



Bullying, Cyber-Bullying, Hazing, Abusive Conduct, and Retaliation Policy

Responsible administrator: Executive Director

LEA designee: School Psychologist, School Counselor, Executive Assistant

School designee/investigator: Executive Director or designee, assigned by Executive Director

1. Purpose

Bear River Charter School is committed to maintaining a safe, respectful, and supportive environment for students and employees. Bullying, cyber-bullying, hazing, abusive conduct, retaliation, and related misconduct interfere with learning, employment, safety, and trust.

This policy establishes expectations for prevention, reporting, investigation, parent communication, employee grievances, corrective action, and follow-up.

Utah law requires the policy to be included in student and employee handbooks, provided to parents, and acknowledged annually by employees, parents, and students who are at least eight years old.

2. Scope

This policy applies to students, school employees, volunteers, coaches, contractors, parents, and other individuals participating in or interacting with BRCS programs.

Bullying by a student or employee is prohibited:

- On school property;
- At a school-sponsored activity;
- On a school bus or at a school bus stop; and
- During travel to or from a covered school location or activity.

Cyber-bullying and hazing are prohibited regardless of time or location when the conduct falls within applicable law or substantially affects the school environment, student safety, employee safety, or school operations.

3. Definitions

3.1 Bullying

“Bullying” includes student bullying and staff bullying.

Student bullying means repeated written, verbal, or physical conduct by one or more students, committed with intent to cause harm, or a single egregious act involving an imbalance of power,



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

Staff bullying means repeated written, verbal, or physical conduct by a school employee, committed with intent to cause harm, or a single egregious act toward another employee involving an imbalance of power, that creates an environment 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.

Ordinary teasing, horseplay, disagreement, peer conflict, reasonable correction of behavior, appropriate supervision, and reasonable coaching strategies do not constitute bullying unless the conduct otherwise meets the legal definition.

3.2 Cyber-Bullying

"Cyber-bullying" means using the Internet, a phone, social media, messaging platform, electronic device, or other technology to send or post words, video, audio, or images with intent, knowledge, or reckless disregard that the communication will hurt, embarrass, or threaten another person.

Conduct may constitute cyber-bullying even when the person targeted did not request, consent to, or voluntarily access the communication.

3.3 Hazing

"Hazing" means intentionally, knowingly, or recklessly committing an act, or causing another person to commit an act, toward a student or school employee that:

1. Endangers mental or physical health or safety;
2. Involves physical brutality, forced physical activity, harmful substances, forced consumption, severe embarrassment, humiliation, isolation, sleep deprivation, or extreme mental stress; and
3. Is connected with initiation, admission, affiliation, membership, office, or participation in a school-sponsored team, program, organization, club, or event.

Consent is not a defense to hazing.

3.4 Abusive Conduct

"Abusive conduct" means repeated verbal, nonverbal, or physical conduct by a parent or student toward a school employee that, considering its severity, nature, and frequency, a reasonable person would determine is intended to cause intimidation, humiliation, or unwarranted distress.



Under the statutory definition, a single act does not ordinarily constitute abusive conduct. A serious single act may still violate other BRCS policies or laws and should be reported.

3.5 Retaliation

“Retaliation” means an act or communication intended as retribution against a person for reporting, participating in an investigation, providing information, or serving as a witness, or intended to improperly influence an investigation or response.

3.6 False Report

A false report is an allegation the reporting person knows is materially untrue. A report is not false merely because it cannot be substantiated or because the evidence is inconclusive.

3.7 Incident and Verification

An “allegation” is an unverified report of prohibited conduct.

A “verified incident” is an allegation substantiated through the school’s investigation process.

The definitions in this section are intended to follow Utah Code §53G-9-601. If statutory definitions change, the current law controls.

4. Prohibited Conduct

BRCS prohibits:

1. Bullying;
2. Cyber-bullying;
3. Hazing;
4. Abusive conduct;
5. Retaliation;
6. Knowingly making a false report;
7. Creating or distributing sexually explicit or nonconsensual intimate images;
8. Sharing or distributing a recording of prohibited conduct to encourage, glorify, continue, or increase the likelihood of future incidents; and
9. Directing another person to engage in prohibited conduct.

This section does not prohibit a person from preserving or sharing evidence in good faith with a parent, school administrator, law enforcement officer, attorney, or other authorized person for reporting or safety purposes.

5. Duty to Report



Any student, parent, employee, volunteer, or community member may report suspected prohibited conduct verbally or in writing.

A school employee who observes prohibited conduct or receives information creating a reasonable concern that it occurred shall promptly report the concern to the Executive Director, school designee, or LEA designee. The employee should report facts, direct observations, exact statements when known, and available evidence without conducting an independent investigation.

When a concern involves the Executive Director or there is a material conflict of interest, the report may be made to the Board Chair or Board Executive Committee.

Immediate threats, weapons, serious injury, suspected criminal conduct, or emergencies shall also be reported to law enforcement or emergency responders as appropriate. Reporting to a school administrator does not replace an employee's independent obligation to report suspected child abuse or neglect.

Anonymous reports may be investigated. Formal disciplinary action may not be based solely on an anonymous report.

6. Initial Safety Response

Upon receiving a report, BRCS will take reasonable immediate steps to:

1. Address urgent health or safety needs;
2. Separate involved individuals when needed;
3. Preserve relevant evidence;
4. identify possible retaliation concerns;
5. Provide an accessible reporting contact;
6. Consider interim supervision, schedule, location, or communication measures; and
7. Avoid unnecessarily burdening the person who was subjected to the reported conduct.

Interim measures are not a determination that misconduct occurred.

7. Investigation

A trained school designee will promptly conduct or coordinate an impartial investigation. The investigation may include interviews with:

- The person targeted;
- The person alleged to have engaged in the conduct;
- Parents of involved students;
- Witnesses;
- Employees familiar with the individuals or circumstances; and
- Other people with relevant information.



The investigator may review video, audio, emails, messages, social-media content, photographs, notes, disciplinary records, physical evidence, graffiti, or other relevant information, consistent with applicable privacy and search requirements.

People interviewed will be directed to protect the privacy of the process to the extent permitted by law. BRCS cannot promise complete confidentiality and may disclose information when necessary to investigate, protect safety, comply with law, respond to legal process, or administer corrective action.

The investigator will make factual findings based on the available evidence and determine whether an incident was verified. BRCS will document the basis for the determination.

Utah's current rule requires trained designees, interviews of relevant parties, review of available evidence, parent follow-up, and action plans following verified incidents.

8. Parent Notification and Communication

BRCS will notify the parents or guardians of each student involved in a reported incident and will document the notification as required by law.

Following the investigation, BRCS will communicate with parents regarding:

1. Whether the investigation has concluded;
2. The outcome as it relates to their student;
3. Safety measures for their student;
4. The process BRCS is using to address the incident;
5. Implementation of the student's action plan; and
6. Available appeal or review options.

Information concerning another student will be limited as required by FERPA and other privacy laws. BRCS will maintain required notification and action-plan records in a secure manner.

9. Action Plans

Following a verified incident, BRCS will create and implement an action plan appropriate to the circumstances.

For a student subjected to an incident, the plan will be developed in coordination with the student's parent and may include:

1. A tailored response addressing the student's needs;
2. Measures to reduce unwanted interaction or exposure;
3. Appropriate information regarding the response to the conduct, to the extent permitted by law;
4. Supportive measures that preserve access to instruction, programs, and activities;



5. Counseling, check-ins, supervision, or other available resources; and
6. A parent communication plan.

BRCS will not require the student subjected to the incident to change educational placement, schedule, or participation in a school-sponsored sport, club, or activity as part of the action plan.

For a student who caused an incident, the plan may include:

1. Tailored and appropriate consequences;
2. Instruction, counseling, skill development, or restorative opportunities;
3. Services addressing contributing factors;
4. Measures protecting other students while preserving educational access when reasonably possible;
5. Increased supervision or limits on contact; and
6. Emergency removal procedures when immediate safety requires them.

A student subjected to an incident will not be required to participate in a restorative meeting with the person who caused the incident. Parent consent will be obtained before including the student in such a process.

When abusive conduct or staff bullying involves an employee, BRCS will adapt the action plan to address workplace safety, communication, access, supervision, operational needs, and appropriate corrective action.

Required action-plan elements are described in Utah Code §53G-9-605.5 and R277-613.

10. Consequences and Supportive Responses

Consequences will be individualized and consistent with applicable student discipline, employment, due-process, disability, and civil-rights requirements.

Possible responses include:

- Education and corrective instruction;
- Increased supervision;
- Restriction from activities, areas, or communication;
- Behavior or safety plans;
- Parent conferences;
- Restorative practices when voluntary and appropriate;
- Student discipline;
- Employee corrective or disciplinary action;
- Removal from volunteer or coaching duties;
- Referral to law enforcement; and
- Other lawful measures reasonably related to safety and prevention.



BRCS may respond to serious conduct immediately and is not required to use progressive consequences in every case.

11. Employee Abusive-Conduct Grievance

An employee who believes a parent or student has engaged in abusive conduct should submit a verbal or written grievance to the Executive Director. The employee may go directly to the Board Chair or Board Executive Committee when the Executive Director has a conflict of interest.

The grievance should identify, when known:

1. The conduct;
2. Approximate dates and locations;
3. People involved or present;
4. Prior efforts to address the conduct;
5. Available documents or communications; and
6. Immediate safety or workplace concerns.

BRCS will review the grievance, provide the employee an opportunity to be heard, review relevant evidence, and determine appropriate protective or corrective measures. Measures may include communication limits, a designated contact person, visitor restrictions, meeting conditions, increased administrative presence, written expectations, or other reasonable steps.

An employee dissatisfied with the response may request review by the Board Executive Committee within ten business days after receiving the written outcome. The review will not disclose confidential student information beyond what is legally permitted.

Employee-to-employee bullying, harassment, discrimination, or retaliation should be reported under the handbook's workplace complaint procedures.

12. Appeals

A student who is determined to have caused an incident, or the student's parent, may submit a written appeal concerning consequences included in an action plan within ten school days after receiving notice.

The appeal should identify the decision being challenged and the reason review is requested. The Executive Director or an uninvolved designee will review the record and may affirm, modify, or return the matter for additional review.

When the Executive Director made the original decision or has a conflict of interest, the appeal will be handled by the Board Chair, Board Executive Committee, or another neutral decision-maker designated by the Board.

Interim safety measures may remain in place during an appeal.



13. Law Enforcement and Civil-Rights Referrals

BRCS will contact law enforcement when conduct presents immediate danger, may constitute a serious criminal offense, involves a weapon, credible threat, assault, sexual misconduct, extortion, stalking, significant property damage, or another circumstance in which reporting is required or reasonably necessary for safety.

BRCS will also determine whether reported conduct may involve discrimination or harassment under Title VI, Title IX, Section 504, the Americans with Disabilities Act, or another civil-rights requirement. A matter may be handled under this policy and a separate civil-rights or Title IX process at the same time.

14. Retaliation Prevention and Follow-Up

BRCS will take reports of retaliation seriously and will assist students, parents, and employees in reporting subsequent problems.

The school designee will conduct reasonable follow-up after a verified incident to determine whether:

- The action plan is being implemented;
- Additional incidents have occurred;
- Safety concerns remain;
- Retaliation has occurred; or
- Adjustments are needed.

15. Training and Annual Receipt

BRCS will provide required prevention and response training to employees, coaches, and volunteers. New employees, coaches, and volunteers will receive required training within their first year of service, and recurring training will occur at least once every three years. Participants in school-sponsored athletic programs and extracurricular clubs will receive training as required.

Training will address prohibited conduct, civil-rights requirements, safe digital citizenship, reporting responsibilities, free-speech considerations, discipline, and connections to suicide prevention.

Each year BRCS will obtain a signed statement confirming receipt of this policy from:

1. Each school employee;
2. Each enrolled student who is at least eight years old; and
3. A parent or guardian of each enrolled student.

The signed statement does not replace required training.



16. Records, Publication, and Reporting

BRCS will:

1. Post the policy on its website;
2. Include it in student and employee handbooks;
3. Provide it to parents;
4. Maintain training and signed-receipt records;
5. Maintain investigation, notification, and action-plan records securely;
6. Assess areas where additional supervision may be needed; and
7. Complete required reports to USBE.

17. Free Speech

Nothing in this policy is intended to prohibit lawful expression or disagreement. Speech may nevertheless be addressed when it meets the definition of prohibited conduct, constitutes unlawful discrimination or harassment, includes a true threat, materially disrupts school operations, violates confidentiality, or is otherwise subject to lawful school regulation.

18. Legal References

- Utah Code §§53G-9-601 through 53G-9-608
- Utah Administrative Code R277-613
- Title VI of the Civil Rights Act
- Title IX of the Education Amendments
- Section 504 of the Rehabilitation Act
- Title II of the Americans with Disabilities Act
- FERPA, 20 U.S.C. §1232g and 34 C.F.R. Part 99