) parents, (3) teachers, (4) school administrators, (5) school staff, or (6) law enforcement agencies.
- B. All information received in a complaint, names of complainants shall be treated with the utmost confidence to the extent possible. Administrators shall notify complainant before revealing his name.
- 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 hazing incident creates a substantial disruption to the school environment, under *Tinker v. Des Moines*, 393 U.S. 503 (1969), DaVinci Academy may take disciplinary action against the student who initiated the speech. Factors that DaVinci Academy may consider in determining whether a substantial disruption has occurred are:
  1. whether there is a verbal or physical confrontation over the incident at school;
  2. whether there is likely to be a verbal or physical confrontation based on evidence of a prior relationship between the victim and the student who

- initiated the speech;
  3. whether any part of the speech that gave rise to the incident was repeated at school;
  4. whether students are discussing the incident during class or if it otherwise is disrupting school work;
  5. whether there is a widespread whispering campaign or rumor sparked by the off- campus incident that disrupts the school environment and students’ abilities to focus on school;
  6. whether administrators who dealt with the incident were pulled from their ordinary tasks to address the incident and how much time it took out of an administrator’s day to do so;
  7. whether speech similar to the off-campus speech in this incident has occurred in the past and has resulted in violence or near violence at school;
  8. whether there is a negative effect on classroom activities as a result of the off-campus incident; or
  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 mean to be serious, may not be protected by the First Amendment and the person who utters such a message may be disciplined by DaVinci Academy).
- D. Prohibition of abusive conduct
1. DaVinci Academy school board shall update DaVinci Academy’s bullying, cyber-bullying, hazing, and retaliation policy to include abusive conduct on or before September 1.