



BULLYING, CYBER-BULLYING, HAZING, ABUSIVE CONDUCT AND RETALIATION POLICY

Purpose

Bullying, cyber-bullying and hazing of students and employees are prohibited, are against federal, state and local policy, and are not tolerated by Bonneville Academy. Bonneville 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, Bonneville Academy has in place policies, procedures, and practices designed to reduce and eliminate bullying, cyber-bullying, and hazing—including civil rights violations or actions based on a student’s or employee’s actual or perceived race, color, national origin, sex, disability, religion, religious clothing, gender identity, sexual orientation, or other physical or mental attributes—as well as processes and procedures to deal with such incidents. Bullying, cyber-bullying, and hazing of students and/or employees by students and/or employees will not be tolerated at Bonneville Academy.

School officials have the authority to discipline students for off-campus speech and behavior that causes or threatens a substantial disruption on campus or during school activities, including 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 Section 53G-8-205 and, loss of participation in extracurricular activities, and/or probation. If after an investigation, a school employee is found to have violated this policy, the employee shall be disciplined by appropriate measures up to, and including, termination.

Definitions

1. “Abusive conduct” means verbal, nonverbal, or physical conduct of a parent or student directed toward a school employee that, based on its severity, nature, and frequency of occurrence, a reasonable person would determine:
 - a. is intended to cause intimidation, humiliation or unwarranted distress;
 - b. results in substantial physical or psychological harm as a result of intimidation, humiliation, or unwarranted distress; or
 - c. exploits an employee’s known physical or psychological disability
 - i. 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).





2. “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 effect of:
 - a. causing physical or emotional harm to the school employee or student;
 - b. causing damage to the school employee or student in reasonable fear of;
 - c. placing the school employee or student in reason fear of:
 - i. harm to the school employee’s or student’s physical or emotional well-being; or
 - ii. damage to the school employee’s or students property;
 - d. creating a hostile, threatening, humiliating, or abusive educational environment due to:
 - i. the pervasiveness, persistence, or severity of the actions; or
 - ii. a power differential between the bully and the victim; or
 - e. substantially interfering with a student having a safe school environment that is necessary to facilitate educational performance, opportunities or benefits.
 - f. 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.
 - g. “bullying” includes relational aggression or indirect, covert, or social aggression, including rumor spreading, intimidation, enlisting a friend to assault a child, and social isolation.
3. “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:
 - 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;
4. “Cyber-bullying” means using the Internet, a cell phone, or another device to send or post text, video, or an image with the intent or knowledge, or with reckless disregard, that the text, video, or image will hurt, embarrass, or threaten an individual, regardless of whether the individual directed, consented to, or acquiesced in the conduct, or voluntarily accessed the electronic communication.





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5. “Disruptive student behavior” means the same as that term is defined in Utah Code Subsection 53G-8- 210(1)(a).
 - a. disruptive student behavior includes:
 - i. the grounds for suspension or expulsion described in Utah Code Section 53G-8-205 ;and
 - ii. the following conduct described in Utah Code Subsection 53G-8-209 (2)(b):
 1. use of foul, abusive, or profane language while engaged in school related activities;
 2. illicit use, possession, or distribution of controlled substances or drug paraphernalia,
 3. 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
 4. 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.
6. “Hazing” means a school employee or student intentionally, knowingly, or recklessly committing an act or causing another individual to commit an act toward a school employee or student that:
 - a. endangers the mental or physical health or safety of a school employee or student;
 - b. involves any brutality of a physical nature, including whipping, beating, branding, calisthenics, bruising, electric shocking, placing of a harmful substance on the body, or exposure to the elements;
 - c. involves consumption of any food, alcoholic product, drug, or other substance or other physical activity that endangers the mental or physical health and safety of a school employee or student; or
 - d. involves any activity that would subject a school employee or student to extreme mental stress, such as sleep deprivation, extended isolation from social contact, or conduct that subjects a school employee or student to extreme embarrassment, shame, or humiliation; and 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 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. 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.



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7. “Parent” means a student’s parent or guardian.
8. “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.
9. “Retaliation” means an act of communication intended:
 - a. as retribution against a person for reporting bullying, cyber-bullying, or hazing; or
 - b. to improperly influence the investigation of, or the response to, a report of bullying or hazing.
10. “School” means a public elementary or secondary school, including a charter school
11. “School board” means:
 - a. a local school board; or
 - b. a charter school governing board.
12. “School employee” means an individual working in the individual’s official capacity as:
 - a. a school teacher;
 - b. a school staff member;
 - c. an administrator; or
 - d. an individual who is employed, directly or indirectly, by a school, school board, or school district;
13. “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.
14. “Volunteer” means a person working under the direct supervision of a licensed educator.

Training

1. All students, school employees, and volunteers at Bonneville Academy will receive annual training from a qualified professional regarding bullying, cyber-bullying, and hazing and retaliation. This training will address:



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- 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, and hazing of a sexual nature or with sexual overtones;
 - d. 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;
 - e. 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:
 - i. Title VI of the Civil Rights Act of 1964, including discrimination on the basis of race, color, or national origin;
 - ii. Title IX of the Education Amendments of 1972, including discrimination on the basis of sex; or
 - f. 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 training on civil rights violations will include compliance when civil rights violations are reported;
 - g. 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
 - h. awareness and intervention skills such as social skills training.
2. The Administration 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 Bonneville Academy if in violation of this policy.
3. Bonneville Academy will comply with youth suicide prevention requirements outlined in Utah Code Section 53E-9-702 by ensuring that students have access to school counseling support and that staff receive appropriate training to recognize and respond to warning signs.



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4. All licensed educators must complete 2 hours of professional development in youth suicide prevention training once every license renewal cycle.
5. 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 within one month of their start date, 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.
6. Annually, all students who are at least eight years old, parents, and school employees shall sign that they have reviewed this policy.
7. A copy of Board Policy shall be included in all student handbooks and provided to students and parents during registration.
8. A copy of Board Policy shall be included in all employee handbooks.
9. 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.

Prohibitions

1. A school employee or student shall not engage in bullying a school employee or student:
 - a. on school property;
 - b. at a school related or sponsored event
 - c. while the school employee or student is traveling to or from a location or event described above in Subsection A (1) or (2)
2. A school employee or student shall not engage in hazing or cyber-bullying a school employee or student at any time or in any location.



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3. A school employee or student shall not engage in retaliation against:
 - a. a school employee;
 - b. a student; or
 - c. an investigator for, or witness of, an alleged incident of bullying, cyber-bullying, hazing, or retaliation.

4. A school employee or student shall not make a false allegation of bullying, cyber-bullying, hazing, or retaliation against a school employee or student.

5. Any bullying, cyber-bullying, 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.

Investigations

Bonneville Academy will promptly and reasonably investigate allegations of bullying, cyber-bullying, and/or hazing. Bonneville Academy Administration and/or counselor will be responsible for handling all complaints by students and employees alleging bullying, cyber-bullying, or hazing, as outlined in the procedures below:

1. gather reports (written if at all possible) from all parties involved.
2. determine if statements from witnesses (and parents) are warranted and gather those statements.
3. determine if a violation of school policy has occurred.
4. if violations have occurred determine what consequences would be appropriate with the goals of:
 - a. ensuring all students are able to have access to the most appropriate education setting possible,
 - b. ensuring all students are safe and able to attend school,
 - c. correcting future inappropriate behaviors related to bullying, hazing, etc.
5. verify all parties involved understand confidentiality and the need to not discuss the issues with others not outlined in this policy.

It is Bonneville Academy 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 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.



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1. In accordance with State Board of Education Administrative Rule Subsection R277-613-4(1)(c), school administrators shall
 - a. investigate allegations of incidents of bullying, cyber-bullying, hazing, and retaliation in accordance with this section; and
 - b. provide an individual who investigates allegations of incidents of bullying, cyber-bullying, hazing, and retaliation with adequate training on conducting an investigation.
2. Bonneville Academy is required to investigate allegations of incidents described in Subsection (A)(1) by interviewing at least the alleged victim and the individual who is alleged to have engaged in prohibited conduct.
 - a. Bonneville Academy may also interview the following as part of an investigation:
 - i. parents of the alleged victim and the individual who is alleged to have engaged in prohibited conduct;
 - ii. any witnesses;
 - iii. school staff; and
 - iv. other individuals who may provide additional information.
 - b. An individual who investigates an allegation of an incident shall inform an individual being interviewed that:
 - i. to the extent allowed by law, the individual is required to keep all details of the interview confidential; and
 - ii. further reports of bullying may become part of the investigation.

The confidentiality requirement in Subsection (B)(2) does not apply to:

- a. conversations with law enforcement professionals;
- b. requests for information pursuant to a warrant or subpoena;
- c. a state or federal reporting requirement; or
- d. other reporting required by this rule.

In conducting an investigation under this section, Bonneville Academy may:

- a. review disciplinary reports of involved students; and
- b. review physical evidence, consistent with search and seizure law in schools, which may include:
 - i. video or audio;
 - ii. notes;
 - iii. email;
 - iv. text messages;
 - v. social media; or
 - vi. graffiti.



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Bonneville Academy will coordinate investigations of bullying, cyber-bullying, and retaliation with law enforcement if there is a possibility that the alleged behavior has in any way violated the law.

Actions Required if Prohibited Acts are Reported

1. Each reported complaint will include:
 - a. the name of complaining party;
 - b. the name of offender (if known);
 - c. the date and location of incident(s); and
 - d. a statement describing the incident(s), including names of witnesses (if known).
2. 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 bullying, cyberbullying, hazing, and retaliation may be made anonymously, but Bonneville Academy will not take formal disciplinary action based solely on an anonymous report.
3. Verified violations of this policy and/or these procedures shall result in consequences or penalties. Any retaliation 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. Consequences or penalties may include but are not limited to:
 - a. For students such discipline may include:
 - i. suspension or removal from school;
 - ii. suspension or removal from a school-sponsored team or activity;
 - iii. suspension of school sponsored transportation;
 - iv. lesser disciplinary action; and/or
 - v. other appropriate interventions.
 - b. For employees such discipline must include formal disciplinary action. Formal disciplinary actions include, but are not limited to:
 - i. written reprimand;
 - ii. suspension with or without pay;
 - iii. probation;
 - iv. demotion; and
 - v. dismissal.
 - c. For parents, adverse actions include, but are not limited to:
 - i. removal from the school;
 - ii. restricted access to campus;
 - iii. restricted access to school events or school sponsored activities; and
 - iv. restricted/directed communication with district employees and activities.



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4. 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.
 - a. Administration will document the incident in our SIS system.
 - b. A victim is not required to participate in a restorative justice practice.
 - c. 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.
5. The school administration 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 administration will ensure that parents are communicated with regularly during the course of an investigation and notified about the result of the investigation. School administrators shall then work with students and their parents to ensure that the students involved can appropriately and safely continue with their education.
 - a. The school will produce and maintain a record in the SIS system that verifies that the parent was notified of the incident or threat. See, Record of Parent Notification of Student Threat or Incident.
 - b. This record shall not be kept in any student's cumulative file.
 - c. The school will maintain this record in accordance with state and federal privacy laws.
 - d. 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.
 - e. 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.
 - f. The school shall expunge this record, by shredding or deleting digital files, if the student to whom the record relates has graduated from Bonneville Academy and requests the record be expunged.
6. Compliance with the Office for Civil Rights when Civil Rights Violations Occur:
 - a. the school is responsible for identifying bullying, cyber-bullying, and hazing incidents about which it knows or reasonably should have known when it involves a protected class. The school must take immediate and appropriate action to investigate or otherwise determine what occurred.

these duties are the school's responsibility to investigate regardless of whether a person makes a complaint, a person requests the school to take action, or a person identifies the bullying, cyber-bullying or hazing as a form of discrimination.



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- b. if it is determined that the bullying, cyber-bullying, or hazing occurred as a result of the student-victim's membership in a protected class, the school shall take prompt and effective steps reasonably calculated to: end the bullying, cyber-bullying, or hazing eliminate any hostile environment, assess prevalence in school culture, physical facilities, and systemic practices to prevent its recurrence

Actions must also include, as appropriate:

- A. procedures for protecting the victim and other involved individuals from being subjected to: a. further bullying, cyber-bullying, or hazing, and
- B. retaliation for reporting the bullying, cyber-bullying or hazing; b. prompt reporting to law enforcement of all acts of bullying, cyber-bullying, hazing, or retaliation that constitute suspected criminal activity;
- C. procedures for a fair and timely opportunity for the accused to explain the accusations and defend his/her actions prior to student or employee discipline; and
- D. procedures for providing due process rights under Utah Code Section 53G-11-501 (licensed staff) and local employee discipline policies prior to employee discipline or Utah Code Section 53G-8-202 and local policies (students) prior to long term (more than 10 day) student discipline.

Annual Reporting of Allegations of Bullying, Cyber-bullying, Hazing, and Retaliation

Bonneville Academy is required by Utah Code Subsection 53E-3-401 (3) and State Board of Education Administrative Rule R277-613 to report the following annually, on or before June 30, to the Board Chair in accordance with the Director's submission requirements:

- A. a copy of Bonneville Academy policy required in Section R277-613-4;
- B. implementation of the signed statement requirement described in Utah Code Subsection 53G-9-605 (3)(g);
- C. verification of Bonneville Academy training of school employees relating to bullying, cyber-bullying, hazing, and retaliation, and abusive conduct described in Utah Code Section 53G-9-607;
 1. incidents of bullying, cyber-bullying, hazing, and retaliation;
 2. the number of incidents described in Subsection (4) required to be reported separately under federal law, including the reporting requirements in:
 - a. Title VI of the Civil Rights Act of 1964;
 - b. Title IX of the Education Amendments of 1972; or
 - c. Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990; and
 - d. the number of incidents described above that include a student who was bullied, cyber-bullied, hazed, or retaliated against due to or based on the student's actual or perceived characteristics, including disability, race, national origin, religion, sex, gender identity, or sexual orientation.



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Grievance Process for Incident of Abusive Conduct

In accordance with Utah Code §53G-9-605(3)(g), any Bonneville Academy employee who experiences abusive conduct—defined as verbal, nonverbal, or physical conduct by a student, parent, or other individual that is intended to cause intimidation, humiliation, or unwarranted distress—may file a formal grievance using the following process:

1. The grievance should be submitted in writing to the Director within 30 calendar days of the incident.
2. The written grievance must include:
 - The date of the incident,
 - A description of the circumstances, and
 - The employee's signature.
3. Upon receipt of the written grievance, the Director will meet with the employee within a reasonable timeframe, typically not to exceed 15 business days, to discuss the grievance and possible resolutions.
4. The Director will provide a written response outlining the findings and any proposed resolution within a reasonable timeframe following the meeting, also not to exceed 15 business days, unless extenuating circumstances exist. If more time is needed, the employee will be notified in writing of the delay and the expected timeline for a response.
5. If the employee is not satisfied with the Director's response, they may submit a written appeal to the Charter School Board within 10 calendar days of receiving the response.
6. The Board will meet with the employee to discuss the appeal and will issue a final written decision within a reasonable timeframe, typically not to exceed 20 calendar days from the date of the meeting.
7. The Charter School Board's written response will serve as the final administrative action in the matter.

Additional Notes

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), Bonneville Academy may take disciplinary action against the student who initiated the speech. Factors that Bonneville Academy may consider in determining whether a substantial disruption has occurred are:





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- A. whether there is a verbal or physical confrontation over the incident at school;
- B. whether there is likely to be a verbal or physical confrontation based on evidence of a prior record share relationship between the victim and the student who initiated the speech;
- C. whether any part of the speech that gave rise to the incident was repeated at school;
- D. whether students are discussing the incident during class or if it otherwise is disrupting school work;
- E. 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;
- F. 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;
- G. 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;
- H. whether there is a negative effect on classroom activities as a result of the off-campus incident; or 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 Bonneville Academy.



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