MODEL BULLYING POLICY

PURPOSE AND PHILOSOPHY

Bullying, cyber-bullying, hazing, retaliation, and abusive conduct towards students and employees violates state law and local policy. Bullying on the basis of a protectedclass violates federal civil rights laws. The purpose of this policy is to prohibitbullying, cyber-bullying, hazing, retaliation, and abusive conduct involving

Bonneville Academy's students and employees. Bonneville Academy's Board has determined that a safe learning environment in which all members of the schoolcommunity are treatedwith dignity and respect is necessary for students to learn and achieve high academic standards and that conduct constituting bullying, cyber-bullying, hazing, retaliation, and abusive conduct disrupts both a student's ability to learn and Bonneville Academy's ability to educate its students in a safe environment.

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 is intended to cause intimidation, humiliation, or unwarranted distress. A single act does not constitute abusive conduct.

2. "Accountability practice" means any evidence-based practice that increases academic outcomes and decreases behavior that disrupts the learning environment and holds students accountable for their actions by requiring them to take responsibility to repair harm and provide restitution when appropriate.

    a. Some practices include adapting instruction to increase behavior engagement plans, and restorative practices

3. "Action plan" means a process to address an incident of bullying, cyber-bullying, hazing, or retaliation.

4. "Allegation" means a claim or assertion that someone has engaged in a reported incident that has not been verified by a formal process.

5. "Bullying"means student bullying and staff bullying.

6. "Civil rights violation" means violations as outlined in the following federal laws:

   a. Title VI of the Civil Rights Act of 1964;

   b. Title IX of the Education Amendments of 1972;

   c. Section 504 of the Rehabilitation Act of 1973; or

   d. Title II of the Americans with Disabilities Act of 1990

7. "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.

8. "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 employeeor student that:

   a. Endangers the mental or physical health or safety of a school employee or student;
      i. 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;

      ii. 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

      iii. 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 employeeor 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 in a school or school sponsored team, organization, program, club, or event; or

i. 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 sponsoredteam, organization, program, club, or event in which the individual who commits the act also participates.

c. The conduct described in this Subsection constitutes hazing, regardless of whether the person against whom the conductis committed directed, consented to, or acquiesced in, the conduct.

9. "Incident" means a verified incident of bullying, cyber-bullying, hazing, or retaliation.

10. “LEA Designee” means a designated individual at the LEA level who can provide training to investigators, oversee implementation of any action plan, monitor implementation, assist with school case-specific needs, and act as a liaison to the state board regarding bullying, cyber-bullying, hazing, abusive conduct.

11. “Parent” means a parent or legal guardian.

12. “Restorative justice practice” means a discipline practice that brings together students, school personnel, families, and community members to resolve conflicts, address disruptive behaviors, promote positive relationships, and healing.

13. “Retaliate” or “retaliation” means an act or 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.

14. “School” means a public elementary or secondary school, including a charter school.

15. “School board” means:
    a. A local school board; or
    b. A charter school governing board.

16. “School designee” means a school administrator or designee assigned to receive and investigate allegations at that school, notify parents and/or persons involved, and over see actionplans.

17. “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, or who works on a school campus.

18. “School grounds” means a school building; property on which a school building or facility is located; and property that is owned, leased or used by a school for a school-sponsored activity, function, program, instruction or training.
    a. “School grounds” also includes school-related transportation vehicles

19. “School-sponsored activity” means an activity, fundraising event, club, camp, clinic, or other event or activity that is authorized by a specific public school, according to local school board policy, and satisfies at least one of the following conditions:

    a.The activity is managed or supervised by a school board, school, or public school employee;

    b. The activity uses the school district or public school facilities, equipment, or otherschool resources; or

    c. The activity is supported or subsidized, more than inconsequentially, by public funds, including the public school's activity funds or Minimum School Program dollars.

    d. The activity includes preparation for and involvement in a public performance, contest, athletic competition, demonstration, display, or club activity.

20. “Staff bullying” means a school employee, with the intent to cause harm, repeatedly committing a written, verbal, or physical act against a student or another school employee, or engaging in a single egregious act toward another employeeinvolving an imbalance of power, that:

    a. Creates an environment that a reasonable person would find hostile, threatening, or humiliating; and

    b. Substantially interferes with a student's or employee's educational or professional performance, opportunities, or benefits.

    c. "Staff bullying" does not mean instances of:

        i. Ordinary teasing, horseplay, argument, or peer conflict;

        ii. Reasonable correction of behavior by a school employee; or

        iii. Reasonable coaching strategies and techniques by a school employee who is a coach.

21. “Student bullying” means one or more students, with the intent to cause harm, repeatedly committing a written, verbal, or physical act against another student, or engaging in a single egregious act toward another student involving an imbalance of power, that:

    a. Creates an environment that a reasonable person would find hostile; and

    b. Interferes with a student's educational performance, opportunities, or benefits.

    c. "Student bullying" does not mean instances of:

        i. Ordinary teasing, horseplay, argument, or peer conflict;

        ii. Reasonable correction of behavior by a school employee; or

        iii. Reasonable coaching strategies and techniques by a school employee who is a coach.

22. "Verification" means that an alleged incident has been found to be substantiated through a formal investigation process.

23. "Volunteer" means a non-employee with significant, unsupervised access to students in connection with a schoolassignment

See Utah Code Ann. Section 53G-9-601; see also Utah Administrative Rule R277-613.

PROHIBITIONS

1. Bullying Prohibited: A school employee or student shall not engage in bullying a school employee or student:

   a. On school property;

   b. At a school-sponsored activity;

   c. On a school bus;

   d. At a school bus stop; or

   e. While the school employee or student is traveling to or from a location or event described above in Subsection 1(a) – (d).

2. Hazing and Cyber-bullying Prohibited: A school employeeor student shall not engage in hazing or cyber-bullying a school employee or student at any time or in any location.

3. Retaliation Prohibited: A school employeeor student shallnot 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. False Allegations Prohibited: 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. Abusive Conduct Prohibited: No student or parent shall engage in abusive conduct.

Additional Prohibitions

6. Any bullying,cyber-bullying, or hazing that is found to be targeted at a federally protected class is furtherprohibited under federalanti-discrimination laws and is subject to compliance regulations from the United States Departmentof Education, Office for Civil Rights (OCR).

7. A student shall not share a recording of an act of bullying, cyber-bullying, hazing, abusive conduct, or retaliation, in order to impact or encourage future incidents.

    a. This restriction does not prevent a student from sharing a recording of an incident or of abusive conduct with a teacher or administrator as part of reporting the incident of abusive conduct or in response to a request from a teacher or administrator for the recording.

8. A school employeeor student shall not create or distribute sexually explicit or nonconsensual intimate images.

Responses to Prohibited Actions

If, after an investigation, a student is found to be in violation of this policy by participating in or encouraging conduct prohibited by this policy, the student shall be disciplined by appropriate measures up to, and including, suspension and expulsion, pursuant to Utah Code § 53G-8-205 and school policy, removal from participation in school activities, and/or discipline in accordance with regulations of the U.S. Department of Education Office for Civil Rights (OCR).

If, after an investigation, a school employee is found to be in violation of this policy, the employee shall be disciplined by appropriate measures, which may include termination, reassignment, or other appropriate action.

In determining the appropriate response to students who have been found to have engagedin a verified incident, the following factors should be considered:

1. The development and maturity levels of the parties involved;

2. The impactof harm;

3. The surrounding circumstances;

4. Past incidencesor past continuing patterns of behavior;

5. The relationships between the parties involved;

6. The level of disruptionin or interference with the orderly operation of the school.

REPORTING AND INVESTIGATION

Students who have been subjected to or witnessed bullying, cyber-bullying, hazing, or retaliation, and students who have witnessed abusive conduct, are strongly encouraged to promptly report such incidents to any school employee. School employees who receive reports of such incidents must report them to the school designee. In connection with a report of an alleged incident, students and school employees who report incidents may request that their identity be kept anonymous, and reasonable steps shall be taken by the school designee and others involved in the reporting and investigation to maintain the anonymity of such individuals, if possible.

The school or LEA Designee shall report to the U.S. Department of Education, Office for Civil Rights (OCR) all acts of bullying, hazing, cyber-bullying, abusive conduct, or retaliation that the individual reasonably determines may be violations of a student's or employee'scivil rights.

Students, parents/guardians/families, and school staff are encouraged to submit written complaintsto ensure the school administrator is adequately informed of all details relevantto the complaint.

Complaints may also be submitted through the SafeUT application or the Public Education Hotline.

School employees must implement preventative measures to protect students from retaliation, including assisting students who are targeted by incidents and the student's parent(s) in reporting subsequent problems and new incidents. The school designee will promptly investigate each complaint of bullying in a thorough and confidential manner, including, to the extent possible, anonymous reports, and shall administer appropriate discipline to all individuals who violate this policy. Formal disciplinary action is prohibited based solely on an anonymous report.

At a minimum, an investigation shall include interviewing the alleged targeted individual and the alleged perpetrator to have engaged in a manner in violation of this policy. The principal or school designee may also interview other individuals who may provide additional information, including the parents of the alleged targeted individual and alleged perpetrator, any witnesses to the conduct, and school staff. The principal or school designee may also review physical evidence, including but not limited to video or audio recordings, notes, email, text messages, social media, and graffiti. The principal or school designee shall inform any person being interviewed that the principal or school designee is required to keep the details of the interview confidential to the extent allowed by law and that further reports of bullying will become part of the investigation. The principal or school designee shall keep a written record of the date and time they interviewed individuals, which individuals they interviewed, unless the individual requests to remain anonymous, physical evidence they had reviewed and the manner in which it was reviewed.

If a school employee, agent, or school resource officer believes a student is at-risk of harming themselves or others, the school employee, agent, or school resource officer may intervene and ask a student questions regarding the student's thoughts of harming self or others for the purposes of referring the student to appropriate prevention services and informing the student's parent.

Bonneville Academy 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 name and position of the School Designee to receive reports.

Each reported complaintshould include:

1. Name of the complaining party, unless anonymous;

2. Name of the alleged targeted individual;

3. Name of the alleged perpetrator, if known;

4. Date and location of incident(s); and

5. A statement describing the incident(s), including the names of any witnesses

All information received in the complaint, including the name of the complainant, shall be treated with the utmost confidence to the extent possible. Administrators shall notify the complainant before revealing the complainant's name, unless anonymous.

It is Bonneville Academy's policy, in compliance with state and federal law, that students have a limited expectation of privacy on Bonneville Academy's computer equipmentand network system, and routine monitoring or maintenance may lead to discovery that a user has engaged in prohibited conduct. Also, individual targeted searches under this policy will be conductedif there is reasonable suspicion that a user has violated this policy. Personalelectronic devices of any student suspected of violation of this policy may be confiscated for investigation and may be turned over to law enforcement.

Parent Notification and Documentation

The School Designee (or their designee) must notify parents that their student was involved in an incident of bullying, cyberbullying, hazing, abusive conduct, or retaliation, including incidents when a student expresses suicidal ideation. Timeliness of notification may vary depending on the circumstances of an incident.

If a School Designee and/or school employee believes that a situation exists which presents a serious threat to the well-being of a student, that School Designee (or their designee), and/or school employee shall notify the student's parent without delay, before the end of the school day.

The School Designee (or their designee), and/or school employee will notify the student's parent by:

1. Calling the parent and sending a follow-up email. This is the preferred method for delivering this notification.
2. Calling the parent and leaving a voicemail if they are unable to connect telephonically, and send a follow-up email.

The school administrator who notifies parents under this section shall keep an incident report which includes a record verifying that notification was provided to the parents/guardians/families of each student involved.

The administrator's record of notification must include the date and time of notification, manner of notification (phone call, in-person meeting, etc.), and an indication of the type of incident.
The incident report may be disclosed to the parents/guardians and/or students involved, but it may not be disclosed to any other person or entity except when requiredby a valid court order as provided in Utah Code.

The school will retain the record for at least as long as the student is enrolled at the school and will provide or expunge the record in accordance with Utah Code § 53G-9-604.

In addition to notifying the parent or guardian as set forth above, the School Designee will provide the parent or guardian with the following:

1. suicide prevention materials and information as recommended by the Utah State Board of Education in accordance with Utah Code § 53G-9-604(2)(b);

2. information on ways to limit a student's access to fatal means, including firearms or medication; and

3. information and resources on the healthy use of social media and online practices as provided in R277-613.

If an incident is verified, the school will inform parents what safety measures will be in place for their child and regularly update the parents regarding implementation of an action plan.

LEA ACTION PLAN

Verified violations of the prohibitions noted previously may result in:

1. A discipline plan consistent with State Board of Education Administrative Rule R277-609.
2. Use of restorative justice practices consistent with State Board of Education Administrative Rule R277-613;

    a. A student to whom an incident is directed, is not required to participate in a restorative justice practice with an individual who is alleged to have engaged in an incident. If the school designee would like a student to participate in a restorative justice practice, the school designee shall notify the student's parent of the restorative justice practice and obtain consent from the student's parent before including the student in the process.

3. Use of accountability practices;

4. The provision of supportive services designed to preserve the student's access to educational opportunities and a sense of safety.
5. Other actions against student or employee as appropriate.

Verified violations of prohibitions will result in the incident being documented in the file of the studentwho caused the incident.

Additionally, an LEA shall create an action plan for verified incidents. An action plan shall include:

1. A communication plan designed to keep each parent updated on the implementation of the action plan;

2. With respect to the student to whom the incident was directed and in direct coordination with the student's parent:
   a. A tailored response to the incident that addresses the student's needs;

   b. A mechanism to consider consequences or accommodations the student may need regarding decreased exposure or interactions with the studentwho caused the incident;

   c. Notification of the consequences and plan to address the behavior of the student who caused the incident;
   d. Supportive measures designed to preserve the student's access to educational servicesand opportunities; and
   e. To the extent available, access to other resources the parent requests for the student; and
3. With respect to the student who caused the incident and in direct coordination with the student's parent:
   a. A range of tailored and appropriate consequences, making reasonable effort to preserve the student's access to educational services and activities;
   b. A process to determine and provide any needed resources related to the underlying cause of the incident;
   c. 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
   d. A process to remove the student from school in an emergency situation, including a description of what constitutes an emergency.

An action plan may not include a requirement that the student to whom the incident was directed change the student's:

1. Educational schedule or placement; or

2. Participation in a school sponsored sport, club, or activity.

The Principal or his/her designee will produce and maintain a record that tracks implementation of the action plan addressing the incident, if applicable.

If, after the schoolattempts to involvea 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.
Action plans must also include, as appropriate:

1. Prompt reporting to law enforcement of all acts of bullying, cyber-bullying, hazing, or retaliation that constitute suspected criminal activity;

2. 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

3. Procedures for providing due process in the investigation and findings through the investigation.

Appeals

Investigative procedures conducted under this policy may be appealed by both complainants and alleged perpetrators as provided in this subsection in accordance with Bonneville Academy's grievance process. The purpose of an appeal is to determine whether the investigative procedures outlined in this policy were followed. An appeal may also be filed to introduce new evidence not available during the investigation. If an appeal does not introduce new evidence or allege a violation of the investigative procedures of this policy, it will be denied. Disagreement with the outcome of an investigation or with an investigator's interpretation of the facts is not grounds for an appeal under this policy.

TRAINING AND EDUCATION

Bonneville Academy will ensure that students, employees, coaches, and volunteers receive training on bullying, cyber-bullying, hazing, retaliation, and abusive conduct from individuals qualified to provide such training. The training shall meet the standards established by the Utah State Boardof Education's rulesand include information on:

1. Bullying, cyber-bullying, hazing, abusive conduct, and retaliation;

2. Discrimination under the following federal laws:

i. Title VI of the Civil Rights Act of 1964;

ii. Title IX of the Education Amendments of 1972;

iii. Section 504 of the Rehabilitation Act of 1973; and

iv. Title II of the Americans with Disabilities Act of 1990;

1. How bullying, cyber-bullying, hazing, retaliation, and abusive conduct are different from discrimination and may occur separately from each other or in combination;
2. How bullying, cyber-bullying, hazing, retaliation, and abusive conduct are prohibited based upon race, color, national origin, sex, religion, or disability.
3. The right of free speech and how it differs for students, employees, and parents or guardians.
4. Safe digital citizenship.

The training will also complement the suicide prevention program required for students under R277-620 and the suicide prevention training required for licensed educators consistent with Utah Code Ann. Section 53G-9-704(1), and also include information on when issues relating to R277-613 may lead to student or employee discipline.

The training shall be offered to:

1. New school employees, coaches, and volunteers within the first year of employment or service;
2. All school employees, coaches, and volunteers at least once every three years after the initial training; and
3. All students(regardless of whether they are involved in athletics or extracurricular activities or clubs) at a frequency determined by the LEA designee.

In addition to the training requirements described above, any student, employee, or volunteer coach participating in a school sponsored athletic program, both curricular and extracurricular, or extracurricular club or activity, shall, prior to participating in the athletic program or activity, participate in bullying, cyber-bullying, hazing, retaliation, and abusive conduct prevention training. This training shall be offered to new participants on an annual basis and to all participants at least once every three years. Bonneville Academy will inform student athletes and extracurricular club members of prohibited activities under R277-613 and potential consequences for violation of the law and the rule.

Bonneville Academy will maintain training participant lists or signatures, the date of the provided training, and provide the participant lists or signatures to the Utah State Board of Education upon request.

ASSESSMENT

Bonneville Academy's designee will assess the prevalence of bullying, cyber-bullying, and hazing in the school,specifically locations where students are unsafe and additional adult supervision may be required,such as playgrounds, hallways, and lunch areas.

PUBLICATION AND ACKNOWLEDGEMENT

Bonneville Academy will provide this policyand related procedures to students, parent(s) and volunteers, administrators, teachers and school staff by posting this policy and related procedures on Bonneville Academy's publicly accessible website.

On an annual basis, school employees, students who are at least eight years old, and parents or guardians of students shall sign a statement indicating that they have received this policy.

ANNUAL REPORTING

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

1. A copy of Bonneville Academy's policy required in Section R277-613-4;

2. Implementation of the signed statement requirement described in Utah Code Subsection 53G-9-605 (3)(g);
3. Verification of Bonneville Academy's training of school employees relating to bullying, cyberbullying, hazing, and retaliation, and abusive conduct described in Utah Code Section53G-9-607;
4. Incidentsof student bullying, cyber-bullying, hazing, and retaliation;

i. The number and type of incidents described in Subsection (4) that include a student who was alleged bullied, cyber-bullied, hazed, or retaliated againstbased on the student's actual or perceived characteristics, including disability, race, national origin, religion, or sex, gender identity,or sexual orientation including the federal reporting requirements for civil rights violations.

EMPLOYEE GRIEVANCE

A school employee who has experienced abusive conduct must report the incident to the School or LEA designee in writing. If the school employee is not satisfied with the school or designee's investigation of the abusive conduct and/or the resulting disciplinary action and/or recommended disciplinary action against the perpetrator, the school employee may address/raise the issue in accordance with the school's grievance policies.

ADDITIONAL NOTES

This policy applies to any student, school employee, contractor, visitor, or volunteer who engages in conduct that constitutes bullying or retaliation, all of whom have the responsibility to comply with this policy. Violation of this policy by any student, school employee, contractor, visitor, or volunteer will result in disciplinary action. A school employee found to have committed an act of bullying, cyberbullying, hazing, or retaliation will be disciplined in accordance with policy.
This policy applies to bullying that:

1. Takes place at school or on school grounds;

2. Takes place while students are being transported to or from schools or school-sponsored events;
3. Takes place at any school-sponsored event, activity, function, program, instruction or training;or
4. Takes place through the use of technology. School officials have the authority to discipline students for off-campus or online speech that causes or threatens a substantial disruption to school operations, including violent altercations or a significant interference with a student's educational performance and involvement in school activities.

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, Bonneville Academy may take disciplinary action against the student who initiated the speech.