

Grand County School District

1 **Student Rights and Responsibilities**
2 ***Bullying, Cyberbullying, Hazing, and Abusive Conduct***

3 **Definitions—**

- 4 1. “Abusive conduct” means verbal, nonverbal, or physical conduct of a
5 parent or student directed toward a school employee that, based on its
6 severity, nature, and frequency of occurrence, a reasonable person
7 would determine is intended to cause intimidation, humiliation, or
8 unwarranted distress.
- 9 2. Bullying: In general, bullying is aggressive behavior that is intended to
10 cause distress and harm, exists in a relationship where there is an
11 imbalance of power and strength, and is often repeated over time.
12 Bullying includes relational aggression or indirect, covert, or social
13 aggression, including rumor spreading, intimidation, enlisting a friend
14 to assault a child, and social isolation. However, it need not be
15 repeated; bullying can be found based upon a single incident meeting
16 the definition set forth here. As specifically defined by this policy,
17 “Bullying” means intentionally committing a written, physical, or verbal
18 act against a school employee or student that a reasonable person
19 under the circumstances should know or reasonably foresee will have
20 one of the following effects:
- 21 a. causing physical or emotional harm to the school employee or
22 student;
- 23 b. causing damage to the school employee or student’s property;
- 24 c. placing the school employee or student in reasonable fear of:
- 25 i. harm to the school employee’s or student’s physical or
26 emotional well-being; or
- 27 ii. damage to the school employee’s or student’s property.
- 28 d. creating a hostile, threatening, humiliating, or abusive
29 educational environment due to:
- 30 i. the pervasiveness, persistence, or severity of the actions;
31 or
- 32 ii. a power differential between the bully and the target; or

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- 33 e. substantially interfering with a student having a safe school
34 environment that is necessary to facilitate educational
35 performance, opportunities, or benefits. The foregoing conduct
36 constitutes bullying regardless of whether the person against
37 whom the conduct is committed directed, consented to, or
38 acquiesced in the conduct.
- 39
- 40 3. "Communication" means the conveyance of a message, whether
41 verbal, written, or electronic.
- 42 4. "Cyber-Bullying" means:
- 43 a. Using the Internet, a cell phone, or another device to send or
44 post text, video, or an image with the intent or knowledge, or
45 with reckless disregard, that the text, video, or image will hurt,
46 embarrass, or threaten an individual, regardless of whether the
47 individual directed, consented to, or acquiesced in the conduct,
48 or voluntarily accessed the electronic communication.
- 49 b. In addition, any communication of this form that is generated off-
50 campus but causes or threatens to cause a material and
51 substantial disruption at school or interference with the rights of
52 students to be secure may also be considered cyber-bullying.
- 53 5. "Hazing" means a student intentionally, knowingly, or recklessly
54 committing an act or causing another individual to commit an act
55 toward a school employee or student that:
- 56 a. meets one of the following:
- 57 i. endangers the mental or physical health or safety of a
58 school employee or student; or
- 59 ii. involves any brutality of a physical nature, including
60 whipping, beating, branding, calisthenics, bruising,
61 electric shocking, placing of a harmful substance on the
62 body, or exposure to the elements;
- 63 iii. involves consumption of any food, alcoholic product,
64 drug, or other substance or other physical activity that
65 endangers the mental or physical health and safety of a
66 school employee or student; or

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- 67 iv. involves any activity that would subject a school
68 employee or student to extreme mental stress, such as
69 sleep deprivation, extended isolation from social contact,
70 or conduct that subjects a school employee or student to
71 extreme embarrassment, shame, or humiliation; and
72 either
- 73 b. is committed for the purpose of initiation into, admission into,
74 affiliation with, holding office in, or as a condition for
75 membership in a school or school sponsored team,
76 organization, program, club or event; or
- 77 c. is directed toward a school employee or student whom the
78 individual who commits the act knows, at the time the act is
79 committed, is a member of, or candidate for membership in, a
80 school or school sponsored team, organization, program, club,
81 or event in which the individual who commits the act also
82 participates.

83 The conduct described in above constitutes hazing, regardless of whether
84 the school employee or student against whom the conduct is committed
85 directed, consented to, or acquiesced in, the conduct.

- 86 [Utah Admin. Rules R277-613-1 \(October 8, 2013\)](#)
87 [Utah Code § 76-5-107.5 \(2011\)](#)
88 [Utah Code § 53A-11a-102\(1\) to \(5\) \(2017\)](#)

89 “Retaliate” means an act or communication intended:

- 90 1. as retribution against a person for reporting bullying, cyberbullying,
91 abusive conduct, or hazing; or
- 92 2. to improperly influence the investigation of, or the response to, a report
93 of bullying, cyberbullying, abusive conduct, or hazing.

94 [Utah Code § 53A-11a-102\(6\) \(2017\)](#)

95 “School employee” means:

- 96 1. school administrators, teachers, and staff members, as well as others
97 employed or authorized as volunteers, directly or indirectly, by the
98 school, school board, or school district and who works on a school
99 campus.

100 [Utah Code § 53A-11a-102\(9\) \(2017\)](#)

101 **Bullying and Abusive Conduct Prohibited—**

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102 No student may engage in bullying of a student or school employee on school
103 property, at a school related or sponsored event, on a school bus, at a school bus
104 stop, or while the student is traveling to or from a school location or school related or
105 sponsored event. No student may engage in abusive conduct.

106 Students who engage in bullying or abusive conduct are in violation of this
107 policy and verified violations shall result in disciplinary action up to and including
108 expulsion, consistent with the District's Safe Schools policy (FHA).

109 Anonymous reports of bullying or abusive conduct alone cannot constitute the
110 basis for formal disciplinary action.

111 The school or District may also report students who engage in bullying or
112 abusive conduct to law enforcement if that is permitted by [Utah Code § 53A-11-911](#).

113 [Utah Code § 53A-11a-301 \(2017\)](#)

114 [Utah Admin. Rules R277-613-4 \(October 8, 2013\)](#)

Hazing and Cyberbullying Prohibited—

116 No student may engage in hazing or cyberbullying of a student or employee
117 at any time or at any location.

118 Students who engage in hazing or cyberbullying are in violation of this policy
119 and verified violations shall result in disciplinary action up to and including expulsion,
120 as well as suspension or removal from a school-sponsored team or activity,
121 including school sponsored transportation, consistent with the District's Safe Schools
122 policy (FHA).

123 The school may also determine to break up or dissolve a team, organization,
124 or other school-sponsored group for hazing violations by its members.

125 Anonymous reports of hazing or cyberbullying alone cannot constitute the
126 basis for formal disciplinary action.

127 The school or District may also report students who engage in hazing or
128 cyberbullying to law enforcement if that is permitted by [Utah Code § 53A-11-911](#).

129 [Utah Code § 53A-11a-301 \(2017\)](#)

130 [Utah Admin. Rules R277-613-4 \(October 8, 2013\)](#)

Retaliation Prohibited—

132 No school employee may engage in retaliation against a school employee, a
133 student, or an investigator for, or witness of, an alleged incident of bullying,
134 cyberbullying, hazing, or retaliation against a school employee or student, or an
135 alleged incident of abusive conduct.

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136 Students who engage in such retaliation are in violation of this policy and are
137 subject to disciplinary action up to and including expulsion, consistent with the
138 District's Safe Schools policy (FHA). Anonymous reports of bullying, abusive
139 conduct, cyberbullying, or retaliation alone cannot constitute the basis for formal
140 disciplinary action.

141 Anonymous reports of retaliation alone cannot constitute the basis for formal
142 disciplinary action.

143 The school shall inform students who have reported being subject to bullying,
144 cyberbullying, or hazing and these students' parents that retaliation is prohibited and
145 shall encourage the students and parents to be aware of and to report any
146 subsequent problems or new incidents.

147 [Utah Code § 53A-11a-301 \(2017\)](#)

148 [Utah Admin. Rules R277-613-1 \(October 8, 2013\)](#)

149 [Utah Admin. Rules R277-613-4.E \(October 8, 2013\)](#)

150 Making a False Report Prohibited—

151 No student may make a false allegation of bullying, abusive conduct,
152 cyberbullying, hazing, or retaliation against a school employee or student.

153 Students who engage in making such false allegations are in violation of this
154 policy and are subject to disciplinary action up to and including expulsion, consistent
155 with the District's Safe Schools policy (FHA).

156 [Utah Code § 53A-11a-301\(3\)\(d\) \(2017\)](#)

157 [Utah Admin. Rules R277-613-4.A \(October 8, 2013\)](#)

158 Action Plan—

159 Upon receipt of a reported incident of bullying, cyber-bullying, hazing, abusive
160 conduct, or retaliation, the school principal or designee shall promptly review and
161 investigate the allegations. At a minimum, this investigation shall include
162 interviewing the alleged targeted individual and the individually alleged to have
163 engaged in prohibited conduct. The principal or designee may also interview other
164 individuals who may provide additional information, including the parents of the
165 alleged target and alleged perpetrator, any witnesses to the conduct, and school
166 staff. The principal or designee may also review physical evidence, including but not
167 limited to video or audio recordings, notes, email, text messages, social media, and
168 graffiti. The principal or designee shall inform any person being interviewed that the
169 principal or designee is required to keep the details of the interview confidential to
170 the extent allowed by law and that further reports of bullying will become part of the
171 investigation.

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172 determine the actions which are required to appropriately respond under this
173 policy and to properly address and redress the conduct.

174 When it is determined that a student has been bullied, cyberbullied, or hazed,
175 this plan of action should include consideration of what support, counseling, or other
176 assistance the student may need to prevent such mistreatment from adversely
177 affecting the student's ability to learn and function in the school setting.

178 The plan of action may include supporting involved students through trauma-
179 informed care practices, if appropriate, as defined in Utah Admin. Rules R277-613-
180 2(14).

181 *Utah Admin. Rules R277-613-5(6) (April 9, 2018)*

182 The plan of action may also include positive restorative justice practice
183 action, if permitted. Restorative justice practice is a discipline practice that brings
184 together students, school personnel, school families, and community members to
185 resolve conflicts, address disruptive behaviors, promote positive relationships, and
186 promote healing. An alleged targeted student is *not* required to participate in a
187 restorative justice practice with an alleged perpetrator. If the principal or designee
188 desires to have an alleged targeted student participate, the principal or designee
189 shall first inform that student's parent about the restorative justice practice and
190 obtain the parent's consent prior to such participation.

191 *Utah Admin. Rules R277-613-2(11) (April 9, 2018)*

192 *Utah Admin. Rules R277-613-5(6) (April 9, 2018)*

193 If any retaliation occurs, the principal or designee shall take strong
194 responsive action against it, including but not limited to providing assistance to any
195 targeted individual and his or her parent in reporting subsequent problems and new
196 incidents.

197 *Utah Admin. Rules R277-613-4(4) (April 9, 2018)*

198

199 [Utah Code § 53A-11a-301\(3\)\(f\) \(2017\)](#)

200 **Training and Education—**

201 Each school shall establish procedures for training school employees,
202 coaches, volunteers and students ~~to recognize and prevent~~ on bullying,
203 cyberbullying, hazing, or retaliation training shall occur bi-annually.

204 Training to students, staff, and volunteers shall include:

- 205 1. Include information on various types of aggression and bullying,
206 including:

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- 207 a. overt aggression that may include physical fighting such as
208 punching, shoving, kicking, and verbally threatening behavior,
209 such as name calling, or both physical and verbal aggression or
210 threatening behavior;
211 b. relational aggression or indirect, covert, or social aggression,
212 including rumor spreading, intimidation, enlisting a friend to
213 assault a child, and social isolation;
214 c. sexual aggression or acts of a of a sexual nature or with sexual
215 overtones;
216 d. cyber bullying, including use of email, web pages, text
217 messaging, instant messaging, social media, three-way calling
218 or messaging or any other electronic means for aggression
219 inside or outside of school; and
220 e. civil rights violations including bullying, cyber-bullying, hazing,
221 and retaliation based upon the students' or employees' actual or
222 perceived identities and conformance or failure to conform with
223 stereotypes;

- 224 2. Complement required student suicide prevention programs and
225 required suicide prevention training; and Include information on when
226 issues relating to this policy may lead to student or employee discipline

227 In addition to training school employees and educating students mentioned
228 above, all volunteer coaches, employees, and students involved in any curricular
229 athletic program or any extra-curricular club or activity shall:

- 230 1. Complete bullying, cyber-bullying, harassment and hazing prevention
231 training prior to participation;
- 232 2. Repeat bullying, cyber-bullying, harassment and hazing prevention
233 training at least every three years;
- 234 3. Be informed annually of the prohibited activities list provided previously
235 in this Policy and the potential consequences for violation of this
236 Policy.

237 The content of this activity training shall be developed in collaboration with the
238 Utah High School Activities Association (UHSAA) and the training shall also be
239 provided in collaboration with UHSAA. The school shall obtain and keep signature
240 lists of the participants in the activity training.

241 Teachers should discuss this policy with their students in age-appropriate
242 ways and should assure them that they need not endure any form of bullying,
243 harassment, hazing, or cyberbullying.

244 [Utah Code § 53A-11a-301 \(2017\)](#)

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245 [Utah Admin. Rules R277-613-4.F, -5 \(October 8, 2013\)](#)

246 The District may also offer voluntary training to parents and students
247 regarding abusive conduct.

248 The principal or designee responsible for reviewing and investigating
249 allegations of bullying, cyber-bullying, hazing, and retaliation shall receive training on
250 conducting a review and investigation as provided for in this policy.

251 [Utah Code § 53A-11a-401\(1\)\(b\) \(2017\)](#)

252 **Assessment—**

253 Subject to the requirements of Utah Code § 53E-9-203 regarding parental
254 consent for certain types of inquiries of students, each school shall regularly (and at
255 least once per year) conduct assessment through student input (surveys, reports, or
256 other methods) of the prevalence of bullying, cyberbullying, and hazing in the school,
257 and specifically in locations where students may be unsafe and adult supervision
258 may be required such as playgrounds, hallways, and lunch areas.

259 [Utah Admin. Rules R277-613-4.D \(October 8, 2013\)](#)

260

261 **Publication and Acknowledgment—**

262 A copy of this policy shall be included in student conduct handbooks,
263 employee handbooks, shall be provided to the parent or guardian of each student
264 enrolled in the District, and shall be available on the District website.

265 Each student 8 years of age and older and a parent or guardian of each
266 student enrolled in the District shall annually provide a signed statement stating that
267 the student and parent or guardian has received a copy of this policy.

268 [Utah Code § 53A-11a-301\(3\)\(g\), \(4\) \(2017\)](#)

269 **Parental Notification of Incidents—**

270 The school shall notify the parent or guardian of a student who is involved in
271 an incident of bullying, hazing, cyber-bullying, abusive conduct, or retaliation
272 (whether as target or as a perpetrator).

273 The school is also required to notify the parent or guardian of a student who
274 threatens to commit suicide. (See Policy FDACD.) In addition, the school shall
275 produce and maintain a record that verifies that the parent or guardian was notified
276 of the threats or incidents listed above. The record is a private record for purposes of
277 the Government Records Access and Management Act.

278 The process for notifying a parent or guardian shall consist of:

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- 279 1. The school principal or designee shall attempt to make personal
280 contact with a parent or guardian when the school has notice of a
281 threat or incident listed above. It is recommended that the parent be
282 informed of the threat or incident with two school people present. If
283 personal contact is not possible, the parent or guardian may be
284 contacted by phone. A second school person should witness the
285 phone call.
- 286 2. Contact with the parent or guardian must be documented in a
287 "Verification of Parent or Guardian Contact Regarding Threat or
288 Incident."

289 (A copy of the "Verification of Parent or Guardian Contact Regarding Threat or
290 Incident" is attached below.) Subject to laws regarding confidentiality of student
291 educational records, at the request of a parent or guardian, a school may provide
292 information and make recommendations related to an incident or threat.

293 [Utah Code § 53A-11a-203 \(2016\)](#)

294 The record of parental notification shall be maintained in accordance with
295 Policy FE, Policy FEA, the [Utah Student Data Protection Act](#), [the Utah Family](#)
296 [Educational Rights and Privacy Act](#), and the Federal Family Educational Rights and
297 Privacy Act ("FERPA"). A copy of the record of parental notification shall upon
298 request be provided to the student to whom the record relates. After the student has
299 graduated, the District shall expunge the record of parental notification upon request
300 of the student.

301 [Utah Code § 53A-11a-203\(3\)\(b\) \(2016\)](#)

302 **Report to State Superintendent—**

303 Each year, on or before June 30, the District shall submit a report to the State
304 Superintendent which includes (1) a copy of the District's bullying policy; (2)
305 confirmation of compliance with the requirement to obtain a signed acknowledgment
306 of the policy from students, parents, and employees; (3) verification of required
307 training regarding bullying, cyber-bullying, hazing, and retaliation; (4) the number of
308 incidents of bullying, cyber-bullying, hazing, and retaliation; and (5) the number of
309 those incidents that either included a student who is part of a federally protected
310 class or was bullied, cyber-bullied, hazed, or retaliated against because of the
311 student's disability, race, national origin, religion, sex, gender identity, or sexual
312 orientation.

313 *Utah Admin. Rules R277-613-5(8) (April 9, 2018)*

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315 VERIFICATION OF PARENT OR GUARDIAN CONTACT REGARDING THREAT 316 OR INCIDENT 317

318 I, [Name] _____, principal or principal's designee, contacted
319 [Name of parent or guardian] _____ on [Date] _____ and notified him or her that
320 [Name of student] _____ has made suicidal threats or was involved in an
321 incident of bullying, hazing, cyber-bullying, abusive conduct, or retaliation. Contact
322 was made:

323 [] in person

324 [] by telephone (number used: _____)

325 [] by email (email address used: _____)

326 [] by other method (specify): _____

327

328 Notice was given of:

329 [] suicide threat

330 [] bullying incident

331 [] cyber-bullying incident

332 [] abusive conduct incident

333 [] hazing incident

334 [] retaliation incident

335

336 [Name of school staff member] _____, witnessed the contact.

337

338

339 _____

340 Principal or Principal's Designee Title Date

341

342

343 _____

344 School Staff Member Title Date