Bullying, Cyber-Bullying, Hazing, and Retaliation Policy

Policy Number: 5203

I. Purpose

Bullying, cyber-bullying, hazing, and retaliation of students and employees are prohibited, are against federal, state, and local policy, and are not tolerated by Summit Academy LEA. Summit Academy 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, Summit Academy has in place policies, procedures, and practices designed to reduce and eliminate bullying, cyber-bullying, hazing, and retaliation—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, cyber-bullying, hazing, and retaliation of students and/or employees by students and/or employees will not be tolerated at Summit Academy.

School officials have the authority to discipline students for off-campus speech and behavior that causes or threatens a substantial disruption on campus or during school activities, including violent altercations, or a significant interference with a student's educational performance and involvement in school activities. If, after an investigation, a student is found to be in violation of this policy, the student shall be disciplined according to the Summit Academy Discipline Policy by appropriate measures up to, and including, suspension and expulsion, pursuant to Utah Code Section 53G-8-205 and, loss of participation in extracurricular activities, and/or probation. If after an investigation, a school employee is found to have violated this policy, the employee shall be disciplined by appropriate measures up to, and including, termination.

This policy applies equally to conduct between employees, between students, or between students and employees.

II. Definitions

A. "Abusive Conduct" means verbal, nonverbal, or physical conduct of a parent, student, or school employee directed toward a parent, or school employee, that, based on its severity, nature, and frequency of occurrence, a reasonable person would determine:
   a. is intended to cause intimidation, humiliation, or unwarranted distress;
   b. results in substantial physical or psychological harm as a result of intimidation, humiliation, or unwarranted distress; or
   c. exploits an individual's known physical or psychological disability.

B. "Bullying" means a school employee or student intentionally committing a written, verbal, or physical act against a school employee or student that a reasonable person under the circumstances should know or reasonable foresee will have the effect of:
   1. causing physical or emotional harm to the school employee or student;
   2. causing damage to the school employee's or student's property;
   3. placing the school employee or student in reasonable fear of:

a. harm to the school employee's or student's physical or emotional well-being; or
b. damage to the school employee's or student's property;

4. creating a hostile, threatening, humiliating, or abusive educational environment due to:
    a. the pervasiveness, persistence, or severity of the actions; or
    b. a power differential between the bully and the target; or
    c. interfering with a student having a safe school environment that is necessary to facilitate educational performance, opportunities, or benefits. Bullying includes relational aggression or indirect, covert, or social aggression, including rumor spreading, intimidation, enlisting a friend to assault another individual, and social isolation.

C. "Discrimination" Conduct, including words or gestures and other actions, which adversely affects a student's or employee environment or results in disparate treatment based upon their immutable characteristics such as sex, race, color, ethnic background, national origin, religion, gender, creed, age, citizenship, or disability.

D. "Harassment" Unwelcome conduct of an offensive nature that is demeaning or derisive or occurs substantially because of the race, color, ethnic background, national origin, religion, gender, creed, age, citizenship, or disability and which creates a hostile educational environment. Harassment shall include one or more of the three levels described below. If conduct is clearly offensive only one incident may be necessary to establish harassment:
    1. Generalized Harassment: Includes intentional behavior directed at an entire group which is based on demeaning or derisive stereotypes and is so severe or pervasive that it creates a hostile learning environment. Examples include comments or jokes, physical gestures or visual displays such as posters, etc.
    2. Individually Targeted Harassment: Includes intentional, non-criminal behavior which is targeted at an individual or particular members of a group, which can be verbal, physical or visual that is so severe or pervasive that it adversely affects the learning environment. Examples include negative or offensive comments, jokes, suggestions or gestures directed to an individual's or group's race, ethnicity or national origin.
    3. Criminal Harassment: Harassing behavior which violates state or federal criminal statutes. Examples include criminal harassment, criminal assault, sexual assault, rape, criminal mischief, stalking, arson or trespass.

E. "Civil rights violation" means bullying, cyber-bullying, hazing, discrimination, and harassment that is targeted at a student or employee based upon the student's or employee's identification as part of any group protected from discrimination under 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 of the bases of sex; or
    3. Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990, including discrimination on the basis of disability.
        a. Summit Academy will ensure that a qualified student with a disability who receives services, under Section504, and who is the target of bullying, cyber-bullying,

hazing, harassment or retaliation continues to receive FAPE, regardless of why. If the student is being discriminated against, Summit Academy will

i. convene a student's Section 504 team to determine whether, as a result of the effects of bullying, the student's needs have changed such that the student is no longer receiving FAPE;
ii. if Summit Academy suspects the student's needs have changed, determine the extent to which additional or different services are needed, ensure that any needed changes are made promptly, and safeguard against putting the onus on the student with the disability to avoid or handle the bullying; and,
iii. if Summit Academy is considering a change of placement for the student, Summit Academy must ensure that FAPE is provided in an educational setting with persons who do not have disabilities to the maximum extent appropriate to the needs of the student with a disability.

F. "Cyber-bullying" 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.

G. "Disruptive student behavior" means the same as that term is defined in Utah Code Subsection 53G-8-210(1)(a).
    1. Disruptive student behavior includes:
        a. the grounds for suspension or expulsion described in Utah Code Section 53G-8-205, also referred to in the Summit Academy Discipline Policy); and
        b. the following conduct described in Utah Code Subsection 53G-8209(2)(b):
            - Use of foul, abusive, or profane language while engaged in school related activities;
            - 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; and
            - 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.

H. "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 who the conduct is committed directed, consented to, or acquiesced in, the conduct.

I. "Parent" means a student's parent or guardian.

J. "Restorative justice practice" means a discipline practice designed to enhance school safety, reduce school suspensions, and limit referrals to court, and is designed to help minors take responsibility for and repair the harm of behavior that occurs in school.

K. "Retaliation" means an act of communication intended:
1. as retribution against a person for reporting bullying, cyber-bullying, or hazing; or
2. to improperly influence the investigation of, or the response to, a report of bullying or hazing.
3. To intimidate, coerce, threaten, or harass a complainant, witness, bystander, or any individual participating in an investigation.

L. "School" means a public elementary or secondary school, including a charter school.
i. "School board" means:
a. a local school board; or
b. a charter school governing board.

M. "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 a school, school board, or school district.

N. "Sexually explicit or nonconsensual intimate image" means a photograph, video, digital image (include AI images), or other visual depiction of an individual that contains nudity, sexual conduct, intimate body parts, or sexually explicit content where the individual did not consent to the creation, possession, distribution, publication, or sharing of the image.

O. "Trauma-informed care" means a strengths-based service delivery approach grounded in an understanding of and responsiveness to the impact of trauma, emphasizing physical, psychological, and emotional safety for both offenders and victims, and creating opportunities for victims to rebuild a sense of control and empowerment.

P. "Volunteer" means a person working under the direct supervision of a school employee.

III. Training

A. All students, school employees, coaches, and volunteers at Summit Academy will receive annual training from a qualified professional regarding bullying, cyber-bullying, hazing, and retaliation in accordance with USBE Administrative Rule Subsection R277-613-6. This training will address:

1. overt aggression that may include physical fighting such as punching, shoving, kicking, and verbal threatening behavior, such as name-calling, or both physical and verbal aggression or threatening behavior;
2. relational aggression or indirect, covert, or social aggression, including rumor spreading, intimidation, enlisting a friend to assault a child, and social isolation;
3. bullying, cyber-bullying, and hazing of a sexual nature or with sexual overtones;
4. cyber-bullying, 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;
5. bullying, cyber-bullying, hazing and retaliation based upon the students' or employees' identification as part of any group protected from discrimination as defined in this policy.
6. training on civil rights violations will include compliance when civil rights violations are reported;
7. bullying, cyber-bullying, hazing 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, religious clothing, gender identity, sexual orientation, or other physical or mental attributes or conformance or failure to conform to stereotypes; and
8. awareness and intervention skills such as social skills training.

B. A licensed educator or school employee shall supervise volunteers and is responsible for ensuring the volunteer is trained in the above areas. Volunteers shall report to their supervisor if the volunteer witnesses or is notified of a bullying, cyber-bullying, hazing, or retaliation incident among students or if the volunteer has reason to suspect such an incident. Volunteers shall not engage in bullying activities themselves and must follow policy requirements or may be asked to leave Summit Academy if in violation of this policy.

C. Summit Academy will implement a youth suicide prevention program for students as described in USBE Rule R277-620.

D. All licensed educators must complete two hours of professional development in youth suicide prevention training once every license renewal cycle.

E. In addition to training for all school employees, students, employees, and volunteer coaches involved in any extracurricular activity shall:

1. participate in initial bullying and hazing prevention training prior to participation in the extra-curricular activity;
2. participate in initial bullying, cyber-bullying, and hazing prevention training to be completed by every employee at least every three years thereafter;
3. receive information annually of the prohibited activities list provided previously in this policy and the potential consequences for violation of this policy.

IV. Prohibitions

A. A school employee or student shall not engage in bullying a school employee or student at any time or in any location.

B. A school employee or student shall not engage in hazing or cyber-bullying a school employee or student at any time or in any location.

C. A school employee or student shall not engage in retaliation against a school employee or student.

D. A school employee or student shall not make a false allegation of bullying, cyber-bullying, hazing, or retaliation against a school employee or student.

E. A school employee or student shall not create, solicit, transmit, post, publish, distribute, threaten to distribute, or knowingly share a sexually explicit image or a nonconsensual intimate image of another individual.

F. A school employee or student shall not record, distribute, repost, encourage the distribution of, or otherwise share images, audio recordings, or video recordings of bullying, cyberbullying, hazing, abusive conduct, retaliation, or physical altercations when the sharing contributes to harm, humiliation, intimidation, disruption, or further victimization.

G. A school employee, student, parent, volunteer, or visitor shall not engage in abusive conduct directed toward a school employee, student, parent, volunteer, or visitor while participating in a school-sponsored activity or on school property.

H. Any bullying, cyber-bullying, hazing, or retaliation that is found to be 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.

V. Investigations

Summit Academy will promptly and reasonably investigate allegations of bullying, cyber-bullying, hazing, and/or retaliation. The campus principal, along with the assistant principal, counselor, and/or school designee, will be responsible for handling all complaints by students and employees alleging bullying, cyber-bullying, hazing, or retaliation.

Individuals reporting cyber-bullying, retaliation, or the sharing of records or images are encouraged to preserve relevant evidence, including screenshots, messages, emails, or social media posts, photographs, and videos. Administrators may request such evidence as part of an investigation.

Students are to report bullying, cyber-bullying, hazing, or retaliation in one of the following methods: by filling out the Summit Academy Bullying/Harassment Reporting Form, by email, through Safe UT, or through another anonymous reporting mechanism designated by the school. Students may also visit the SafeUT online program for additional assistance.

It is Summit Academy's policy, in compliance with state and federal law, that students have a limited expectation of privacy on the school's network, and routine monitoring or maintenance may lead to discovery that a user has violated this 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 or school employee suspected of violation of the above policy will be confiscated for investigation and may be turned over to law enforcement.

A. Summit Academy shall adopt an action plan in accordance with USBE Administrative Rule Subsection R277-613-4(1)(c), including a plan to:
    1. Investigate allegations of incidents of bullying, cyber-bullying, hazing, and retaliation in accordance with this section; and
        a. include allegations of students sharing recordings of bullying, cyber-bullying, hazing, abusive conduct, and retaliation.
    2. Provide an individual who investigates allegations of incidents of bullying, cyber-bullying, hazing, and retaliation with adequate training on conducting an investigation.
    3. Communicate to parents the initiation of a plan and subsequent updates regarding implementation. Parents will receive a phone call, and additional communication strategies as needed. Communication will be logged into the action plan.

B. Summit Academy is required to investigate allegations of incidents described in Subsection (A)(1) by interviewing at least the alleged victim and the individual who is alleged to have engaged in prohibited conduct. Investigations should begin promptly after receipt of a report and be completed within a reasonable timeframe, unless extenuating circumstances require additional investigation.
    1. Summit Academy may also interview the following as part of an investigation:
        a. parents of the alleged victim and the individual who is alleged to have engaged in prohibited conduct;
        b. any witnesses;
        c. school staff; and
        d. other individuals who may provide additional information.
    2. An individual who investigates an allegation of an incident shall inform an 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. C. The confidentiality requirement does not apply to:
            - conversations with law enforcement professionals;
            - requests for information pursuant to a warrant or subpoena;
            - a state or federal reporting requirement; or 4. other reporting required by this rule.

C. In conducting an investigation under this section, Summit Academy may:
    1. review disciplinary reports of involved students and school employees; and
    2. review physical evidence, consistent with search and seizure law in schools.

D. During and following an investigation, Summit Academy may implement supportive measures to protect involved students, including counseling referrals, safety plans, schedule adjustments, increased supervision, check-in/check-out procedures, restorative practices when appropriate, and other reasonable interventions.

E. Summit Academy is required to adopt a policy, consistent with state law and state board rules, outlining under what circumstances Summit Academy employees will report incidents of bullying, cyber-bullying, and retaliation to law enforcement.

VI. Actions Required if Prohibited Acts are Reported

A. Each reported complaint will include:
    1. the name of complaining party;
    2. the name of accused offender (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. Each reported violation of the prohibitions noted previously will be promptly investigated by a school administrator or an individual designated by a school administrator. A report of bullying, cyber-bullying, hazing, and retaliation may be made anonymously, but Summit Academy will not take formal disciplinary action based solely on an anonymous report.

C. Verified violations of the prohibitions noted previously shall result in consequences or penalties following the Summit Academy Discipline Policy.

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, cyber-bullying, hazing, or retaliation.
    1. Summit Academy will produce and maintain a record that verifies that the parent was notified of the incident or threat.
    2. Summit Academy will not disclose this record to anyone unauthorized to receive it and will not use the record for the purposes not allowed under the law.

E. Summit Academy will comply with the Office for Civil Rights reporting when a Civil Rights Violation occurs:
    1. The school is responsible for identifying bullying, cyber-bullying, and hazing incidents about which it knows or reasonably should have known when it involves 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, a person requests the school to take action, or a person identifies the bullying, cyber-bullying, or hazing as a form of discrimination.
    3. If it is determined that the bullying, cyber-bullying, or hazing occurred as a result of the student-victim's membership in a protected class, the school shall take prompt and effective steps reasonably calculated to:
        a. end the bullying, cyber-bullying, or hazing;
        b. eliminate any hostile environment;
        c. assess prevalence in school culture, physical facilities, and systematic practices to prevent its recurrence.

F. Actions must also include, as appropriate:
    1. procedures for protecting the victim, witnesses, and other involved individuals from being subjected to:
        a. further bullying, cyber-bullying, or hazing, and
        b. retaliation for reporting bullying, cyber-bullying, or hazing;
    2. prompt reporting to law enforcement of all acts of bullying, cyber-bullying, hazing, or retaliation that constitute suspected criminal activity;

3. procedures for a fair and timely opportunity for the accused to explain the accusation and defend his/her actions prior to student or employee discipline; and;
4. procedures for providing due process rights under Utah Code Section 53G-11501 (licensed staff) and local employee discipline policies prior to employee discipline or Utah Code Section 53G-8-202 and local policies (students) prior to long-term (more than 10-day) student discipline.

VII. Annual Reporting of Allegations of Bullying, Cyber-Bullying, Hazing, and Retaliation

Summit Academy will comply with Utah Code Subsection 53E-3-401(3) and USBE Administrative Rule R277-613 to report annually, on or before June 30, to the Superintendent in accordance with the Superintendent's submission requirements.

VIII. Grievance Process for Incident or Abusive Conduct

Refer to Summit Academy's Grievance Policy

IX. Additional Notes

A. 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, cyber-bullying, hazing, or retaliation incident creates a substantial disruption to the school environment, under Tinker v. Des Moines, 393 U.S. 503 (1969), Summit Academy may take disciplinary action against the student who initiated the speech. Factors that Summit Academy 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 victim 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 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 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. True threats are not protected by the First Amendment 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 the person who utters such a message may be disciplined by Summit Academy.

X. References

Utah Code Subsection 53E-3-401 (3)
Utah Code Section 53G-8-205
Utah Code Sub-section 53G-8-209 (2)(b)

Utah Code Sub-section 53G-8-210(1)(a)
Utah Code Section 76-10-101
USBE Rule R277-620
USBE Rule Subsection R277-613
USBE Rule Subsection R277-613-4(1)(c)
USBE Rule Subsection R277-613-6
Tinker v. Des Moines, 393 U.S. 503 (1969)
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
Title II of the Americans with Disabilities Act of 1990

XI. Attachments

Summit Academy Bullying/Harassment Reporting Form (Standardized Form Needed)

XII. Revision History and Approval Date

Version 1: October 2010: Effective
Version 2: November 2015: Updated
Version 3: October 2018: Updated design format
Version 4: November 17, 2020: Added "Retaliation" and expanded "Abusive Conduct" and "Bullying" definitions
Version 5: January 19, 2023: Updated definition of "Bullying" and "Hazing" based on USBE guidance, clarified training requirements, updated actions required, clarified First Amendment Protections.
Version 6: March 20, 2025: Addition of definitions "Discrimination" and "Harassment. With additions to policy suggested by OCR
Version 7: October 16, 2025: Updates to formatting and Section 5 Investigation processes. Added links to Utah Codes for reference.
Version 8: October 22, 2026: Update to Format. Update to.