

3050 Anti-Bullying, Cyberbullying, Harassment, Hazing and Retaliation Policy

Rule/Law: Utah Code 53G-9-601 through 608; Utah Code 53G-8-205 through 210; Utah Code 53G-9-702; Board Rules R277-613 and R277-609

Approved: Jan. 18, 2024, revised Nov. 14, 2024, revised May 20, 2026

I. Purpose

Bullying, cyberbullying, hazing, abusive conduct, and retaliation of students and employees are prohibited, are against federal, state and local policy, and are not tolerated by the Edith Bowen Laboratory School (EBLS). EBLS is committed to providing all students with a safe and civil school environment in which all members of the school community are treated with dignity and respect. To that end, EBLS has in place policies, procedures, and practices designed to reduce and eliminate bullying, cyberbullying, abusive conduct, retaliation, and hazing—including civil rights violations or actions based on a student's or employee's actual or perceived race, color, national origin, sex, disability, religion, religious clothing, gender identity, sexual orientation, or other physical or mental attributes—as well as processes and procedures to deal with such incidents. Bullying, cyberbullying, abusive conduct, retaliation, and hazing of students and/or employees by students and/or employees will not be tolerated in EBLS.

II. Director Role and Designees

In the case where the director is not able to carry out their responsibilities as outlined in this policy, the assistant director or another trained designee shall have the authority to carry out those responsibilities.

III. Definitions

- A. "Abusive conduct" means verbal, nonverbal, or physical conduct of a parent or student directed toward a school employee that, based on its severity, nature, and frequency of occurrence, a reasonable person would determine:
 - 1. Is intended to cause intimidation, humiliation, or unwarranted distress;
 - 2. A single act does not constitute abusive conduct.
- B. "Action Plan" means the response to a substantiated incident of bullying, cyberbullying, abusive conduct, retaliation, and hazing as described in this policy
- C. "Bullying" means student bullying or staff bullying (defined below).
- D. "Civil rights violation" means violations as outlined in the following federal laws:
 - 1. Title VI of the Civil Rights Act of 1964, including discrimination on the basis of race, color, or national origin;

2. Title IX of the Education Amendments of 1972, including discrimination on the basis of sex; or
 3. Section 504 of the Rehabilitation Act of 1973,
 4. Title II of the Americans with Disabilities Act of 1990
- E. “Cyberbullying” 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.
- F. “Disruptive student behavior” means the same as that term is defined in Utah Code Subsection 53G-8-210(1)(a) and includes:
- a) The grounds for suspension or expulsion that are described in Utah Code Section 53G-8-205; and
 - b) Behavior that interrupts or interferes with the learning of another;
 - c) Frequent or flagrant willful disobedience, defiance of proper authority;
 - d) Use of foul, abusive, or profane language while engaged in school-related activities;
 - e) Illicit use, possession, or distribution of controlled substances or drug paraphernalia, and the use, possession, or distribution of an electronic cigarette as defined in Utah Code Section 76-10-101, tobacco or alcoholic beverages contrary to law;
 - f) Hazing, demeaning, or assaultive behavior, whether consensual or not, including behavior involving physical violence, restraint, improper touching, or inappropriate exposure of body parts not normally exposed in public settings, forced ingestion of any substance, or any act which would constitute a crime against a person or public order under Utah law;
 - g) Willful destruction or defacing of school property;
 - h) Behavior or threatened behavior which poses an immediate and significant threat to the welfare, safety, or morals of other students, school personnel, or the operation of the school (Utah code §53G-8-202); or
 - i) Possession or use of pornographic material on school property.
- G. “Hazing” means a school employee or student intentionally, knowingly, or recklessly committing an act or causing another individual to commit an act toward a school employee or student that:
1. Endangers the mental or physical health or safety of a school employee or student;

- a) Involves any brutality of a physical nature, including whipping, beating, branding, calisthenics, bruising, electric shocking, placing of a harmful substance on the body, or exposure to the elements;
 - b) Involves consumption of any food, alcoholic product, drug, or other substance or other physical activity that endangers the mental or physical health and safety of a school employee or student; or
 - c) Involves any activity that would subject a school employee or student to extreme mental stress, such as sleep deprivation, extended isolation from social contact, or conduct that subjects a school employee or student to extreme embarrassment, shame, or humiliation; and
- 2. Is committed for the purpose of initiation into, admission into, affiliation with, holding office in, or as a condition for in a school or school-sponsored team, organization, program, club, or event; or
- 3. Is directed toward a school employee or student whom the individual who commits the act knows, at the time the act is committed, is a member of, or candidate for membership in, a school or school-sponsored team, organization, program, club, or event in which the individual who commits the act also participates.
- 4. The conduct described in this Subsection F constitutes hazing, regardless of whether the person against whom the conduct is committed directed, consented to, or acquiesced in the conduct.
- H. "Parent" means a student's parent or guardian.
- I. "Restorative practice" is an accountability practice, as mentioned in the LRBI manual. It means helping students take responsibility for and repair harmful behavior that occurs within the school community.
- J. "Retaliation" means an act or communication intended:
 - 1. As retribution against a person for reporting bullying, cyberbullying, hazing, abusive conduct, and retaliation; or
 - 2. To improperly influence the investigation of, or the response to, a report of bullying, cyberbullying, hazing, abusive conduct, and retaliation.
- K. "School employee" means an individual working in the individual's official capacity as:
 - 1. A school teacher;
 - 2. A school staff member;
 - 3. An administrator, or;
 - 4. An individual who is employed, directly or indirectly, by EBLS or who works on the EBLS campus.

- L. "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 student or employee involving an imbalance of power, that:
 - 1. Creates an environment that a reasonable person would find hostile, threatening, or humiliating; and
 - 2. Substantially interferes with a student's or employee's educational or professional performance, opportunities, or benefits.
 - 3. "Staff bullying" does not mean instances of:
 - a) Ordinary teasing, horseplay, argument, or peer conflict;
 - b) Reasonable correction of behavior by a school employee, or;
 - c) Reasonable coaching strategies and techniques by a school employee who is a coach.
- M. "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 employee or student involving an imbalance of power, that:
 - 1. Creates an environment that a reasonable person would find hostile; and/or
 - 2. Interferes with a student's educational performance, opportunities, or benefits.
 - 3. "Student bullying" does not mean instances of:
 - a) Ordinary teasing, horseplay, argument, or peer conflict;
 - b) Reasonable correction of behavior by a school employee, or;
 - c) Reasonable coaching strategies and techniques by a school employee who is a coach.
- N. "Volunteer" means a non-employee with access to students in connection with a school assignment or activity.

IV. Actions Required to Update Bullying Policies

- A. In addition to the requirements of Utah Code Subsection 53G-9-605 (3), EBLs is required to:
 - 1. Develop, update, and implement policies as required by Utah Code Section 53G-9-605;
 - 2. Develop policy with the input from students, parents, teachers, school administrators, school staff, or law enforcement agencies;
 - 3. Post a copy of the policy on the EBLs website;
 - 4. Create and implement an action plan for each incident of bullying, cyberbullying, hazing, abusive conduct, or retaliation in accordance with Utah Code § 53G-9-605.5; See section VII for more details.
 - 5. Annually collect a signed statement via registration from:
 - a) School employees, and

- b) Students who are at least eight years old, and
 - c) Parents of enrolled students
- that they have received this policy as per Utah Code Subsection 53G-9-605 (3)([g]h); and
- 6. Use the bi-annual School Climate Survey to assess students about the prevalence of bullying, cyberbullying, hazing, abusive conduct, and retaliation in EBLs:
 - a) Specifically, locations where students are unsafe, and additional adult supervision may be required, such as playgrounds, hallways, bathrooms, locker rooms, and lunch areas.

V. Training

- A. All students, school employees, coaches, and volunteers at EBLs will receive annual training from a qualified professional regarding bullying, cyberbullying, abusive conduct, hazing, and retaliation. This training is in addition to the required suicide training (detailed below) and complements that training. This training will address:
 - 1. Bullying, cyberbullying, hazing, abusive conduct, and retaliation based upon the students' or employees' identification as part of any group protected from discrimination under the following federal laws:
 - a) Title VI of the Civil Rights Act of 1964, including discrimination based on race, color, or national origin;
 - b) Title IX of the Education Amendments of 1972, including discrimination based on sex; or
 - c) Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990, including discrimination based on disability; and
 - 2. Training on civil rights violations will include compliance with reporting requirements when civil rights violations are reported.
 - 3. Bullying, cyberbullying, hazing, abusive conduct, and retaliation, including training and education specific to bullying based upon students' or employees' actual or perceived characteristics, including race, color, national origin, sex, disability, religion, religious clothing, gender identity, sexual orientation, or other physical or mental attributes or and conformance or failure to conform to stereotypes; and
 - 4. Awareness and intervention skills, such as social skills training.
 - 5. Awareness of consequences for students and/or employees violating the policy
- B. A licensed educator shall supervise volunteers and ensure that each volunteer is trained in the above areas. Volunteers shall report to their supervisor if the volunteer witnesses or is notified of a bullying, cyberbullying,

hazing, abusive conduct, or retaliation incident among students or if the volunteer has reason to suspect such an incident. Volunteers shall not engage in bullying activities themselves and must follow policy requirements; otherwise, they may be asked to leave EBLs.

- C. EBLs will implement a youth suicide prevention program for students as described in Utah Code Section 53G-9-702.
- D. All licensed educators must complete 2 hours of professional development in youth suicide prevention training once every license renewal cycle.
- E. The Director shall maintain training participant lists and/or signatures and provide them to the board upon request.

VI. Prohibitions

- A. A school employee or student shall not engage in bullying a school employee or student:
 - 1. On school property;
 - 2. At a school-related or sponsored event;
 - 3. On a school bus;
 - 4. At a school bus stop, or
 - 5. While the school employee or student is traveling to or from a location or event described above in Subsection A (1) – (4).
- B. A school employee or student shall not engage in hazing or cyberbullying of a school employee or student at any time or in any location.
- C. A school employee or student shall not engage in retaliation against:
 - 1. a school employee;
 - 2. a student; or
 - 3. an investigator for, or witness of, an alleged incident of bullying, cyberbullying, hazing, abusive conduct, and retaliation.
- D. A school employee or student shall not make a false allegation of bullying, cyberbullying, hazing, abusive conduct, or retaliation against a school employee or student.
- E. A parent or student shall not engage in abusive conduct toward any school employee or volunteer
- F. Improper Sharing of Recording of Incident Prohibited—No student may share a recording of an incident or of abusive conduct in a way that would impact or encourage future incidents or abusive conduct, or intending to impact or encourage future incidents or abusive conduct. Students who violate this prohibition violate this policy and are subject to disciplinary action up to and including expulsion, consistent with policy 3220 “Safe Schools & Student Discipline Policy.” This restriction does not prevent a student from sharing a recording of an incident or of abusive conduct with a teacher or administrator as part of reporting the incident or abusive conduct or in response to a request from a teacher or administrator for the recording.

- G. Any bullying, cyberbullying, hazing, abusive conduct, and retaliation that is found to be targeted at a federally protected class is further prohibited under federal anti-discrimination laws. It is subject to compliance regulations from the Office for Civil Rights.
- H. Creation or distribution of sexually explicit or nonconsensual intimate images.

VII. Investigations

- A. EBLs will promptly and reasonably investigate allegations of bullying, cyberbullying, hazing, abusive conduct, and retaliation. The EBLs investigators (school Director, school counselor, and/or assistant Director) will be responsible for handling all complaints by students, parents, or employees alleging bullying, cyberbullying, or hazing. Complaints can be communicated to the investigators in person or through electronic means.
- B. Students have a limited expectation of privacy on the school's Internet system, and routine monitoring or maintenance may lead to discovery that a user has violated school policy or law. Also, individual targeted searches will be conducted if there is reasonable suspicion that a user has violated policy or law. Personal electronic devices of any student suspected of violation of the above policy will be confiscated for investigation and may be turned over to law enforcement.
- C. EBLs shall comply with State Board of Education Administrative Rule Subsection R277-613-4(1)(c) & 53G-9-605.5, by:
 - 1. **Investigating allegations of incidents of bullying, cyberbullying, hazing, abusive conduct, and retaliation in accordance with this section; and**
 - 2. **The Director, Assistant Director, and School Counselor, in collaboration with teachers and staff relevant to the case, will investigate allegations of bullying, cyberbullying, hazing, abusive conduct, and retaliation, with adequate training in conducting an investigation.**
- D. EBLs is required to investigate allegations of incidents described in Subsection (A)(1) by interviewing:
 - 1. The individual who claims to have been the recipient of prohibited conduct (the claimant)
 - 2. The individual who is alleged to have engaged in prohibited conduct (the respondent).
 - 3. EBLs may also interview the following as part of an investigation:
 - a) Parents of the claimant and the respondent;
 - b) Any witnesses;
 - c) School staff familiar with the claimant
 - d) School staff familiar with the respondent, and
 - e) Other individuals who may provide additional relevant information.

4. An individual who investigates an allegation of an incident shall inform the individual being interviewed that:
 - a) To the extent allowed by law, the individual is required to keep all details of the interview confidential; and
 - b) Further reports of bullying may become part of the investigation.
- E. The confidentiality requirement in Subsection (B)(2) does not apply to:
 1. Conversations with law enforcement professionals;
 2. Requests for information pursuant to a warrant or subpoena;
 3. A state or federal reporting requirement; or
 4. Other reporting required by this rule.
- F. In investigating this section, EBLS may:
 1. Review disciplinary reports of involved students; and
 2. Review physical evidence, consistent with search and seizure law in schools, which may include:
 - a) video or audio;
 - b) notes;
 - c) email;
 - d) text messages;
 - e) social media; or
 - f) graffiti.
- G. The director shall:
 1. Ensure that all administrators complete the required investigator training as provided by USBE;
 2. Oversee the implementation of an action plan after an investigation is completed;
 3. Monitor implementation of the policy; and
 4. Act as a liaison to USBE.

VIII. Action Plan

- A. EBLS shall create and implement an action plan for each substantiated incident of bullying, cyberbullying, hazing, abusive conduct, and retaliation.
- B. In accordance with Section 53G9-605.5, the Action Plan shall include:
 1. A communication plan designed to keep each parent updated on the implementation of the action plan;
 2. With respect to the student or school personnel to whom the incident was directed (claimant) and in direct coordination with the student's parent:
 - a) A tailored response to the incident that addresses the student's needs;
 - b) A mechanism to consider consequences or accommodations the student or school personnel may need regarding

- decreased exposure or interactions with the individual who caused the incident;
 - c) Notification of the consequences and plan to address the behavior of the individual who caused the incident;
 - d) Supportive measures designed to preserve the student's or school personnel's access to educational services and opportunities; and
 - e) To the extent available, access to other resources that the parent requests for the student (or school personnel requests for themselves); and
3. With respect to the student or school personnel who caused the incident (the respondent) and in direct coordination with the student's parent:
- a) A range of tailored and appropriate consequences, making a reasonable effort to preserve the student's or school personnel's access to educational services and activities;
 - b) A process to determine and provide any needed resources related to the underlying cause of the incident;
 - c) Supportive measures designed to preserve the student's or school personnel's access to educational services and opportunities while protecting the safety and well-being of other students; and
 - d) A process to remove the individual from school in an emergency situation, including a description of what constitutes an emergency.
4. A school or LEA may not include in an action plan a requirement that the student or school personnel to whom the incident was directed change the student's:
- a) Educational schedule or placement; or
 - b) Participation in a school-sponsored sport, club, or activity.
 - c) A school or LEA shall establish an appeals process for a student who causes an incident, or for the student's parent, to appeal one or more consequences included in an action plan.
 - d) If, after a school or LEA attempts to involve a parent in the development and implementation of an action plan, the parent chooses not to participate, the school or LEA may proceed with the action plan without the parent's involvement.

IX. Actions Required if Prohibited Acts are Reported

A. Each reported complaint will include:

1. The name of the claimant;
2. The name of the respondent (if known);

3. The date and location of incident(s); and
 4. A statement describing the incident(s), including names of witnesses (if known).
- B. A report of bullying, cyberbullying, hazing, abusive conduct, and retaliation may be made anonymously, but EBLS will not take formal disciplinary action based solely on an anonymous report.
1. If, during the course of an investigation, evidence is discovered that suggests the potential for a violation of students' civil rights (i.e., Title IX, Section 504), the investigation will continue under the appropriate requirements as defined in the state & federal guidelines.
- C. Verified violations of the prohibitions noted previously shall result in consequences or penalties. Consequences or penalties may include, but are not limited to:
1. Use a discipline plan consistent with State Board of Education Administrative Rule R277-609.
 2. Use accountability practices as used and defined in the USBE LRBI Manual.
 3. Notify the involved students' parents of the restorative justice practice and obtain consent from the involved student(s)' parents before including the claimant in the process.
 4. Use student suspension or removal from a school-sponsored team or activity, including school-sponsored transportation.
 5. Use student suspension or expulsion from school, or lesser disciplinary action.
 6. Use employee suspension or termination for cause or lesser disciplinary action consistent with Utah Code Section 53G-11-512.
 7. Use employee reassignment.
 8. Take other actions against the student or employee as appropriate; and
 9. Use a grievance process required under Subsection 53E-9-605(3)(f) consistent with the LEA's established grievance process for employees (see Section IX).
- D. The school will notify a parent if the parent's student threatens suicide, or if the student is involved in an incident of bullying, cyberbullying, abusive conduct, hazing, or retaliation.
1. EBLS will produce and maintain a record that verifies that the parent was notified of the incident or threat.
 2. EBLS will not disclose the record described in D(1) to anyone unauthorized to receive it and will not use the record for purposes not allowed under the law.
 3. EBLS will maintain a record of implementation of the action plan.

4. Parents will be provided with materials and information to support this situation as needed.
- E. Compliance with the Office for Civil Rights when Civil Rights Violations Occur:
1. The school is responsible for identifying bullying, cyberbullying, and hazing incidents about which it knows, or reasonably should have known, when they involve a protected class. The school must take immediate and appropriate action to investigate or otherwise determine what occurred.
 2. These duties are the school's responsibility to investigate, regardless of whether a person makes a complaint, requests that the school take action, or identifies the bullying, cyberbullying, or hazing as a form of discrimination.
 3. If it is determined that the bullying, cyberbullying, or hazing occurred as a result of the student-claimant's membership in a protected class, the school shall take prompt and effective steps reasonably calculated to:
 - a) end the bullying, cyberbullying, or hazing
 - b) eliminate any hostile environment,
 - c) assess prevalence in school culture, physical facilities, and systemic practices to prevent its recurrence.
- F. Actions must also include, as appropriate:
1. procedures for protecting the claimant and other involved individuals from being subjected to:
 - a) further bullying, cyberbullying, or hazing, and
 - b) retaliation for reporting the bullying, cyberbullying or hazing;
 2. prompt reporting to law enforcement of all acts of bullying, cyberbullying, hazing, or retaliation that constitute suspected criminal activity;
 3. procedures for a fair and timely opportunity for the accused to explain the accusations and defend his/her actions before student or employee discipline; and
 4. procedures for providing due process rights under Utah Code Section 53G-11-501 (licensed staff) and local employee discipline policies before employee discipline or Utah Code Section 53G-8-202 and local policies (students) before long-term (more than 10-day) student discipline.
- X. Annual Reporting of Allegations of Bullying, Cyberbullying, Hazing, and Retaliation
- A. EBLs 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:

1. A copy of this policy is required in Section R277-613-4.
2. Implementation of the signed statement requirement described in Utah Code Subsection 53G-9-605 (3)(g).
3. Verification of training of school employees relating to bullying, cyberbullying, hazing, retaliation, and abusive conduct described in Utah Code Section 53G-9-607.
4. Incidents of bullying, cyberbullying, hazing, abusive conduct, and retaliation.
5. The number of incidents described in Subsection (4) required to be reported separately under federal law, including the reporting requirements in:
 - a) Title VI of the Civil Rights Act of 1964;
 - b) Title IX of the Education Amendments of 1972; or
 - c) Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990; and
 - d) the number of incidents described in Subsection (4) that include a student who was bullied, cyber-bullied, hazed, or retaliated against based on the student's actual or perceived characteristics, including disability, race, national origin, religion, or sex, gender identity, or sexual orientation.

XI. Employee Grievance Process for Incident of Abusive Conduct

- A. For purposes of this policy, "abusive conduct" means verbal, nonverbal, or physical conduct of a parent or student directed toward a school employee that, based on its severity, nature, and frequency of occurrence, a reasonable person would determine is intended to cause intimidation, humiliation, or unwarranted distress.
 1. A school employee who has experienced an incident of abusive conduct and is not satisfied with initial efforts to resolve the issue may submit a written grievance to the school employee's Director within thirty (30) calendar days of the incident.
 2. The written grievance described in Subsection (1) shall include:
 - a) The date of the incident;
 - b) Circumstances of the incident; and
 - c) The signature of the school employee submitting the grievance to the Director.
 3. Within ten (10) business days of receiving the written grievance, the Director shall meet with the school employee to discuss the grievance and possible resolutions.
 4. Within ten (10) business days after the meeting described in Subsection (3), the Director shall respond to the school employee in

writing explaining the Director's position and offer options for substantive resolution of the complaint.

5. If the response by the Director described in Subsection (4) does not satisfactorily resolve the issue, the school employee may appeal the Director's response as described in USU Policies 321 and 325.

XII. Additional Notes

- A. Those who engage in conduct prohibited under this policy (bullying, etc) will be subject to disciplinary action under Policy 3220.
- B. This policy does not prohibit expressive activity protected by the First Amendment of the United States Constitution. However, if off-campus speech that may constitute a bullying, cyberbullying, or hazing incident creates a substantial disruption to the school environment, under *Tinker v. Des Moines*, 393 U.S. 503 (1969), EBLs may take disciplinary action against the student who initiated the speech. Factors that EBLs may consider in determining whether a substantial disruption has occurred are:
 1. whether there is a verbal or physical confrontation over the incident at school;
 2. whether there is likely to be a verbal or physical confrontation based on evidence of a prior relationship between the claimant and the student who initiated the speech;
 3. whether any part of the speech that gave rise to the incident was repeated at school;
 4. whether students are discussing the incident during class or if it otherwise is disrupting school work;
 5. whether there is a widespread whispering campaign or rumor sparked by the off-campus incident that disrupts the school environment and students' abilities to focus on school;
 6. 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;
 7. 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;
 8. whether there is a negative effect on classroom activities as a result of the off-campus incident; or
 9. whether the speech was violent or whether there is a history of violence from the student/s who initiated the speech. (Note: the First Amendment does not protect true threats if it advocates "imminent" violence or unlawful conduct. Thus, a message that threatens physical harm, even if it isn't meant to be serious, may not be protected by the

First Amendment, and EBLS may discipline the person who utters such a message.)