



Policy Number: 3050

Dated: 03/05/2025

POLICY BULLYING, CYBER-BULLYING, ABUSIVE CONDUCT, HAZING AND RETALIATION

PURPOSE

Bullying, cyber-bullying, and hazing of students and employees, along with retaliation by students and employees, are prohibited, are against federal, state and local policy, and are not tolerated by American Leadership Academy. ALA 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, ALA has in place policies, procedures, and practices designed to reduce and eliminate bullying, cyber-bullying, and hazing—including civil rights violations or actions based on a student's or employee's actual or 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, and hazing of students and/or employees by students and/or employees will not be tolerated at American Leadership 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 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.

DEFINITIONS

1. "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:
 - a. Is intended to cause intimidation, humiliation, or unwarranted distress;
 - b. A single act does not necessarily constitute abusive conduct.
2. "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 reasonably foresee will have the effect of:
 - i) Causing physical or emotional harm to the school employee or student;

- ii) Causing damage to the school employee's or student's property;
 - iii) 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;
 - iv) 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 victim; or
 - v) Substantially interfering with a student having a safe school environment that is necessary to facilitate educational performance, opportunities, or benefits.
 - vi) The conduct described above constitutes bullying, regardless of whether the person against whom the conduct is committed directed, consented to, or acquiesced in, the conduct.
 - vii) "Bullying" includes relational aggression or indirect, covert, or social aggression, including rumor spreading, intimidation, enlisting a friend to assault a child, and social isolation.
3. "Civil rights violation" means bullying, cyber-bullying, or hazing that is targeted at a student or employee upon the students' or employees' identification as part of any group protected from discrimination under the following federal laws:
- i) Title VI of the Civil Rights Act of 1964, including discrimination on the basis of race, color, or national origin;
 - ii) Title IX of the Education Amendments of 1972, including discrimination on the basis of sex; or
 - iii) Section 504 of the Rehabilitation Act of 1973 and Title II of the America
4. "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.
5. "Disruptive student behavior" means the same as that term is defined in Utah Code Subsection 53G-8-210(1)(a). Disruptive student behavior includes:
- i. The grounds for suspension or expulsion described in Utah Code Section 53G-8-205
 - ii. The following conduct described in Utah Code Subsection 53G-8-209 (2)
 - a. Use of foul, abusive, or profane language while engaged in school related activities;
 - b. 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

- c. Hazing, demeaning, or assaultive behavior, whether consensual or not, including behavior involving physical violence, restraint, improper touching, or
 - d. 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.
6. "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:
- i) Endangers the mental or physical health or safety of a school employee or student;
 - ii) 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;
 - iii) 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
 - iv) 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
 - v) 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
 - vi) 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.
7. "Retaliation" means an act of communication intended:
- i) As retribution against a person for reporting bullying, cyber-bullying, abusive conduct, or hazing; or
 - ii) To improperly influence the investigation of, or the response to, a report of bullying, cyber-bullying, abusive conduct, or hazing.

TRAINING

All students, school employees, and coaches will receive annual training regarding bullying, cyber-bullying, abusive conduct, hazing and retaliation. 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 under the following federal laws:
 - a. Title VI of the Civil Rights Act of 1964, including discrimination on the basis of race, color, or national origin;
 - b. Title IX of the Education Amendments of 1972, including discrimination on the basis of sex; or
 - c. 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; and
6. Training on civil rights violations will include compliance when civil rights violations are reported;
7. The training must include information on when issues relating to this policy may lead to student or employee discipline.
8. Bullying, cyber-bullying, hazing and retaliation including training and education specific to bullying based upon students' or employees' 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
9. American Leadership Academy will implement a youth suicide prevention program for students as described in Utah Code Section 53E-9-702.

PROHIBITIONS

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; or
4. While the school employee or student is traveling to or from a location or event.

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.

A school employee or student shall not engage in retaliation against a school employee, a student, or an investigator for, or witness of, an alleged incident of bullying, cyber-bullying, hazing, or retaliation.

The school prohibits abusive conduct directed towards an employee by a student or parent/guardian at any time or in any location. ALA encourages all employee victims of abusive conduct, and all persons with knowledge of abusive conduct, to report the incident immediately.

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

Any bullying, cyber-bullying, or hazing 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 for Civil Rights.

REPORTING

A student victim of bullying, cyber-bullying, hazing, or retaliation shall inform his/her teacher or any of his/her school's administrators.

An employee victim of bullying, cyber-bullying, hazing, abusive conduct, or retaliation shall inform his/her supervisor or any of his/her school's administrators.

A parent, teacher, or any other individual who is aware of bullying, cyber-bullying, hazing, abusive conduct, or retaliation at school should inform school administration. A school teacher or administrator to whom a complaint is made or who otherwise becomes aware of an incident of bullying, cyber-bullying, hazing, abusive conduct, or retaliation shall, as soon as is reasonably possible, report it to the principal or his/her designee.

Each reported incident under this section shall provide the following information:

1. The name of the complaining party.
2. The name of the victim (if known).
3. The name of the alleged perpetrator (if known).
4. The date and location of the incident.
5. A statement describing the incident, including names of witnesses (if known).

INVESTIGATIONS

American Leadership Academy will promptly and reasonably investigate allegations of bullying, cyber-bullying, and/or hazing. The Executive Director will assign employees who are in appropriate positions of authority, who are responsible to receive, investigate, and respond to reports, will be responsible for handling all complaints by students and employees alleging bullying, cyber-bullying, abusive conduct, or hazing as outlined in the procedures below.

Throughout the investigation the investigator shall monitor whether ongoing conduct or retaliation occurs. If it does, the investigator shall ensure that prompt and appropriate action is taken and documented as part of the investigation.

It is ALA's policy, in compliance with state and federal law, that 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.

ALA will act in accordance with State Board of Education Administrative Rule Subsection R277-613-4(1)(c), including a plan to:

1. Investigate allegations of incidents of bullying, cyber-bullying, abusive conduct, hazing, and retaliation in accordance with this section; and
2. Provide an individual who investigates allegations of incidents of bullying, cyber-bullying, abusive conduct, hazing, and retaliation with adequate training on conducting an investigation.

ALA 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. ALA may also interview the following as part of an investigation:

1. Parents of the alleged victim and the individual who is alleged to have engaged in prohibited conduct;
2. Any witnesses;
3. School staff; and
4. Other individuals who may provide additional information.

An individual who investigates an allegation of an incident shall inform an individual being interviewed that:

1. To the extent allowed by law, the individual is required to keep all details of the interview confidential; and
2. Further reports of bullying may become part of the investigation.

The confidentiality requirement 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.

In conducting an investigation under this section, ALA 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.

ACTIONS REQUIRED IF PROHIBITED ACTS ARE REPORTED

Each reported complaint will include:

1. The name of complaining party;
2. The name of 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).

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, abusive conduct, hazing, and retaliation may be made anonymously, but ALA will not take formal disciplinary action based solely on an anonymous report.

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 restorative justice practices consistent with State Board of Education Administrative Rule R277-613;
3. Notify the involved students' parents of the restorative justice practice and obtain consent from the involved student(s)'s parent(s) before including victim in the process.
4. Support involved students through trauma-informed practices;
5. Use student suspension or removal from a school-sponsored team or activity including school sponsored transportation;
6. Use student suspension or expulsion from school or lesser disciplinary action;
7. Use employee suspension or termination for cause or lesser disciplinary action consistent with Utah Code Section 53G-11-512;
8. Use employee reassignment;
9. Take other actions against student or employee as appropriate; and
10. Use a grievance process required under Subsection 53E-9-605(3)(f) consistent with ALA's established grievance process.

PARENTS VOLUNTEERS OR OTHERS

Any parent, guardian, volunteer, or other individual who is not a student or employee, who engages in bullying, cyber-bullying, hazing, retaliation, or abusive conduct, as described herein, is in violation of this policy and may be subject to the following:

1. A trespass notice prohibiting them from coming onto school property;
2. Communication protocols wherein parameters and restrictions are placed upon them in regards to communicating with school personnel;
3. Loss of privilege to volunteer, do business, or otherwise interact with students or employees;
4. Other appropriate school or imposed restrictions; and/or
5. Appropriate legal action.

PARENTAL NOTIFICATION

1. Pursuant to Utah Cod 53G-9-604, each school administrator who finds that an incident of bullying, cyber-bullying, hazing, abusive conduct, or retaliation has occurred shall notify the parent/guardian of each student involved.
2. Each school administrator shall notify the parent/guardian of any student who threatens to commit suicide.
3. The administrator who notifies a parent/guardian under this section shall keep a record verifying that the parent/guardian was notified using the Parent/Guardian Notification Record of Student Bullying Incident or Suicide Threat form. This form, shall contain the date, time, and manner of notification and indicate the type of threat or incident. This form must be maintained in accordance with Title 53E, Chapter 9 of the Utah Code, Student Privacy and Data Protection and FERPA.
4. The school will not disclose the record to anyone unauthorized to receive it and will not use the record for purposes not allowed under the law.

COMPLIANCE WITH THE OFFICE FOR CIVIL RIGHTS WHEN CIVIL RIGHTS VIOLATIONS OCCUR

1. The school is responsible for identifying bullying, cyber-bullying, abusive conduct, 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, abusive conduct, or hazing as a form of discrimination.
3. If it is determined that the bullying, cyber-bullying, abusive conduct, 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 systemic practices to prevent its recurrence.

Actions must also include, as appropriate:

1. Procedures for protecting the victim and other involved individuals from being subjected to;
 - a. Further bullying, cyber-bullying, abusive conduct, or hazing, and
 - b. Retaliation for reporting the bullying, cyber-bullying, abusive conduct or hazing;
2. Prompt reporting to law enforcement of all acts of bullying, cyber-bullying, abusive conduct, 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 prior to 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 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.

REPORT AND DECISION

The investigator shall prepare a written report and decision of the investigation using the Bullying, Hazing, Abusive Conduct Report and Decision form. The report must include the following:

1. A description of the complaint.
2. A description of the response.
3. Policies that are alleged to have been violated or that the alleged conduct, if true, would violate.
4. A detailed description of the investigation, including names and dates of individuals interviewed and any evidence.
5. The events the investigator found to be true.
6. Relevant facts.
7. Recommendations to address policy violations.

If the allegations are substantiated, the investigator shall include an action plan in the report and ensure that the conduct and resulting disciplinary action is documented in the appropriate student or employee file. 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 to whom the incident was directed 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 may need regarding decreased exposure or interactions with the student who caused the incident;

- c. Notification of the consequences and plan to address the behavior of the student who caused the incident;
 - d. Supportive measures designed to preserve the student's access to educational services and opportunities; and
 - e. To the extent available, access to other resources the parent requests for the student.
- 3. With respect to the student who caused the incident and in direct coordination with the student'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.
- 4. The school may not include in an action plan a requirement that the student 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.
- 5. An appeals process for a student who causes an incident or the student's parent to appeal one or more of the consequences will be included in the action plan.
- 6. If, after the school attempts to involve a parent in the development and implementation of an action plan, the parent chooses not to participate in the process, the school may develop and implement an action plan without the parent's involvement.

At the conclusion of the investigation, the investigator shall notify the complainant and the respondent (and their parents, if they are students) of the outcome. The investigator may either provide a redacted copy of the Report and Decision or a separate summary. The summary must be in writing and must be sent to both parties at the same time. It must include the following information:

- 1. Notice that the investigation is concluded.
- 2. A brief summary of the findings of fact and the conclusions.
- 3. Any safety measures that will be in place as a result of the investigation including a summary of the action plan.
- 4. Any appeal options.

APPEAL OF DECISION

Investigative procedures conducted under this policy may be appealed by both complainants and respondents as provided in this subsection. The purpose of an appeal is to determine whether the investigative procedures outlined in this policy were followed. An appeal may also be filed to introduce new evidence not available during the investigation. If an appeal does not introduce new evidence or allege a violation of the investigative procedures of this policy, it will be denied. Disagreement with the outcome of an investigation or with an investigator's interpretation of the facts is not grounds for an appeal under this policy.

All reporting information will be maintained for a period of three years.

ANNUAL REPORTING

The school 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 ALA's policy 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 ALA's training of school employees relating to bullying, cyber-bullying, abusive conduct, hazing, and retaliation described in Utah Code Section 53G-9-607;
4. Incidents of bullying, cyber-bullying, abusive conduct, hazing, 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 that include a student who was bullied, cyber-bullied, hazed, or retaliated against due to or based on the student's actual or perceived characteristics, including disability, race, national origin, religion, [or] sex, gender identity, or sexual orientation.

GRIEVANCE PROCESS FOR INCIDENT OF ABUSIVE CONDUCT

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 with the school employee's principal 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 principal.
3. Within ten (10) business days of receiving the written grievance, the principal 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 principal shall respond to the school employee in writing explaining the principal's position and offer options for substantive resolution of the complaint.
5. If the response by the principal described in Subsection (4) does not satisfactorily resolve the issue, the school employee may appeal the principal's response in writing within ten (10) business days after receipt of the response to the Executive Director.
6. Within ten (10) business days after receipt of the grievance appeal described in Subsection (5), the school's designee shall meet with the school employee to discuss the grievance and possible resolutions.
7. Within fifteen (15) calendar days after the meeting, the school's designee shall respond in writing with a final resolution of the grievance.
8. The school's designee written response shall be the final administrative action in the matter.

OFF CAMPUS

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, or hazing incident creates a substantial disruption to the school environment, under *Tinker v. Des Moines*, 393 U.S. 503 (1969), the school may take disciplinary action against the student who initiated the speech. Factors that the school 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 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;
9. Whether the speech was violent or whether there is a history of violence from the student/s who initiated the speech (Note: 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.

REFERENCES

Utah Code Subsection 53G-8-210(1)(a)
 Utah Code Section 53G-8-205
 Utah Code Subsection 53G-9-605 (3)(g)
 Utah Code Section 53G-9-607
 Utah Code Section 53E-9-702
 Utah HB 84 (Action Plan)

Title VI of the Civil Rights Act of 1964
Title IX of the Education Amendments of 1972
Administrative Rule R277-609, R277-613