

# G-20: Administrative Procedures

## Bullying, Cyber-bullying, Hazing, Abusive Conduct, and Retaliation Prohibited



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### REFERENCES

[Board Policy G-20](#)

[Record of Parent Notification of Student Threat or Incident](#)

[Utah Code Ann. §53G-9-602 et seq., Bullying, hazing, and cyber-bullying prohibited](#)

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### DEFINITIONS

**Abusive Conduct:** 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. A single act does not constitute abusive conduct.

**Civil Rights Violation:** For purposes of this policy only, a civil rights violation means bullying, cyber-bullying, hazing, or abusive conduct that is targeted at an individual based upon the individual's identification as part of any group protected from discrimination under the following federal laws: Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and Title II of the Americans with Disabilities Act of 1990.

**Communication:** For the purposes of these procedures only, communication means the conveyance of a message, whether verbal, written, or electronic.

**Compliance Officer:** The individual designated to handle inquiries and complaints regarding bullying, cyber-bullying, hazing, or abusive conduct when employees are involved; specifically, Tina Hatch, 406 East 100 South, Salt Lake City, Utah 84111, 801.578.8388.

**Cyber-bullying:** Using the internet, a cell phone, or another device to send or post text, video, or 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.

**Federally Protected Class:** Individuals protected from discrimination under the following federal laws: Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and Title II of the Americans with Disabilities Act of 1990. Federal law currently prohibits discrimination on the basis of age, color, disability, gender, gender identity, genetic information, national origin, pregnancy, race, religion, sex, sexual orientation, and/or veteran status.

**Hazing:** A school employee or student intentionally, knowingly, or recklessly committing an act or causing another individual to commit an act towards a school employee or student that:

- A. endangers the mental or physical health or safety of a school employee or student and;
  1. 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;
  2. involves consumption of any food, alcoholic product, drug, or other substance;
  3. involves other physical activity;
  4. 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
- B. is committed for the purpose of initiation into, admission into, affiliation with, holding office in, or as a condition for, membership, in a school or school-sponsored team, organization, program, club, or event; or
- C. 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.

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

**Parent:** For the purposes of these administrative procedures and the corresponding board policy, "parent" means:

- A. a biological or adoptive parent;
- B. a legal guardian or other individual legally authorized to make educational decisions for the child;
- C. an individual, with whom the child lives, who is acting as a parent in the absence of a natural parent or a guardian;
- D. a foster parent if the authority of the biological or adoptive parents to make educational decisions on the child's behalf has been terminated or specifically limited by a court order;

- E. in the absence of any individual qualified under parts A-D, a surrogate parent appointed pursuant to the Individuals with Disabilities Education Act; and/or
- F. a stepparent if the stepparent is present on a day-to-day basis with the natural parent and child, and the other parent is absent from the home. A stepparent who is not present on a day-to-day basis in the home of the child does not have rights under Family Educational Rights and Privacy Act (FERPA) with respect to the child's education records. Stepparents without guardianship of a child do not have the authority to enroll or register a child in school.

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

**Retaliation:** An act or communication intended:

- A. as retribution against a person for reporting bullying, cyber-bullying, hazing, or abusive conduct; or
- B. to improperly influence the investigation of, or the response to, a report of bullying, cyber-bullying, or hazing.

**School Employee:** An individual working in the individual's official capacity as:

- A. a school teacher;
- B. a school staff member;
- C. a school administrator; or
- D. an individual:
  - 1. who is employed, directly or indirectly, by a school, school board, or school district; and
  - 2. who works on a school campus.

**Staff Bullying:** 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 or power, that:

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

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.

**Student Bullying:** 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:

- A. creates an environment that a reasonable person would find hostile; and
- B. interferes with a student's educational performance, opportunities, or benefits.

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 used by a school employee who is a coach.

**Trauma-Informed Care:** A strengths-based service delivery approach that is grounded in an understanding of and responsiveness to the impact of trauma, that emphasizes physical, psychological, and emotional safety for both the alleged victim and the individual who is alleged to have engaged in prohibited conduct, and that creates opportunities for victims to rebuild a sense of control and empowerment.

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## PROCEDURES FOR IMPLEMENTATION

### I. Prohibited Conduct Directed Toward a Student or School Employee

- A. No student or school employee may bully, cyber-bully, or haze a student or school employee:
  - 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 student or school employee is traveling to or from a location or event described above in Subsections I.A.1-4.
- B. No student may share any recording of an act of bullying, cyber-bullying, hazing, abusive conduct, or retaliation in order to impact or encourage future incidents.
  - 1. A school administrator must impose appropriate disciplinary on any student who engages in such behavior.
- C. No student or school employee may haze or cyber-bully a student or school employee at any time or in any location.

1. Disciplinary action will be imposed on a student or school employee who initiates off-campus speech or behavior in violation of these procedures if the incident creates a substantial disruption to the school environment.
- D. No individual may retaliate against another individual who participates in the reporting of or the investigation into a claim of bullying, cyberbullying, or hazing.
- E. No student or employee may make a false report of bullying, cyber-bullying, hazing, abusive conduct, or retaliation against a student or school employee. A school employee or student who makes a false report may be disciplined.
  1. Moreover, a report that is made in good faith shall not affect the reporter's grades, learning or work environment, future employment, or work assignment.
- F. Any bullying, cyber-bullying, abusive conduct, or hazing that is found to be targeted at an individual who is a member of a federally protected class is in violation of anti-discrimination laws.
  1. Any possible violation of anti-discrimination laws must be reported to Tina Hatch, Compliance Officer/Title IX Coordinator, 406 East 100 South, Salt Lake City, Utah 84111, 801.578.8388, or the Office for Civil Rights, Denver, CO, 303.844.5695.
- G. No student or parent may engage in abusive conduct toward a school employee at any time or in any location.

## **II. Reporting Requirements**

- A. Any individual who observes bullying, cyber-bullying, hazing, abusive conduct, or retaliation must report such behavior.
  1. Students shall report any violations to an administrator, teacher, or counselor.
  2. School employees shall report any violations to either a school administrator or the district's compliance officer.
  3. Non-school personnel shall report any violations to the district's compliance officer.
- B. Within one school day, but no later than three calendar days, of receiving a report/complaint/allegation, a school administrator must notify parents that their student was involved in an incident of bullying, cyberbullying, hazing, abusive conduct, or retaliation, and the action plan to address the incident.
  1. The school shall provide the parent with:
    - a. suicide prevention materials and information; and
    - b. information on ways to limit the student's access to fatal means, including a firearm or medication.
  2. A phone call with a follow-up email is the preferred method for delivering this notification; however, if the administrator has left a voicemail message but has been unable to connect telephonically with the parent, an email will be sufficient.
  3. This notification must be documented on the "Record of Parent Notification of Student Threat or Incident" form (hereafter referred to as the "Notification Form"), linked in the References section above.
  4. The Notification Form must be maintained for at least one year in a separate and secure location, not in the student's cumulative file.
    - a. The Notification Form may be shredded after one year unless an appeal is pending.
    - b. The school will maintain this record in accordance with state and federal privacy laws.
- C. Each school shall establish and post:
  1. procedures allowing for anonymous or in-person reporting of bullying, cyber-bullying, hazing, retaliation, or abusive conduct; and
  2. the names and positions of at least two school employees to receive reports.

## **III. Receiving A Complaint**

- A. The school administrator or district compliance officer (hereafter referred to as "Investigator") shall promptly respond to any report of bullying, cyber-bullying, hazing, abusive conduct, or retaliation.
  1. Failure to properly respond to a complaint may result in discipline.
- B. Each reported complaint should include:
  1. name of the person toward whom the action was directed ("Complainant"), unless anonymous;
  2. name of the offender ("Respondent") if known;
  3. date and location of incident(s); and
  4. a statement describing the incident(s), including the names of any witnesses.
- C. All information received in the complaint, including the name of the complaining party, shall be treated with the utmost confidence to the extent possible. Administrators shall notify the complaining party before revealing the complaining party's name.
- D. The Investigator may dismiss all or part of the complaint without any further investigation if:
  1. after a cursory investigation it becomes clear that the complaint is frivolous and/or has been filed with malicious intent.

- a. A Complainant who files a false complaint with malicious intent will be subject to disciplinary action, as outlined in Section V.G.1-3. below.
  2. the allegations in the complaint are insufficient to establish a violation even if all the factual allegations in the complaint are true; and/or
  3. the delay in filing the complaint precludes a thorough investigation due to a lack of evidence and/or the unavailability of/lack of control over witnesses and/or the responding party.
- E. If the Investigator receives an anonymous report of conduct which is alleged to violate these procedures, the Investigator shall take appropriate steps to determine whether the report merits further investigation.
1. The Investigator must document that they looked into the report.
  2. The Investigator may not take formal disciplinary action based solely on an anonymous report.
- F. Any allegation that has criminal implications shall be promptly reported to law enforcement.
- G. If a supervisor receives complaints from their school employees regarding the conduct of another school employee under the supervisor's control, the supervisor shall refer the complaining employees to the compliance officer. Supervisors are not to submit G-20 complaints on behalf of their employees against another of the supervisor's employees. If appropriate, the supervisor shall begin a supervisory investigation into any of the allegations that do not rise to the level of a G-20 complaint.

#### **IV. Parental Communication Process and Incident Action Plan**

- A. For each incident of bullying, cyber-bullying, hazing, or retaliation (hereafter referred to as an "Incident"), the Investigator shall create an action plan to address the Incident (hereafter an "Incident Action Plan").
- B. The Investigator shall update each parent of Complainant and Respondent of:
1. The Incident using the Record of Parent Notification of Student Threat or Incident form;
    - a. Such notification must be within 24 hours of the incident;
  2. The process for creating and implementing an action plan for an Incident;
  3. Various safety considerations for the student who is the subject of the Incident; and
  4. The investigation process, including how to address Incidents, as described in Section V. below.
  5. Whether or not a full investigation will be completed, and if applicable, the outcome of the investigation;
    - a. Investigations shall be conducted in accordance with Section V. below.
- C. The Investigator shall create an Incident Action Plan.
1. All Incident Action Plans must be forwarded to the district's Social and Emotional Learning & Prevention Services Director to oversee implementation of the Incident Action Plan and the required parent communication process.
- D. The Incident Action Plan shall include:
1. a communication plan designed to keep each parent updated on the implementation of the Incident Action Plan;
  2. with respect to the student Complainant and in direct coordination with the student Complainant'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 may need regarding decreased exposure or interactions with the student Respondent;
    - c. notification of the consequences and plan to address the behavior of the student Respondent;
    - d. supportive measures designed to preserve the student Complainant's access to educational services and opportunities; and
    - e. to the extent available, access to other resources the parent requests for the student Complainant; and
  3. with respect to the student Respondent and in direct coordination with the student Respondent's parent:
    - a. a range of tailored and appropriate consequences, making reasonable effort to preserve the student'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 access to educational services and opportunities while protecting the safety and well-being of other students; and
    - d. a process to remove the student from school in an emergency situation, including a description of what constitutes an emergency.
- E. An Investigator may not include in an Incident Action Plan a requirement that the student Complainant change the student's:
1. educational schedule or placement; or
  2. participation in a school-sponsored sport, club, or activity.

- F. If the Investigator attempts to involve a parent in the development and implementation of an Incident Action Plan, and the parent chooses not to participate in the process, the Investigator may develop and implement an Incident Action Plan without the parent's involvement.

**V. The Investigative Process**

In investigating a complaint, the Investigator will immediately:

- 1. inform the Complainant and the Complainant's parents and the Respondent and the Respondent's parents, of their right to have relevant documents translated or an interpreter during any interviews;
  - 2. inform the Respondent that a complaint has been filed against them;
  - 3. inform the Respondent that if the objectionable conduct is still occurring, it must cease immediately and that they may not take any retaliatory action against the Complainant;
  - 4. provide the Complainant and Respondent with a copy of these procedures;
  - 5. inform the Complainant and Respondent of their rights and responsibilities during the investigation;
  - 6. instruct the Complainant and Respondent that they should avoid contact or communication regarding the complaint with each other;
  - 7. document the Complainant's specific allegations to provide to the Responding party and determine whether the Complainant needs supportive measures;
  - 8. inform the Respondent that a complaint has been filed against them;
  - 9. provide the Respondent with the written allegations;
  - 10. provide the Respondent with a 48-hour deadline to respond to the written allegations;
- B. State law requires that investigations of incidents under these procedures include interviews of the following individuals:
    - 1. the Complainant;
    - 2. the Respondent;
    - 3. Complainant's parents;
    - 4. Respondent's parents;
    - 5. any identified witnesses;
    - 6. school staff familiar with the Complainant;
    - 7. school staff familiar with the Respondent; or
    - 8. other identified individuals who may provide additional relevant information.The Investigator must document all interviews and conversations.
  - C. The Investigator must review all the evidence and make a determination as to whether bullying occurred using the applicable definition (either Student Bullying or Staff Bullying).
  - D. The Investigator must provide a written outcome to all parties.
  - E. Both parties shall be notified of the prohibitions on retaliation and given information about reporting subsequent problems/incidents.
  - F. If the Investigator confirms that an Incident has occurred, the school administrator or supervisor may, if appropriate, take positive restorative justice practice action and support involved students or school employees through trauma-informed practices. Such actions must be in conjunction with other appropriate disciplinary actions listed in Section V.G.1-3.
    - 1. A Complainant is not required to participate in a restorative justice practice.
    - 2. If the school or district would like a student to participate in a restorative justice practice, the school must notify that student's parent of the proposed restorative justice practice and obtain consent from that student's parent before including the student in the process.
    - 3. School administrators or supervisors must contact the student services department prior to implementing any restorative justice practice with students. Restorative justice practices involving employees must be coordinated through the human resource services department.
  - G. Verified violations of these procedures and the accompanying policy shall result in discipline.
    - 1. Student discipline must comply with the district's S-3: Administrative Procedures, Student Conduct and Discipline. For students such discipline may include:
      - a. suspension or removal from school;
      - b. suspension or removal from a school-sponsored team or activity;
      - c. suspension of school-sponsored transportation;
      - d. lesser disciplinary action; and/or
      - e. other appropriate interventions.
    - 2. For school employees such discipline must include formal disciplinary action (see, Administrative Procedures for Board Policy P-4: Discipline of District Employees). Formal disciplinary actions include, but are not limited to:
      - a. written reprimand;

- b. suspension with or without pay;
  - c. probation;
  - d. demotion; and
  - e. dismissal.
3. For parents, adverse actions include, but are not limited to:
- a. removal from the school;
  - b. restricted access to campus;
  - c. restricted access to school events or school-sponsored activities; and
  - d. restricted/directed communication with school employees and activities.

H. The Family Educational Rights and Privacy Act ("FERPA") does not permit sharing information regarding any discipline a school may have imposed on the Respondent with the Complainant or that Complainant's parents.

#### **VI. Documentation Of Verified Student Incidents**

- A. Allegations and verified incidents of bullying, cyberbullying, hazing, and retaliation must be documented in the district's electronic student information system.
- B. The school shall provide a student with a copy of their own disciplinary record if the student requests a copy of the record.
  - 1. The school shall expunge the student's disciplinary record if the student has graduated from high school and requests the record be expunged.

#### **VII. Mandatory Response for Allegations of Abusive Conduct by a Parent**

- A. The impacted school employee should immediately notify their supervisor and/or the Compliance Officer.
- B. The supervisor and Compliance Officer will determine supportive measures that limit contact between the impacted employee and the parent (e.g., copying the supervisor on all communication, directing that the parent may only communicate with the supervisor, directing that the parent may only communicate with the area director, etc.).
- C. If the abusive conduct continues, the supervisor and Compliance Officer will increase the limitations.
- D. If the abusive conduct continues after the increase in limitations, the district's general counsel may issue a no-trespass order to the parent.

#### **VIII. Appeals of Consequences**

- A. Appeals of employee disciplinary consequences are governed by P-4: Administrative Procedures, Discipline of district employees.
- B. Appeal for student disciplinary consequences that result from an Incident investigation are as follows:
  - 1. If following an investigation:
    - a. the matter is referred to the district's safe school committee for a disciplinary consequence determination, the student may appeal the disciplinary consequence in accordance with the procedures outlined in Section XVI of the S-3: Administrative Procedures, Student Conduct and Discipline; or
    - b. the matter is referred to the appropriate school administrator for a disciplinary consequence determination, the student or their parent may appeal the disciplinary consequence to the school's area director.
      - i. The appeal must be in writing and received by the area director within 3 school days of date of school administrator's decision.
      - ii. The area director may meet with the student and their parent prior to making a decision.
      - iii. A written decision will be provided to the parent within 15 business days, unless the area director notifies the parent of extenuating circumstances that warrant a longer time period.

#### **IX. Training and Prevention**

- A. All students will receive annual training from a qualified professional regarding bullying, cyberbullying, hazing, abusive conduct, and retaliation. This training will address:
  - 1. overt aggression that may include physical fighting, verbal threatening behavior, or both physical and verbal aggression, or threatening behavior;
  - 2. relational aggression or indirect, covert, or social aggression, such as rumor spreading, intimidation, enlisting a friend to assault a child, and social isolation;
  - 3. bullying, cyber-bullying, or hazing of a sexual nature or with sexual overtones;
  - 4. cyber-bullying, including 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;
  - 5. how bullying, cyber-bullying, hazing, abusive conduct, and retaliation are different from discrimination and may occur separately from each other or in combination; and

6. bullying, cyber-bullying, hazing, abusive conduct, and retaliation based upon students' or school employees' actual or perceived characteristics, including race, color, national origin, sex, disability, religion, gender, gender identity, sexual orientation, other physical or mental attributes, or conformance or failure to conform to stereotypes.
- B. Training on bullying, cyber-bullying, and hazing should complement the suicide prevention program required for students and licensed educators, and include information on when issues relating to this rule may lead to student or employee discipline.
- C. The training described above shall be offered to new school employees, coaches, advisors, and volunteers before starting their position with the district and before interacting with students in their official/volunteer capacity. Such training will be repeated annually thereafter.
- D. Annually, all students who are at least eight years old, parents, and school employees shall sign that they have received a copy of Board Policy G-20.
- E. The district will annually offer parent education seminars that include information on bullying. For more information on these seminars, please refer to Section V.B. in the district's G-21: Administrative Procedures, Youth Suicide Prevention Programs.
- F. A copy of Board Policy G-20 shall be included in all student handbooks and provided to students and parents during registration.
- G. Training curriculum outlines, training schedules, and participant lists or signatures shall be maintained by each school for provision to the Utah State Board of Education upon request.
  1. In creating the various training curricula, feedback will be gathered from administration, instruction and support staff, students, parents, school community council members and/or other community members.
- H. At least once every other year, each school will also conduct a climate survey, that complies with Utah Admin. Rule R277-623, School Climate Survey.
  1. All student surveys must be conducted in accordance Utah Code Ann. §53E-9-203, which prohibits giving students certain assessments without first obtaining written parental consent.
  2. The school shall utilize the climate survey responses to develop plans to prevent and address bullying, cyberbullying, hazing, and retaliation that may be occurring on a school's campus.
  3. Each school's Positive Behavioral Interventions and Supports ("PBIS") plans must be developed with input from a variety of stakeholders, including administration, instruction and support staff, students, parents, school community council members and/or other community members. (See, Section I, S-3: Administrative Procedures, Student Conduct and Discipline.)