



UTAH COUNTY ACADEMY OF SCIENCES POLICIES AND PROCEDURES

SECTION: J – Students
POLICY TITLE: Bullying, Cyber-bullying, Harassment and Hazing
FILE NO.: JM
DATED: August 20, 2019

TABLE OF CONTENTS

1. PURPOSE AND PHILOSOPHY
 2. DEFINITIONS
 3. PROHIBITIONS
 4. ACTIONS REQUIRED IF PROHIBITED ACTS ARE REPORTED
 5. INVESTIGATIONS
 6. PARENTAL NOTIFICATION
 7. TRAINING
 8. DISCIPLINE
 9. ADDRESS EFFECTS ON VICTIMS
 10. DISSEMINATION OF POLICY
 11. FIRST AMENDMENT RIGHTS
 12. DROPOUT PREVENTION AND RECOVERY
 13. ADDITIONAL NOTES
-

1. PURPOSE AND PHILOSOPHY

- 1.1. The Utah County Academy of Sciences (UCAS) Board of Trustees (The Board) prohibits acts of bullying, cyber-bullying, harassment, and hazing. UCAS is committed to providing all students and District employees with a safe and secure learning and working environment. The Board of Trustees has determined that a safe and civil environment in school is necessary for students to learn and achieve high academic standards. Bullying, cyber-bullying, harassment, hazing, abusive conduct, and retaliation in any form, like other disruptive or violent behaviors, is conduct that disrupts both a student's ability to learn and a school's ability to educate its students in a safe environment. Acts of bullying, cyber-bullying, harassment, and hazing can reduce a student's ability to achieve academically and an employee's ability to perform job responsibilities. Demonstration of appropriate behavior, treating others with civility and respect, and refusing to tolerate bullying, cyber-bullying, harassment, hazing, abusive conduct, and retaliation in any form is required of administrators, faculty, staff, and volunteers to provide positive examples for student behavior.
- 1.2. Bullying, cyber-bullying, harassment, hazing, abusive conduct and retaliation of students and employees are against federal, state and local policy, and are not tolerated by UCAS. UCAS 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, UCAS has in place policies, procedures, and practices that are designed to reduce and eliminate bullying, cyber-bullying, harassment, hazing abusive conduct and retaliation—including but not limited to civil rights violations—as well as processes and procedures to deal with such incidents. Bullying, cyber-bullying, harassment, hazing, abusive conduct and retaliation of students and/or employees by students and/or employees will not be tolerated in UCAS.
- 1.3. 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 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.

2. DEFINITIONS

- 2.1. "Bullying" means intentionally or knowingly committing an act that:
 - 2.1.1. Endanger the physical health or safety of a school employee or student;
 - 2.1.1.1. 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
 - 2.1.1.2. involves consumption of any food, liquor, drug, or other substance
 - 2.1.1.3. involves other physical activity that endangers the physical health and safety of a school employee or student
 - 2.1.1.4. involves physically obstructing a school employee's or student's freedom to move
 - 2.1.1.5. Is done for the purpose of placing a school employee or student in fear of:
 - 2.1.1.5.1. physical harm to the school employee or student
 - 2.1.1.5.2. harm to property of the school employee or student
 - 2.1.2. 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.
- 2.2. "Civil Rights Violations" means bullying (including cyber-bullying), harassing, or hazing that is targeted at a federally protected class.
- 2.3. "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.
- 2.4. "Federally protected class" means any group protected from discrimination under federal law
 - 2.4.1. Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin
 - 2.4.2. Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of sex
 - 2.4.3. 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
 - 2.4.4. Other areas included under these acts include religion, gender, and sexual orientation
- 2.5. "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.

- 2.6.** “Hazing” means intentionally or knowingly committing an act that:
- 2.6.1.** Endangers the physical health or safety of a school employee or student
 - 2.6.2.** 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
 - 2.6.3.** involves consumption of any food, liquor, drug, or other substance
 - 2.6.4.** involves other physical activity that endangers the physical health and safety of a school employee or student
 - 2.6.5.** involves physically obstructing a school employee's or student's freedom to move
 - 2.6.6.** Is done for the purpose of initiation or admission into, affiliation with, holding office in, or as a condition for membership, acceptance, continued membership or acceptance in any school or school sponsored team, organization, program, or event
 - 2.6.7.** If the person committing the act against a school employee or student knew that the school employee or student is a member of, or candidate for, membership with a school, or school sponsored team, organization, program, or event to which the person committing the act belongs to or participates in
 - 2.6.8.** The conduct described in Subsection 2.6.6 constitutes hazing, regardless of whether the person against whom the conduct is committed directed, consented to, or acquiesced in, the conduct
- 2.7.** “Retaliation” means an act of communication intended:
- 2.7.1.** As retribution against a person for reporting bullying, cyber-bullying, harassing, or hazing
 - 2.7.2.** To improperly influence the investigation of, or the response to, a report of bullying or hazing
- 2.8.** "School" means the Utah County Academy of Sciences (UCAS) a public early college charter high school
- 2.9.** "School Board" means the UCAS Board of Trustees
- 2.10.** "School employee" means:
- 2.10.1.** School teachers
 - 2.10.2.** School staff
 - 2.10.3.** School administrators
 - 2.10.4.** All others employed, directly or indirectly, by the school, school Board of Trustees, or school district.
- 2.11.** “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:
- 2.11.1.** is intended to cause intimidation, humiliation, or unwarranted distress;

- 2.11.2. results in substantial physical or psychological harm as a result of intimidation, humiliation, or unwarranted distress; or
- 2.11.3. exploits an employee's known physical or psychological disability
- 2.11.4. a single act does not constitute abusive conduct, unless it is an especially severe and egregious act that meets the standard under 2.11.1, 2.11.2, or 2.11.3.

3. PROHIBITIONS

- 3.1. No school employee or student may engage in bullying or harassing a school employee or student
 - 3.1.1. On school property
 - 3.1.2. At a school related or sponsored event
 - 3.1.3. On a school bus
 - 3.1.4. At a school bus stop
 - 3.1.5. While the school employee or student is traveling to or from a location or event described above in 3.1.1 – 3.1.4.
 - 3.1.6. No school employee or student may engage in hazing or cyber-bullying a school employee or student at any time or in any location.
 - 3.1.7. No school employee or student may engage in retaliation against
 - 3.1.7.1. A school employee
 - 3.1.7.2. A student
 - 3.1.7.3. An investigator for, or witness of, an alleged incident of bullying, harassing, cyber-bullying, hazing, or retaliation
 - 3.1.8. No school employee or student may make a false allegation of bullying, harassing, cyber-bullying, hazing, or retaliation against a school employee or student.
 - 3.1.9. 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.

4. ACTIONS REQUIRED IF PROHIBITED ACTS ARE REPORTED

- 4.1. Each reported complaint shall include:
 - 4.1.1. Name of complaining party
 - 4.1.2. Name of offender (if known)
 - 4.1.3. Date and location of incident(s)
 - 4.1.4. Statement describing the incident(s), including names of witnesses (if known)
- 4.2. 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.

- 4.3.** Verified violations of the prohibitions noted previously shall result in consequences or penalties. Consequences or penalties may include but are not limited to:
 - 4.3.1.** Student suspension or removal from a school-sponsored team or activity including school sponsored transportation
 - 4.3.2.** Student suspension or expulsion from school or lesser disciplinary action
 - 4.3.3.** Employee suspension or termination for cause or lesser disciplinary action
 - 4.3.4.** Employee reassignment
 - 4.3.5.** Other action against student or employee as appropriate
- 4.4.** Compliance with the Office for Civil Rights when Civil Rights Violations are reported:
 - 4.4.1.** Once UCAS knows 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
 - 4.4.2.** 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, UCAS shall take prompt and effective steps reasonably calculated to:
 - 4.4.2.1.** End the bullying, cyber-bullying, harassment, or hazing
 - 4.4.2.2.** Eliminate any hostile environment
 - 4.4.2.3.** Prevent its recurrence
- 4.5.** These duties are UCAS'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, cyber-bullying, harassment or hazing as a form of discrimination.
- 4.6.** Actions must also include, as appropriate:
 - 4.6.1.** Procedures for protecting the victim and other involved individuals from being subjected to:
 - 4.6.1.1.** Further bullying or hazing
 - 4.6.1.2.** Retaliation for reporting the bullying or hazing
 - 4.6.2.** Prompt reporting to law enforcement of all acts of bullying, hazing, or retaliation that constitute suspected criminal activity.
 - 4.6.3.** Prompt reporting to the Office for Civil Rights (OCR) of all acts of bullying, hazing, or retaliation that may be violations of student(s)' or employee(s)' civil rights.
 - 4.6.4.** Procedures for a fair and timely opportunity for the accused to explain the accusations and defend his actions prior to student or employee discipline.
 - 4.6.5.** Procedures for providing due process rights under Utah Code 53G-11-501 (licensed staff), local employee discipline policies or Utah Code 53G-8-202 and local policies (students) prior to long term (more than 10 day) student discipline or employee discipline.
 - 4.6.6.** False reporting of bullying, cyber-bullying, hazing, abusive conduct, or retaliation is

prohibited.

5. INVESTIGATIONS

- 5.1.** UCAS will promptly and reasonably investigate allegations of bullying, cyber bullying, harassment and/or hazing. The UCAS Investigators (UCAS administration and Counselor(s)) will be responsible for handling all complaints by students and employees alleging bullying, cyber-bullying, harassment, hazing, abusive conduct and retaliation as outlined in the procedures found in the UCAS Policy CD, Discrimination and Harassment.
- 5.2.** It is UCAS's policy, in compliance with state and federal law, that students have a limited expectation of privacy on the school's Internet system. 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.

6. PARENTAL NOTIFICATION

- 6.1.** A school administrator who finds that an incident of bullying, cyber-bullying, hazing, abusive conduct, or retaliation has occurred will notify the parent/guardian of each student involved. In addition, each school administrator or counselor will notify the parent/guardian of any student who threatens to commit suicide. The school administrator or counselor who informs a parent/guardian will keep a record verifying that the parent/guardian was notified. This record shall contain the date, time, and manner of notification and indicate the type of threat or incident. This record, along with related written communication, will be maintained in accordance with the Utah Code, Student Privacy and Data Protection.
- 6.2.** If a parent/guardian requests it, the school administrator or counselor may provide information and make recommendations related to an incident or threat. If a student requests a copy of the records of an incident or threat, that specifically relates to the student, the school administrator will provide the student a copy of the record and related written communication. If a student that has graduated from UCAS specifically requests that records of an incident or threat be expunged, the school administrator shall destroy the record and related written communication.

7. TRAINING

- 7.1.** The training of school employees shall include training regarding bullying, cyber-bullying, harassment, hazing, abusive conduct and retaliation.
- 7.2.** The training should including training on civil rights violations and compliance when civil rights violations are reported.
- 7.3.** To the extent possible, programs or initiatives designed to provide training and education regarding the prevention of bullying, hazing, and retaliation should be implemented.
- 7.4.** In addition to training for all students and school employees, students, employees, and volunteers involved in any extra-curricular activity shall:
 - 7.4.1.** Participate in bullying and hazing prevention training prior to participation
 - 7.4.2.** Repeat bullying and hazing prevention training at least every three years
 - 7.4.3.** Be informed annually of the prohibited activities list provided previously in this Policy and the potential consequences for violation of this Policy
- 7.5.** Child Sexual Abuse Prevention Training 53G-9-207

7.5.1. A school district or charter school shall provide, every other year, training and instruction on child sexual abuse prevention and awareness to:

7.5.1.1. school personnel in elementary and secondary schools on:

7.5.1.1.1. responding to a disclosure of child sexual abuse in a supportive, appropriate manner; and

7.5.1.1.2. the mandatory reporting requirements described in Sections [53E-6-701](#) and [62A-4a-403](#); and

7.5.1.1.3. Upon request of the Utah State Board of Education, a school district or charter school shall provide evidence of compliance with this section.

8. DISCIPLINE

8.1. Any student who engages in bullying, cyber-bullying, hazing, abusive conduct, or retaliation, is in violation of this policy and shall be subject to disciplinary action. Consequences should be firm and fair and correspond to the severity of the infraction. A variety of consequences may be used, along with implementing positive behavioral interventions and support strategies.

8.2. The School's Safe School Policy will be used to determine the disciplinary action that may include, but is not limited to:

8.2.1. Suspension

8.2.2. Expulsion

8.2.3. exclusion from, or loss of participation in, extracurricular activities

8.2.4. alternate educational placement: and/or

8.2.5. referral to law enforcement authorities for criminal acts.

8.3. When imposing discipline, all facts and circumstances of the incident(s) will be taken into account. Formal disciplinary action may not be based solely on an anonymous report of bullying, cyber-bullying, hazing, abusive conduct, or retaliation. To the extent permitted by federal and state law may be protected from disclosure as per the Family Educational Rights and Privacy Act (FERPA).

8.4. An employee who engages in bullying, cyber-bullying, hazing, or retaliation, as described herein, is in violation of this policy and will be subject to disciplinary action, and may include termination of employment. Consequences will be firm and fair and correspond to the severity of the infraction. Professionally licensed employees may be referred to the Utah Professional Practices Advisory Commission (UPPAC). Criminal acts will also result in referral to law enforcement authorities.

9. ADDRESS EFFECT EFFECTS ON VICTIMS

If an investigation concludes that an employee or student was a victim of bullying, cyber-bulling, hazing, abusive conduct, or retaliation, UCAS will take prompt, appropriate action to end it and implement necessary remedial action with the intent to eliminate or reduce the adverse effects.

10. DISSEMINATION OF POLICY

- 10.1. This policy shall be posted on the UCAS website and may also be published in student registration materials, student and employee handbooks, parent information guides, and other appropriate school publications as directed by UCAS.
- 10.2. The District will require a signed statement annually, indicating that the individual signing the statement has received this policy, from each (a) employee, (b) student who is at least eight years old, and (c) parent or guardian of a student enrolled in the District. An electronic signature satisfies the requirement.

11. FIRST AMENDMENT RIGHTS

Nothing contained in this policy is intended to infringe upon the right of a student or employee to exercise their First Amendment right of free speech.

12. DROPOUT PREVENTION AND RECOVERY

The dropout prevention and recovery report survey will be sent out after the September 30 deadline. No later than the second week of October.

13. ADDITIONAL NOTES

- 13.1. Utah Code Title 53G-9-605 requires that this policy be developed with input from
 - 13.1.1. students,
 - 13.1.2. parents,
 - 13.1.3. teachers,
 - 13.1.4. school administrators,
 - 13.1.5. school staff, or
 - 13.1.6. law enforcement agencies.
- 13.2. 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.

EXHIBITS

None

REFERENCES

UTAH CODE ANN. § 53G-8-205
UTAH CODE ANN. § 53G-11-501
UTAH CODE ANN. § 53G-8-202
UTAH CODE ANN. § 53G-9-207
UTAH CODE ANN. § 53E-6-701
UTAH CODE ANN. § 62A-4a-403
UTAH CODE ANN. § 53G-9-802

FORMS

None

HISTORY

Revised – August 20, 2019.
Updated – October 10, 2018.
Revised – September 18, 2018.
Approved December 18, 2012.
