



Bullying, Cyber-Bullying, Hazing, and Retaliation

WORKING COPY

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Board Approval: Pending

1. Background and Purpose

- 1.1. Bullying, cyber-bullying, hazing, abusive conduct, and retaliation are prohibited at the Utah Schools for the Deaf and the Blind (USDB).
- 1.2. This policy does not prohibit speech or expressive activity protected by the First Amendment of the United States Constitution.
- 1.3. This policy has been developed in compliance with Utah Code Section [53G-9-605](#) and Board Administrative Rule [R277-613](#).
- 1.4. USDB may take disciplinary action for off-campus student behavior that constitutes a bullying, cyber-bullying, or hazing incident that creates a substantial disruption to the school environment, consistent with [Tinker v. Des Moines, 393 U.S. 503 \(1969\)](#).
- 1.5. School officials have the authority to discipline students for conduct, both on and off-campus, that causes or threatens a substantial disruption on campus or during school activities.
- 1.6. If a student violates this policy, the student may 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.
- 1.7. If a school employee violates this policy, the employee shall be disciplined by appropriate measures up to and including termination.
- 1.8. If a parent or another member of the public engages in abusive conduct, USDB may limit the individual's access to school property, programs, employees, and students.

2. Definitions

- 2.1. "Abusive Conduct" (Utah Code Section [53G-9-601](#)) means verbal, nonverbal, or physical conduct of an individual directed toward a school employee that, based on its severity, nature, and frequency of occurrence, a reasonable person would determine is intended to cause intimidation, humiliation, or unwarranted distress.
- 2.2. "Constitutionally Protected Speech" means any expressive activity protected by the First Amendment of the Constitution of the United States of America.

- 2.2.1. Speech that has the effect of causing substantial disruption to the educational environment or that is severe, pervasive, and objectively offensive such that it effectively bars access to another student's ability to participate in or benefit from USDB educational programs is not protected.
- 2.2.2. True threats are not protected if they advocate imminent violence or unlawful conduct.
- 2.3. "Bullying" (Utah Code Section [53G-9-601](#)) means intentionally or knowingly committing an act, regardless of whether the person against whom the conduct is committed or directed, consented to or acquiesced in the conduct, that endangers the physical or emotional health or safety of a student or school employee through:
 - 2.3.1. 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;
 - 2.3.2. forced or involuntary consumption of any food, liquor, drug, or other substance;
 - 2.3.3. forced or coerced actions or activities of a sexual nature or with sexual connotations;
 - 2.3.4. other physical activity that endangers the physical health and safety of a student or school employee;
 - 2.3.5. physically obstructing a student's or school employee's freedom to move; or
 - 2.3.6. emotional intimidation or exposure to ridicule; and
 - 2.3.7. is done for the purpose of controlling the student or school employee in some way or placing the student or school employee in fear of:
 - 2.3.7.1. physical or emotional harm to the student or school employee; or
 - 2.3.7.2. harm to property of the student or school employee.
 - 2.3.8. Bullying may include indirect, covert aggression, such as enlisting a friend to assault a child.
- 2.4. "Hazing" (Utah Code Section [53G-9-601](#)) means intentionally or knowingly committing an act of bullying, as defined in this policy, which is done for the purpose of:
 - 2.4.1. initiation or admission into, affiliation with, holding office in, or as a condition for, membership or acceptance, or continued membership or acceptance, in any school or school-sponsored team, organization, program, or event; or
 - 2.4.2. if the person committing the act against a student or school employee knew that the student or school employee is a member of, or a 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.
 - 2.4.3. The conduct described above constitutes hazing, regardless of whether the person against whom the conduct is committed directed, consented to, or acquiesced in the conduct.

- 2.5. "Cyber-bullying" (Utah Code Section [53G-9-601](#)) means bullying that includes the use of the Internet, email, instant messaging, chat rooms, cell phones, or other forms of information technology to deliberately harass, threaten, or intimidate someone for the purpose of controlling the student or school employee in some way or placing the student or school employee in fear of:
 - 2.5.1. physical or emotional harm to the student or school employee; or
 - 2.5.2. harm to property of the student or school employee.
- 2.6. "Disruptive Student Behavior" means the same as that term is defined in Utah Code Subsection [53G-8-210](#)(1)(a), behavior described in Utah Code Section [53G-8-205](#) as grounds for suspension or expulsion, and the conduct described in Utah Code Subsection [53G-8-209](#) (2)(b).
- 2.7. "Parent" means a student's parent or guardian.
- 2.8. "Retaliation" means an act or communication intended:
 - 2.8.1. as retribution against a person for reporting bullying, cyber-bullying, or hazing
 - 2.8.2. to improperly influence the investigation of, or the response to, a report of bullying or hazing.
- 2.9. "School" means the Utah Schools for the Deaf and the Blind, a public school agency.
- 2.10. "School board" means the Utah State Board of Education.
- 2.11. "School employee" means an individual working for USDB in an official capacity as educator, staff, administrator, or authorized volunteer.
- 2.12. "Student" means any individual enrolled in or served by USDB programs.

3. Prohibitions

- 3.1. USDB shall not limit constitutionally protected speech, nor shall USDB discipline a student for conduct or speech that is constitutionally protected.
- 3.2. No individual may engage in bullying a student or school employee on school property, at a school-related or sponsored event, on a school bus or at a school bus stop, or while the school employee or student is traveling to or from a school location or event.
- 3.3. No individual may engage in hazing or cyber-bullying a student or school employee or student at any time or in any location.
- 3.4. No individual may engage in retaliation against a student, a school employee, or an investigator for, or witness of, an alleged incident of bullying, cyber-bullying, hazing, or retaliation.
- 3.5. No individual may make a false allegation of bullying, cyber-bullying, hazing, or retaliation against a school employee or student.
- 3.6. Consistent with federal requirements, harassment or bullying on the basis of sex, race/color/national origin, and disability is strictly prohibited.

4. Reports of Alleged Violations

- 4.1. Reports of Bullying and Related Misconduct
 - 4.1.1. USDB employees are required to immediately report suspected or alleged acts of bullying, cyber-bullying, or hazing in writing to the associate superintendent responsible for the school where the alleged violation

occurred (School for the Deaf or School for the Blind).

- 4.1.2. The associate superintendent or designee shall notify a parent of the student who was bullied and a parent of any student alleged to have engaged in bullying conduct.
- 4.1.3. Each reported complaint of bullying shall include:
 - 4.1.3.1. the name of the complaining party;
 - 4.1.3.2. the name of the offender (if known);
 - 4.1.3.3. the date and location of incident(s); and
 - 4.1.3.4. a statement describing the incident(s), including names of witnesses (if known).
- 4.1.4. **Reports must also address incidents where students share recordings (digital or otherwise) of bullying, cyber-bullying, hazing, abusive conduct, or retaliation. Recordings are treated as evidence, and students sharing them will receive guidance on reporting and risks of distribution.**
- 4.1.5. Reports of bullying shall be retained and securely maintained as long as a student is enrolled in USDB programs and shall be destroyed, or deleted in the case of an electronic record, when a student is no longer enrolled in a USDB program.
- 4.1.6. False reports of bullying shall be handled on a case-by-case basis, depending upon the circumstances of each incident.

4.2. Reports of Retaliation

- 4.2.1. USDB will take responsive action against retaliation, including assistance to harassed students and their parents in reporting subsequent problems and new incidents.

4.3. Reports of Suicide Threats

- 4.3.1. If a student threatens to commit suicide, the student's parent shall be notified immediately.
- 4.3.2. The student shall remain in the custody of a responsible agent of USDB until he or she is returned to the custody of a parent; and
- 4.3.3. The school shall conduct a conference with the parent before the student returns to school or school activities.

4.4. Employee Grievances

- 4.4.1. The [USDB grievance process for school employees](#) is provided in accordance with the requirements of [53G-9-605](#) (3)(f).

5. Investigations, Action Plans, and Consequences

- 5.1. USDB will promptly and reasonably investigate allegations of bullying, cyber-bullying, hazing, or retaliation consistent with the requirements in Board Administrative Rule Subsection [R277-613](#)(5).
- 5.2. USDB will not take formal disciplinary action based solely on an anonymous report.
- 5.3. Verified violations of the prohibitions noted previously shall result in consequences or penalties, and shall depend on whether the behavior meets the following criteria:
 - 5.3.1. Targeted, pervasive, and objectively offensive; or

- 5.3.2. Creates a substantial disruption to the educational environment.
- 5.4. Consequences for conduct that does not meet the above criteria may not include punitive or disciplinary actions.
- 5.5. Action Plans for Verified Incidents**
 - 5.5.1. Upon verification, USDB shall develop a written Action Plan with parents, students, and staff that includes ongoing parent communication.
 - 5.5.1.1. Plans will outline supports, consequences, timelines, and identify a staff lead.
 - 5.5.1.2. USDB shall maintain an ongoing process for updating parents on Action Plan progress (meetings, written updates, or other methods).

6. Training

- 6.1. All students, school employees, coaches, and volunteers at USDB will receive annual training from a qualified professional regarding bullying, cyber-bullying, hazing, and retaliation, including all required items in Board rule [R277-613](#).
- 6.2. Annual training shall include the following types of aggression:
 - 6.2.1. Overt aggression that may include physical fighting, such as punching, shoving, kicking, and verbal threatening behavior, or both.
 - 6.2.2. Relational aggression or indirect, covert, or social aggression, including rumor spreading, intimidation, enlisting a friend to assault a child, or similar conduct.
 - 6.2.3. Sexual aggression or acts of a sexual nature or with sexual overtones.
 - 6.2.4. Cyber-bullying, including the use of email, web pages, text messaging, instant messaging, social media, three-way calling, or messaging, or any other electronic means for aggression inside or outside of school.
 - 6.2.5. Bullying, cyber-bullying, hazing, and retaliation based upon the individual's identification as part of any group protected from discrimination under the law.
- 6.3. A licensed educator 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.
- 6.4. For the purpose of this policy, volunteers are considered USDB employees and shall not tolerate or engage in bullying activities and must follow policy requirements or may be asked to leave USDB if in violation of this policy.
- 6.5. USDB will implement a youth suicide prevention program for students as described in Utah Code Section [53G-9-702](#).
- 6.6. All licensed educators must complete 2 hours of professional development in youth suicide prevention training once every license renewal cycle.
- 6.7. In addition to training for all school employees, students, employees, and volunteer coaches involved in any extra-curricular activity shall:
 - 6.7.1. participate in initial bullying and hazing prevention training prior to participation in the extra-curricular activity;

- 6.7.2. 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 ~~hereafter~~;
- 6.7.3. receive information annually of the prohibited activities list provided previously in this Policy and the potential consequences for violation of this Policy.
- 6.8. Consistent with Utah Code Subsection [53G-9-605](#), USDB shall require a signed statement from each school employee, a parent of each student enrolled with USDB, and a student who is at least eight years old, indicating they have received this policy.

7. Annual Reporting

- 7.1. USDB is required by Utah Code Subsection 53E-3-401 (3) and State Board of Education Administrative Rule [R277-613](#) to report the following annually, on or before June 30, to the Superintendent in accordance with the Superintendent's submission requirements:
 - 7.1.1. a copy of USDB's policy required in Section [R277-613-4](#);
 - 7.1.2. implementation of the signed statement requirement described in Utah Code Subsection [53G-9-605](#) (3)(g);
 - 7.1.3. verification of USDB's training described in Utah Code Section [53G-9-607](#);
 - 7.1.4. incidents of bullying, cyber-bullying, hazing, and retaliation;
 - 7.1.5. the number of bullying incidents required to be reported separately under federal law.

8. Required Policy Updates

- 8.1. Consistent with Utah Code Subsection [53G-9-605](#) (3), USDB shall:
 - 8.1.1. develop, update, and implement this policy as required
 - 8.1.2. assess students annually about the prevalence of bullying, consistent with Utah Code Subsection [53G-9-605](#) (3)([g]h).