

# 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, as well as in a manner that supports the school's achievement of its mission and vision. The school expects employees, students, parents, and other members of the school community to 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 and development, 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.

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.

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

Cyber-Bullying: mean using the Internet, a cell phone, or any other electronic device to share any electronic media, including but not limited to text, video, images, or audio, with the intent or knowledge that this media will hurt, embarrass, or threaten another individual; or acting with reckless disregard for the potential of such transmissions to inflict harm, embarrassment, or threats. Cyberbullying can occur regardless of whether the individual has directed, consented to, or acquiesced in the conduct, or voluntarily accessed the electronic communication.

Civil Rights Violation: means bullying or cyberbullying, harassment, or hazing that is targeted at a federally protected class.

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: 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.

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

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.

Staff Bullying: 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: 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.

## **Prohibitions**

### Prohibition against Illegal or Discriminatory Harassment, Bullying, and Intimidation

In accordance with state and federal law, the school prohibits discriminatory or illegal harassment as defined above. The school also strictly prohibits abusive conduct, bullying, cyberbullying, harassment, hazing, retaliation, or any other act that endangers the physical health or safety of a student or an employee; any brutality of a physical nature; any forced or unwilling consumption; 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; and any intense, repetitive, negative patterns of behavior that are intended to harm, threaten, or frighten someone.

### Prohibition against Bullying or Harassment on School Property or at School Events

No employee or student may engage in abusive conduct, bullying, cyberbullying, harassment, hazing, or retaliation toward an employee or student on school property, at a school-related or 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.

### Prohibition against Cyberbullying

No employee or student may engage in hazing or cyberbullying of an employee or student at any time or in any location.

### Prohibition against Retaliation

No employee or student may engage in retaliation against an employee, a student, or an investigator or a witness of an alleged incident of bullying, harassing, cyberbullying, hazing, or retaliation.

#### Prohibition against False Allegations

No employee or student may make a false allegation of abusive conduct, bullying, harassing, cyberbullying, hazing, or retaliation against an employee or student.

#### **Reporting Prohibited Acts**

The school requires that each reported complaint of abusive conduct, bullying, cyberbullying, harassment, hazing, or retaliation must include the following:

- The name of the complainant;
- The name of the offender (if known);
- The date and location of the incident(s);
- A statement describing the incident(s), including names of witnesses, if any.

Each reported violation of the prohibitions noted above will be investigated by the school's Administration or individual/s designated by the Administration. A report of abusive conduct, bullying, cyber-bullying, harassment, hazing, or retaliation may be made anonymously, but the school will not take formal disciplinary action based solely on an anonymous report.

#### **Responses to Allegations or Actions Violating this Policy**

##### Prompt and Reasonable Investigations

The school will promptly and reasonably investigate any *attributed* allegation of abusive conduct, bullying, cyberbullying, harassment, or hazing. However, the school may choose not to investigate anonymous allegations. The school's administration and staff will investigate allegations of incidents by interviewing at least the alleged victim and the individual alleged to have engaged in prohibited conduct. The school may also interview parents of the alleged victim, parents of the alleged perpetrator, any witnesses, employees, or other individuals able to provide additional information.

In conducting investigations, the school's administration and staff may review disciplinary records of involved students, and physical evidence, consistent with search and seizure laws in schools, that may include, but are not limited to, audio records, digital records, emails, graffiti, notes, social media, text messages, and video records.

##### Due Process

The school will allow for a fair and timely opportunity for students and employees accused of abusive conduct, bullying, cyberbullying, harassment, hazing, or retaliation

to respond to allegations prior to any student or employee discipline. For employees, the school will also provide for due process rights under Utah Code §63G-4-106 per the policies and procedures outlined in the school's Employee Handbook.

### **Action Plan When an Incident is Verified**

When an allegation of abusive conduct, bullying, cyberbullying, harassment, hazing, or retaliation has been verified, the school will notify the parents/guardians of involved students regarding the implementation of an action plan. The Administration may take any of the following actions:

- Intervene and ensure safety;
- Take corrective action;
- Create a safety plan;
- Provide necessary resources to implement the safety plan;
- Support social networks;
- Address root causes;
- Implement logical consequences;
- Monitor behavior ongoing.

### **Limited Expectation of 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 violation of this policy will be confiscated for investigation and may be turned over to law enforcement.

### **Reasonable Maintenance of Confidentiality**

Interviewers will maintain reasonable confidentiality and instruct others to maintain confidentiality. However, the process of investigation requires the school to interview individuals alleged to have been involved in incidents of abusive conduct, bullying, cyberbullying, hazing, or retaliation which, by its nature, does not allow for complete confidentiality. Confidentiality does not apply to conversations with law enforcement professionals, requests for information pursuant to a warrant or subpoena, state or federal reporting requirements, or any other reporting required by law.

### **Consequences for Infractions of this Policy**

- The school will respond to Infractions defined as abusive conduct, bullying, cyberbullying, harassment, hazing, or retaliation in accordance with the school's policies and state laws for students, and as outlined in the school's Employee Handbook and state laws for employees.

- The school considers abusive conduct, bullying, cyberbullying, harassment, hazing, and retaliation to be major infractions, unless mitigated by a student's age, developmental category, or disability. However, the categorization of any action as abusive conduct, bullying, cyberbullying, harassment, hazing, or retaliation will be subject to the definitions in state law and the discretion and interpretation of the school's Administration.
- Committing abusive conduct, bullying, cyberbullying, harassment, hazing, or retaliation may be grounds for suspensions or expulsion for students.
- Other consequences for committing abusive conduct, bullying, cyberbullying, harassment, hazing, 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 abusive conduct, bullying, cyberbullying, harassment, hazing, or retaliation may be grounds for a reprimand, unpaid or paid leave, and/or termination for employees.
- Any abusive conduct, bullying, cyberbullying, harassment, hazing, 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 abusive conduct, bullying, cyberbullying, harassment, hazing, 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 abusive conduct, bullying, cyberbullying, harassment, hazing or retaliation if it is determined that the abusive conduct, bullying, cyberbullying, harassment, hazing, or retaliation occurred as a result of the student-victim's membership in a protected class. In such instances, the school will take prompt and effective steps reasonably calculated to end the abusive conduct, bullying, cyberbullying, harassment, hazing, or retaliation; eliminate any hostile environment; and, prevent the recurrence of abusive conduct, bullying, cyberbullying, harassment, hazing, or retaliation.

The school will report to law enforcement all acts of abusive conduct, bullying, cyberbullying, harassment, hazing, or retaliation that constitute suspected criminal activity. The school will also report to the Office of Civil Rights (OCR) all acts of abusive conduct, bullying, cyberbullying, harassment, hazing, or retaliation that may be violations of students' or employees' civil rights.

### **Student Assessment**

The school provides opportunities for students to assess the prevalence of bullying, cyberbullying, hazing, and harassment and responds to students' assessment in appropriate ways. For instance, the school uses data from surveys to become aware of and monitor those locations where students may feel unsafe or where additional adult supervision may be required.

### **Strong Prohibition against Student Retaliation**

The school strictly prohibits retaliation against bullied or harassed students and their parents in reporting subsequent problems and new incidents, and will take strong, responsive action against such retaliation.

### **Parental Notification**

- In accordance with the Parental Notification Policy and state law, the school will notify parents whenever there is an alleged incident of abusive conduct, bullying, cyberbullying, harassment, hazing, or retaliation involving a parent's student, whether that student is the victim or the perpetrator of the alleged infraction.
- The school has no obligation to notify parents on anonymous allegations of abusive conduct, bullying, cyberbullying, harassment, hazing, or retaliation, though the Administration may choose to do so.
- The school will produce and maintain a record that verifies that the parent was notified of an allegation, incident, or threat, but will not disclose the record to anyone not authorized to receive it or use the record for purposes not allowed under the law.



- Parents will be updated at the initial implementation of an action plan based on a verified allegation of abusive conduct, bullying, cyberbullying, harassment, hazing, or retaliation, and thereafter as appropriate.

### **Notification Records**

The school will securely retain a notification record for a period of one year and will then destroy the notification record thoroughly and confidentially.

### **Training**

Employees, staff, and volunteers receive training on preventing abusive conduct, bullying, cyberbullying, hazing, harassment and retaliation from individuals qualified to provide such training on a schedule determined by the school. The school's prevention training addresses strategies for preventing the following:

- Overt physical aggression and threatening verbal behavior;
- Relational aggression or indirect, covert, or social aggression;
- Bullying, cyberbullying, harassment, or hazing of a sexual nature or with sexual overtones;
- Cyberbullying, including use of email, web pages, text messaging, instant messaging, three-way calling or messaging, or any other electronic means for aggression inside or outside of school;
- Civil-rights violations, including training and education specific to bullying based upon students' actual or perceived identities, and conformance or failure to conform to stereotypes. Training on civil rights violations includes compliance with reporting civil rights violations;
- Awareness and intervention strategies.

### **Volunteers**

As part of their on-boarding, volunteers are made aware of this policy and of the requirement to report to their supervising staff member if they receive an allegation of abusive conduct, bullying, cyberbullying, hazing, harassment, or retaliation, or if they have reason to suspect such an incident. Volunteers are prohibited from engaging in abusive conduct, bullying, cyberbullying, harassment, hazing, or retaliation. If it has been demonstrated through an investigation and due process that a volunteer has been involved in abusive conduct, bullying, cyberbullying, hazing, harassment, or retaliation, that individual will no longer be allowed to volunteer at the school in any capacity.

### **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 or cyberbullying 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.

The school will consider the following factors in determining whether off-campus bullying or cyberbullying 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.

## **Employee Grievance Process for Abusive Conduct**

### 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.

**Reviewed:** January 22, 2026