

CENTER FOR CREATIVITY, INNOVATION, AND DISCOVERY

Bullying, Cyberbullying, and Harassment Policy

Philosophy

The Board of Directors of the Center for Creativity, Innovation, and Discovery is committed to a safe, civil, and inviting educational environment free from abusive conduct, bullying, cyberbullying, harassment, hazing, or retaliation for all its students, employees, volunteers, and patrons. The school responds to all known and confirmed instances of abusive conduct, bullying, cyberbullying, harassment, hazing, or retaliation toward its students and employees. This board-approved policy responds to the requirements of Utah Admin. Code R277-613, Utah Code §53G-9-601 and other applicable state and federal laws.

Philosophy

The school expects employees, students, parents, and other members of the school community to conduct themselves in a professional, civil, and courteous manner in keeping with the school's values and codes of conduct, and in a manner supportive of the school's mission and vision. Employees, students, parents, and other members of the school community must demonstrate a proper regard for the rights, welfare, and safety of all members of the school community. The school acknowledges that expectations about a student's conduct must consider a student's age, developmental level, as well as a known disability.

Definitions

Abusive Conduct: means verbal, nonverbal, or physical conduct of a parent or student directed toward an employee that, based on its severity, nature, and frequency of occurrence, a reasonable person would determine is intended to cause the following:

- Intimidation, humiliation, or unwarranted distress;
- Substantial physical or psychological harm as a result of intimidation, humiliation, or unwarranted distress; or,
- Exploitation of an employee or student's known physical or psychological disability.

A single act does **not** constitute abusive conduct, unless it is an especially severe and egregious act.

Action Plan: means a process to address an incident of bullying, cyber-bullying, hazing, or retaliation.

Allegation: means a claim or assertion that someone has engaged in a reported incident that has not been verified by a formal process;

Bullying: means the same as that term is defined in Utah Code §53G-9-601 including student bullying and staff bullying. See definitions for “Staff Bullying” and “Student Bullying” below.

Civil Rights Violation: means violations as outlined in the following federal laws: Title VI of the Civil Rights Act of 1964; Title IX of the Education Amendments of 1972; Section 504 of the Rehabilitation Act of 1973; or Title II of the Americans with Disabilities Act of 1990.

Communication: means the conveyance of a message, whether verbal, written or electronic.

Cyber-Bullying: as defined in Utah Code §53G-9-601(4), 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.

Disruptive Student Behavior: means the same as that term is defined in Utah Code §53G-8-210, Utah Code §53G-8-205, and Utah Code §53-G-8-209 and as described in the school’s policies.

Employee: means an individual working in the individual’s official capacity as a school teacher, a school staff member, a school administrator, or an individual who is employed directly or indirectly by a school, school board, or school district and who works on a school campus.

Federally Protected Class: means any group protected from discrimination under federal law.

- Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin.
- Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of sex.
- Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990 prohibit discrimination on the basis of disability.
- Religion, gender identity, and sexual orientation are other areas included under these acts.

Harassment: means repeatedly communicating to another individual in an objectively demeaning or disparaging manner, making statements that contribute to a hostile work environment, or making statements that contribute to a hostile learning environment for individuals. Harassment may include spreading rumors or engaging in social aggression intended to demean and disparage another individual that contributes to a hostile environment for an individual.

Harassment Defined as Illegal: means a pattern of abusive and degrading conduct directed against a person because of his or her protected class that is sufficient to

interfere with work or school and creates an offensive and hostile work environment; or when an employer, supervisor, co-worker, or student targets another individual because of any of the following characteristics or when the content of derogatory remarks relates directly to any protected categories, including but not limited to: age, ancestry, arrest or conviction record, color, disability, familial status, gender identity, marital status, military service, national origin, race, religious affiliation, sex, or sexual orientation.

Hazing: as defined in Utah Code §53G-9-601 means bullying that occurs:

- For the purpose of initiation or admission into, affiliation with, holding office in, or as a condition of membership or acceptance, or continued membership or acceptance, in any school or school-sponsored team, organization, program, club, event, or group;
- Or is directed toward an 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, event, or group in which the individual who commits the act also participates.

Hazing: also means an action that endangers the physical health or safety of a student or employee or action that causes another individual to commit an act toward an employee or student that may include the following:

- Endangering the physical health or safety of an employee or student;
- Committing brutality of a physical nature such as whipping, beating, branding, forced calisthenics, bruising, electric shocking, placing of a harmful substance on the body, or exposure to the elements;
- Forcing the consumption of any food, liquor, drug, or other substance;
- Obstructing an employee's or student's freedom to move, with the exception of an Emergency Safety Intervention (ESI) as implemented properly by school staff;
- Subjecting an employee or student to extreme mental stress, such as sleep deprivation or extended isolation from social contact;
- Any activity or conduct that would subject an employee or student to extreme embarrassment, shame, or humiliation.

The conduct described above constitutes "hazing" regardless of whether the person against whom the conduct has been committed has directed, consented to, or acquiesced in the conduct.

Incident: means a verified incident of bullying, cyber-bullying, hazing, or retaliation that is defined in and prohibited by Utah Code §53G-9-601(7). A single incident may involve one or more students to whom an incident is directed; one or more students who instigate an incident; or a student as both a target and a cause of the incident; or a single incident that occurs at the same time and in the same place.

Intimidation: means bullying by means of a written, verbal, or physical act intended to create an intimidating or threatening environment.

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, and abusive conduct.

Participant: means any student, employee, or volunteer coach participating in a public school sponsored athletic program or activity, including a curricular, co-curricular, or extracurricular club, or activity.

Restorative Justice Practice: means a discipline practice that brings together students, school personnel, families, and community members to resolve conflicts, address disruptive behaviors, and promote positive relationships and healing.

Retaliation: means an act of communication intended for any of the following:

- As retribution against a person for reporting abusive conduct, bullying, cyber-bullying, harassment, or hazing; or,
- To improperly influence the investigation of, or the response to, a report of abusive conduct, bullying, cyberbullying, harassment, or hazing.

School: means a public elementary or secondary school, including a charter school.

School Designee: means a school administrator or designee assigned to receive and investigate allegations at the school, notify parents and persons involved, and oversee action plans.

School Employee: means an individual working in the individual's official capacity as a school teacher, a school staff member, or a school administrator. School employee also means an individual who is employed directly or indirectly by a school, an LEA governing board, or a school district; or an individual who works on a school campus.

Staff Bullying: as defined in Utah Code §53G-9-601, 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 employee involving an imbalance of power that:

- Creates an environment that a reasonable person would find hostile, threatening, or humiliating; and,
- Substantially interferes with a student's or employee's educational or professional performance, opportunities, or benefits.

Staff Bullying: does **not** mean instances of ordinary teasing, horseplay, argument, or peer conflict; reasonable correction of behavior by a school employee; or reasonable coaching strategies and techniques by a school employee who is a coach.

Student Bullying: as defined in Utah Code §53G-9-601, 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:

- Creates an environment that a reasonable person would find hostile; and,
- Interferes with a student's educational performance, opportunities, or benefits.

Student Bullying: does **not** mean instances of ordinary teasing, horseplay, argument, or peer conflict; reasonable correction of behavior by a school employee; or reasonable coaching strategies and techniques by a school employee who is a coach.

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

Volunteer: means a non-employee with significant, unsupervised access to students in connection with a school assignment.

Prohibitions

This policy expressly prohibits any behavior that causes physical, emotional, or psychological harm to students, employees, and other members of the school community, including but not limited to, the following:

- Bullying;
- Cyber-bullying, at any time or in any location;
- Harassment;
- Hazing;
- Retaliation;
- Retaliation against an employee, a student, an investigator or a witness of an alleged incident of bullying, cyber-bullying, harassment, hazing, abusive conduct, or retaliation;
- Abusive Conduct;
- Discriminatory bullying, cyber-bullying, harassment, hazing, retaliation, or abusive conduct;
- Any other act that endangers the physical health or safety of a student or an employee;
- Any forced or coerced activity of a sexual nature;
- Physically obstructing the freedom of movement of a student or employee, with the exception of ESI as implemented properly by school staff;
- Any intense, repetitive, negative patterns of behavior that are intended to harm, threaten, or frighten someone;
- Making a false report, especially of bullying, cyber-bullying, harassment, hazing, abusive conduct, or retaliation;
- Creating or distributing sexually explicit or non-consensual intimate images;
- Sharing a recording of an incident as described in Utah Code §53G-9-605(3);
- Any of the above prohibited behavior toward an employee or student on school property, at a school-related or school-sponsored event, on a school bus, at a school bus stop, or while the employee or student is traveling to or from a location or event related to a school activity.

Reporting and Investigating Allegations of Bullying, Cyber-Bullying, Harassment

Hazing, Retaliation, and Abusive Conduct

General Procedures

In accordance with Utah Code §53G-9-605 and Utah Admin. Code R277-613, the school will address reported incidents of bullying, cyber-bullying, harassment, hazing, abusive conduct, or retaliation by taking the following actions:

- Identifying a school employee to be the point person with training and expertise to assist, direct, and supervise the training of other employees in the responsibilities established in Utah Admin. Code R277-613, including:
 - Providing required training;
 - Overseeing the implementation of the action plan;
 - Monitoring the implementation of the school's policy regarding communication plans as required by Utah Admin. Code R277-613;
 - Acting as the school's liaison to the state board regarding bullying, cyber-bullying, harassment, hazing, abusive conduct, and retaliation; and,
 - Assisting with the school's case-specific needs.
- Providing a school designee who investigates allegations of incidents of bullying, cyber-bullying, harassment, hazing, abusive conduct, and retaliation with adequate training on investigations;
- This school designee will be authorized to investigate allegations of incidents by interviewing:
 - The individual targeted;
 - The individual who is alleged to have engaged in prohibited conduct;
 - Parents of the targeted students and the individual who is alleged to have engaged in prohibited conduct;
 - Any witnesses;
 - School staff familiar with the student targeted;
 - School staff familiar with the individual who is alleged to have engaged in prohibited conduct; or,
 - Other individuals who may provide additional relevant information.

Review of Evidence

In Investigating an allegation, the school may review evidence included below, as well as any other available or discovered evidence:

- Disciplinary reports of involved students;
- Physical evidence, consistent with search and seizure law in schools, which may include:
 - Video or audio evidence;
 - Notes;
 - Email;
 - Text messages;
 - Social media;

- Graffiti; or,
- Similar.

Confidentiality

An individual who investigates an allegation of an incident shall inform an individual being interviewed that:

- To the extent allowed by law, the individual shall keep all details of the interview confidential; and,
- Further reports of bullying will become part of the review.

Exceptions to Confidentiality

The confidentiality requirement described above does not apply to:

- Conversations with law enforcement professionals;
- Requests for information pursuant to a warrant or subpoena;
- A state or federal reporting requirement; or,
- Other reporting required by Utah Admin. Code R277-613.

Reporting Incidents to Law Enforcement

The school will report bullying, cyber-bullying, harassment, hazing, abusive conduct, and retaliation to law enforcement when incidents escalate beyond school discipline into potential criminal behavior, such as:

- Physical Assault: cases involving physical violence, severe bodily injury, or battery;
- Dangerous Weapons: Possession or use of a weapon on school grounds;
- Threats of Violence: Credible, severe threats of mass harm, extreme violence, or homicide, including severe cyber-bullying threats;
- Illegal Substances or Extortion: Distribution of illegal items, severe theft, or extortion linked to bullying, harassment, hazing, cyber-bullying, abusive conduct, and retaliation.

Investigation and Report of Incidents as Civil Rights Violations

The school will report or treat a bullying, cyber-bullying, harassment, hazing, abusive conduct, and retaliation incident as a civil rights violation when the targeted conduct is based on a student's federally protected class and creates a hostile environment. The following circumstances will trigger the report of a civil rights violation:

- Protected Classes: Bullying or harassment that targets a student's race, color, national origin, sex, including sexual orientation and gender identity, religion, or disability. The school is aware that, under federal laws like Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and Section 504 of the Rehabilitation Act of 1973, the school is required to report a discriminatory harassment.

- Severe or Pervasive Conduct: Unwelcome verbal, physical, or written conduct, such as slurs, threats, or physical assaults, that is severe, persistent, or pervasive enough to limit or deny a student's ability to participate in or benefit from the school's programs.

Communication Related to Investigations and Action Plans

The school will communicate with the parents of all parties related to an incident in order to:

- Provide an explanation to parents or guardians of the school's process for addressing incidents;
- Inform parents or guardians when an investigation has been concluded;
- Inform parents or guardians of the outcome of an investigation;
- Inform parents or guardians what safety measures will be in place for their child, as determined by the investigation;
- Provide additional information about the investigation or the resolution consistent with the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. 1232g; and,
- Inform parents or guardians of appeal options, if available, if the parents or guardians disagree with resolution of the investigation.

Action Plans Following Verified Incidents

Accountability Practices and Supportive Services

Following a verified incident of bullying, cyber-bullying, hazing, harassment, abusive conduct, or retaliation, the school may:

- Use accountability practices, in accordance with policies established by the school; and,
- Provide supportive services designed to preserve the student's access to educational opportunities and a sense of safety.

General Guidelines for Action Plans

Following a verified incident of bullying, cyber-bullying, hazing, harassment, abusive conduct, or retaliation, the school will create and implement an action plan for each incident in accordance with Utah Code §53G-9-605. The action plan will include the following:

- A communication plan designed to keep each parent updated on the implementation of the action plan; and,
- With respect to the targeted student and in direct coordination with the student's parent:
 - A tailored response to the incident that addresses the student's needs;
 - A mechanism to consider consequences or accommodations the student

- may need regarding decreased exposure or interactions with the student who caused the incident;
 - Notification of the consequences and plan to address the behavior of the student who caused the incident;
 - Supportive measures designed to preserve the student's access to educational services and opportunities; and,
 - To the extent available, access to other resources the parent requests for the student; and,
- With respect to the student who caused the incident and in direct coordination with the student's parent:
 - A range of tailored and appropriate consequences, making reasonable effort to preserve the student's access to educational services and activities;
 - A process to determine and provide any needed resources related to the underlying cause of the incident;
 - 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,
 - A process to remove the student from school in an emergency situation, including a description of what constitutes an emergency.
- If, after the school attempts to involve a parent or guardian in the development and implementation of an action plan, the parent or guardian chooses not to participate in the process, the school may develop and implement an action plan without the parent's involvement.
- The school will take strong responsive action against retaliation, including assistance to students subjected to the incident and their parents or guardians in reporting subsequent problems and new incidents.

Prohibited Actions in Plans

The school will not include in an action plan a requirement that the student to whom the incident was directed any change in the student's:

- Educational schedule or placement; or,
- Participation in a school sponsored sport, club, or activity.

Restorative Justice

A student to whom an incident is directed, is not required to participate in a restorative justice practice. If the school would like a student to participate in a restorative justice practice, the school will notify the student's parent or guardian of the restorative justice practice and obtain consent from the student's parent before including the student in the process.

Appeals of the Action Plan

If a student who causes an incident, or that student's parent or guardian, wishes to appeal one or more of the consequences included in an action plan, the student or student's parent or guardian may appeal the consequences through the school's administrative or policy appeal processes established for disciplinary actions.

General Grievance Process

The grievance processes related to this policy for students, parents and guardians, and other members of the school community will follow the dispute resolution processes outlined in the school's Dispute Resolution or Grievance Policy.

Anonymous Reporting

The school will not permit formal disciplinary action that is based solely on an anonymous report of bullying, cyber-bullying, harassment, hazing, abusive conduct, or retaliation.

Protected Speech and Unprotected Conduct

The school balances the prohibitions of this policy with the First Amendment or free-speech protections of the members of its school community. While the school can address and give consequences for harmful harassment or disruption, it cannot ban protected opinions. This policy recognizes the following as protected speech or unprotected conduct:

Protected Speech

- Personal Opinions: Expressing views or beliefs that others find offensive does not constitute bullying, as long as it stays relevant and respectful.
- Peaceful Expression: Wearing armbands or holding peaceful discussions is protected under the 1969 Supreme Court ruling in *Tinker v. Des Moines*.
- General Offense: Speech cannot be punished simply because a listener feels uncomfortable or annoyed by the words.

Unprotected Conduct

- True Threats and Harassment: Direct threats of physical harm, stalking, and harassment are illegal and carry no free-speech protection.
- Severe Disruption: Speech that materially disrupts school functions or stops an employee from doing their job can be restricted.
- Discriminatory Hostile Environment: Repeated, severe behavior targeting a person's race, sex, religion, or disability violates civil rights laws and allows for school and potentially legal discipline.

Requirements for Provision of Policy and Signed Statements

- The school requires a signed statement annually from school employees, students (who are at least eight (8) years old, and parents or guardians of students enrolled in the school, indicating that the individual signing the statement has received this board-approved Bullying, Cyber-Bullying, and Harassment Policy.
- The school will provide a copy of this policy to members of the school community in appropriate publications such as student handbooks and employee handbooks. The school will also provide a digital copy to parents and guardians through a dedicated email. Paper copies of this policy will be available to school community members in the Front Office.

Employee Grievance Process for Abusive Conduct

Abusive Conduct Against Employees: means verbal, nonverbal, or physical conduct of a parent or student directed toward an employee that, based on its severity, nature, and frequency of occurrence, a reasonable person would determine is intended to cause the following:

- Intimidation, humiliation, or unwarranted distress;
- Substantial physical or psychological harm as a result of intimidation, humiliation, or unwarranted distress; or,
- Exploitation of an employee's known physical or psychological disability.
- A single act does **not** constitute abusive conduct, unless it is an especially severe and egregious act.

Written Grievance Required

An employee who has experienced an incidence of abusive conduct, as defined by this policy, and who is not satisfied with initial efforts to resolve this issue may submit a written grievance to the Executive Director within thirty (30) calendar days of the incident. The written grievance shall include the following:

- Date of the incident;
- Circumstance of the incident; and,
- Signature of the employee submitting the grievance.

Procedures for Response to Grievance

- Within ten (10) days of the submission of the written grievance, the Executive Director shall meet with the employee to discuss the grievance and possible resolutions.
- Within ten (10) business days after the meeting described, the Executive Director shall respond to the employee in writing.
- The response shall explain the Executive Director's position and offer options for

substantive resolution of the complaint.

Procedures for Appeal

- If the response of the Executive Director does not satisfactorily resolve the issue, the employee may appeal the Executive Director's response in writing within ten (10) business days to the school's Board Chair.
- Within ten (10) business days after receipt of the grievance appeal, the Board Chair or an officer of the Board designated by the Board Chair shall meet with the employee to discuss the grievance and possible resolutions.
- Within fifteen (15) calendar days after the meeting, the Board Chair or the Board Chair's designee will respond in writing with a final resolution of the grievance.
- The written response of the Board Chair or the Board Chair's designee shall constitute the final administrative action in the matter.

Parental Notification Requirement

In accordance with Utah Code §53G-9-605, the school will notify parents or guardians in a timely manner of the following:

- The student's threat of suicide;
- An incident of bullying, cyber-bullying, harassment, hazing, or retaliation involving the student as a student subjected to the incident;
- An incident of bullying, cyber-bullying, harassment, hazing, or retaliation involving the student who is alleged to have engaged in prohibited conduct; and,
- Of any action plan to address the incident.

Provisions and Records Related to Notifications

After a timely notification to parents or guardians per the required parental notifications described above, the school will provide the following:

- Suicide prevention materials and information in accordance with Utah Code §53G-9-604;
- Information on ways to limit a student's access to fatal means, including firearms or medication;
- Information and resources on the healthy use of social media and online practices; and,
- Production and maintenance of a record that verifies that the school notified each parent in accordance with the law; and tracks implementation of the action plan addressing the incident, if applicable.

Required Assessment of Prevalence of Prohibited Behaviors

As required by Utah Admin. Code R277-613, the school will assess the prevalence of bullying, cyber-bullying, harassment, hazing, and retaliation in the school, and specifically in those locations where students may be unsafe and additional adult

supervision may be required, such as playgrounds, hallways, and lunch areas.

General Training of School Employees

The school will ensure that students, school employees, coaches, and volunteers have received training on bullying, cyber-bullying, harassment, hazing, retaliation, and abusive conduct from individuals qualified to provide such training.

- The training will include information on:
 - Bullying, cyber-bullying, hazing, retaliation, and abusive conduct;
 - Discrimination under federal laws;
 - How bullying, cyber-bullying, harassment, hazing, retaliation, and abusive conduct are prohibited based upon race, color, national origin, sex, religion, or disability;
 - How bullying, cyber-bullying, harassment, hazing, retaliation, and abusive conduct are different from discrimination and may occur separately from each other or in combination;
 - The right of free speech and how it differs for students, employees, and parents or guardians; and,
 - Safe digital citizenship as defined in Utah Code §53G-7-1202.
- The training will complement the suicide prevention program required for students under Utah Admin. Code R277-620 and the suicide prevention training required for licensed educators consistent with Utah Code §53G-9-704;
- The training will include information on when issues relating to this rule may lead to student or employee discipline.
- The training will be offered to new school employees, coaches, and volunteers within the first year of employment or service and all school employees, coaches, and volunteers at least once every three years after the initial training.

Training Specific to Participants in Athletic Programs and School Clubs

Before any student, employee, or volunteer coach participates in a public school sponsored athletic program, both curricular and extracurricular, or extracurricular club or activity, the student, employee, or coach shall participate in bullying, cyber-bullying, harassment, hazing, retaliation, and abusive conduct prevention training.

- The training will include information about prohibited activities under Utah Admin. Code R277-613, and potential consequences for violation of this policy, law, and board rule.
- The training will be offered to new participants on an annual basis and to all participants at least once every three years.
- The school will maintain participant lists or signatures to verify training.

Limited Privacy on the School's Internet System and Devices

- Individuals at the school have a limited expectation of privacy while using the school's Internet system, and routine monitoring or maintenance of this system may lead to a discovery that a user has violated this policy and related law.
- Individual or targeted searches may also be conducted if there is reasonable suspicion that a user has violated the school's policies or laws.
- Personal electronic devices of any student suspected of violating this policy will be confiscated for investigation and may be turned over to law enforcement.

Consequences for Infractions of this Policy

- The school will respond to Infractions defined as bullying, cyberbullying, harassment, hazing, abusive conduct, or retaliation in accordance with the school's disciplinary policies and state law for students, and as outlined in the school's Employee Handbook and Professional Educator Standards for employees.
- The school considers bullying, cyberbullying, harassment, hazing, abusive conduct, and retaliation to be major infractions, unless mitigated by a student's age, developmental category, or disability. However, the categorization of any action as bullying, cyberbullying, harassment, hazing, abusive conduct, or retaliation will be subject to the definitions in state law and the discretion and interpretation of the school's Administration.
- Committing bullying, cyberbullying, harassment, hazing, abusive conduct, or retaliation may be grounds for suspensions or expulsion for students.
- Other consequences for committing bullying, cyberbullying, harassment, hazing, abusive conduct, or retaliation may include, but are not limited to:
 - Admonishment;
 - Work projects;
 - Classroom or administrative detentions;
 - Temporary removal from the classroom; and
 - Community work.
- Consequences for bullying and other infractions listed in this policy may also include:
 - Mandatory meetings between students and the Administration;
 - Mandatory meetings between students, parents, and administrators;
 - The establishment of a behavior plan or contract; and,
 - Other consequences allowed by state law and the school's policies and procedures.
- Committing bullying, cyberbullying, harassment, hazing, abusive conduct, or retaliation may be grounds for a reprimand, unpaid or paid administrative leave, and/or termination for employees.

- Any bullying, cyberbullying, harassment, hazing, abusive conduct, or retaliation that is found to be illegal harassment or targeted at a federally protected class is further prohibited under federal anti-discrimination laws and is subject to compliance regulations from the Office of Civil Rights.

Acknowledgement of Discretionary Privilege

The school acknowledges its discretionary privilege and obligation to determine any disciplinary consequences and behavior interventions for students in response to bullying, cyberbullying, harassment, hazing, abusive conduct, or retaliation based on:

- The age of the child or children involved;
- The developmental level of the child or children involved;
- The degree of harm inflicted;
- The surrounding circumstances;
- The nature and severity of the behavior;
- The relationship between the parties involved;
- The context in which the alleged incidents occurred; and,
- The pattern of behavior demonstrated by an individual student.

Compliance with the Office of Civil Rights

The school will take immediate and appropriate action to investigate or otherwise determine what occurred when:

- The school knows or is made aware of possible student-on-student bullying, cyberbullying, harassment, hazing, abusive conduct or retaliation;
- If it is determined that the bullying, cyberbullying, harassment, hazing, abusive conduct, or retaliation occurred as a result of the student-victim's membership in a protected class;
- In such circumstances, the school will take prompt and effective steps reasonably calculated to:
 - End the bullying, cyberbullying, harassment, hazing, abusive conduct, or retaliation;
 - Eliminate any hostile environment; and,
 - Prevent the recurrence of bullying, cyberbullying, harassment, hazing, abusive conduct, or retaliation.
- The school will report to law enforcement all acts of bullying, cyberbullying, harassment, hazing, abusive conduct, or retaliation that constitute suspected criminal activity.
- The school will also report to the Office of Civil Rights (OCR) all acts of bullying, cyberbullying, harassment, hazing, abusive conduct, or retaliation that may be violations of students' or employees' civil rights.
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Suicide Prevention Program to Support Bullying Prevention

- Pursuant to Utah Code §53G-9-702 and Utah Admin. Code R277-620, the school has implemented an appropriate youth suicide prevention program for students in elementary and secondary grades which includes the components provided in Utah Code §53G-9-702. The components of this program include the following:
 - Life-affirming education, including on the concepts of resiliency, healthy habits, self-care, problem-solving, and conflict resolution;
 - Life skills;
 - Methods of strengthening the family;
 - Methods of strengthening a youth's relationships in the school community.
 - Acceptance;
 - Youth suicide prevention;
 - Suicide postvention for family, students, and faculty.
- To the extent possible, the school will implement other programs or initiatives designed to provide training and education regarding the prevention of abusive conduct, bullying, cyberbullying, harassment, hazing, and retaliation.

School Response to Bullying and Cyberbullying Off Campus

This policy does not prohibit speech protected by the First Amendment of the United States Constitution. However, if off-campus speech of any kind that may constitute bullying, cyberbullying, hazing, harassment, abusive conduct, or retaliation creates a substantial disruption to the school environment, under Tinker v. Des Moines 393 U.S. 503 (1969), the school may take disciplinary action against the student who initiated that speech.

Determining Factors

The school will consider the following factors in determining whether off-campus bullying, cyberbullying, hazing, harassment, abusive conduct, or retaliation presents a substantial disruption to the school environment:

- Whether there was a related verbal or physical confrontation over the incident at school;
- Whether there is likely to be a verbal or physical confrontation based on evidence of a prior relationship between the victim and the student who initiated the speech;
- Whether any part of the speech that gave rise to the incident was repeated at school;
- Whether students were discussing the incident during class or if it otherwise disrupted school work;

- Whether there was a widespread whispering campaign sparked by the off-campus incident that disrupts the school environment and students' abilities to focus on school;
- 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;
- 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;
- Whether there was a negative effect on classroom activities as a result of the off-campus incident;
- Whether there is a history of abusive conduct, bullying, cyberbullying, harassment, hazing, retaliation, or violence from the student/s who initiated the speech; or,
- Whether the speech advocated "imminent" violence or unlawful conduct.

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