



Bullying, Cyber-Bullying, Hazing, and Retaliation Policy

I. Purpose

Bullying, cyber-bullying and hazing of students and employees are prohibited, are against federal, state and local policy, and are not tolerated by Summit Academy LEA. Summit Academy and Summit Academy High School are 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, Summit 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 Summit 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.

II. Definitions

- A. “Abusive conduct” means verbal, nonverbal, or physical conduct of a parent or student directed toward a school employee that, based on its severity, nature, and frequency 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. Forms of bullying include purposeful harm (emotional or physical), an imbalance of power (such as physical strength, access to embarrassing information, or popularity), damage of property, and repetition.



- 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. “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.
- 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. the grounds for suspension or expulsion described in **Utah Code Section 53G-8-205** (see Summit Academy's Discipline Policy); 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. “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;
 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.
- G. “Parent” means a student’s parent or guardian.
- H. “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.
- I. “Retaliation” means an act of communication intended:
1. as retribution against a person for reporting bullying, cyber-bullying, or hazing; or
 2. to improperly influence the investigation of, or the response to, a report of bullying or hazing.
- J. “School” means a public elementary or secondary school, including a charter school
- K. “School board” means:
1. a local school board; or
 2. a charter school governing board.
- L. “School employee” means an individual working in the individual’s official capacity as:
1. a school teacher;
 2. a school staff member;
 3. an administrator; or
 4. an individual who is employed, directly or indirectly, by a school, school board, or school district;
- M. “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.
- N. “Volunteer” means a person working under the direct supervision of a school employee.

III. Training

- A. All students, school employees, coaches, and volunteers at Summit Academy LEA will receive annual training from a qualified professional regarding bullying, cyber-bullying, and hazing and retaliation in accordance with **State Board of Education Administrative Rule Subsection R277-613-6**.
- B. A licensed educator or school employee 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 Summit Academy if in violation of this policy.



- C. Summit Academy LEA will implement a youth suicide prevention program for students as described in **Utah Code Section 53E-9-702**.
- D. All licensed educators must complete 2 hours of professional development in youth suicide prevention training once every license renewal cycle.
- E. In addition to training for all school employees, students, employees, and volunteer coaches involved in any extra-curricular activity shall:
 - 1. participate in initial bullying and hazing prevention training prior to participation in the extra-curricular activity;
 - 2. 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;
 - 3. receive information annually of the prohibited activities list provided previously in this Policy and the potential consequences for violation of this Policy.

IV. Prohibitions

- A. A school employee or student shall not engage in bullying a school employee or student.
- B. 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.
- C. A school employee or student shall not engage in retaliation against.
- D. A school employee or student shall not make a false allegation of bullying, cyber-bullying, hazing, or retaliation against a school employee or student.
- E. 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.

V. Investigations

Summit Academy LEA will promptly and reasonably investigate allegations of bullying, cyber-bullying, and/or hazing. The Summit Academy campus Principal, along with the Assistant Principal, Counselor, and/or school designee will be responsible for handling all complaints by students and employees alleging bullying, cyber-bullying, or hazing.

Students are to report bullying, cyber-bullying, or hazing by filling out the Summit Academy Bullying/Harassment Reporting Form. Students may also visit the SafeUT online program for additional assistance.

It is Summit 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 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.

- A. Summit Academy LEA shall adopt an action plan in accordance with **State Board of Education Administrative Rule Subsection R277-613-4(1)(c)**, including a plan to:



1. investigate allegations of incidents of bullying, cyber-bullying, hazing, and retaliation in accordance with this section; and
 2. provide an individual who investigates allegations of incidents of bullying, cyber-bullying, hazing, and retaliation with adequate training on conducting an investigation.
- B. Summit Academy LEA 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.
- C. The confidentiality requirement does not apply to:
1. conversations with law enforcement professionals;
 2. requests for information pursuant to a warrant or subpoena;
 3. a state or federal reporting requirement; or
 4. other reporting required by this rule.
- D. In conducting an investigation under this section, Summit Academy LEA may:
1. review disciplinary reports of involved students; and
 2. review physical evidence, consistent with search and seizure law in schools.
- E. Summit Academy LEA is required to adopt a policy, consistent with state law and state board rule, outlining under what circumstances the LEA employees will report incidents of bullying, cyber-bullying, and retaliation to law enforcement.

VI. Actions Required if Prohibited Acts are Reported

- A. Each reported complaint will include:
1. the name of complaining party;
 2. the name of accused offender (if known);
 3. the date and location of incident(s); and
 4. a statement describing the incident(s), including names of witnesses (if known).
- B. Each reported violation of the prohibitions noted previously will be promptly investigated by a school administrator or an individual designated by a school administrator. A report of bullying, cyber-bullying, hazing, and retaliation may be made anonymously, but Summit Academy will not take formal disciplinary action based solely on an anonymous report.
- C. Verified violations of the prohibitions noted previously shall result in consequences or penalties.
- D. The school will notify a parent if the parent's student threatens suicide, or if the student is involved in an incident of bullying, cyber-bullying, hazing, or retaliation.
- E. Summit Academy LEA will comply with the Office for Civil Rights when Civil Rights Violations occur.

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

- A. Summit Academy LEA will comply with **Utah Code Subsection 53E-3-401 (3)** and **State Board of Education Administrative Rule R277-613** to report annually, on or before June 30, to the Superintendent in accordance with the Superintendent's submission requirements.



VIII. Grievance Process for Incident of Abusive Conduct

Refer to Summit Academy LEA's Grievance Policy posted on Summit Academy's website.

IX. Additional Notes

- A. 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), Summit Academy may take disciplinary action against the student who initiated the speech.