

# Utah Military Academy {UMA) - Bullying, Hazing, Retaliation, and Abusive Conduct Policy Addendum

## Board Policy 2023-11: Bullying, Hazing, Retaliation, and Abusive Conduct

Policy Adopted: 29 March 2023 Posted: 31 March 2023 Updated: May 31, 2024

**1. Purpose:** This policy provides information regarding Bullying, Hazing, Retaliation, and Abusive Conduct Policy.

- Utah Code§ R277-613

### **2. Policy:**

- UMA shall develop, update, and implement policies as required by *Section 53G-9-605 and this rule*, which shall include a prohibition on bullying; cyber-bullying; hazing; retaliation; and making a false report. Within its policy, UMA shall abide by its action plan to address a reported incident of bullying, cyber-bullying, hazing, or retaliation; and shall validate and sign a statement that meets the requirements of *Subsection 53G-9-605(3){h}* annually.
- UMA shall notify a parent of a parent's student's threat to commit suicide; or an incident of bullying, cyber-bullying, hazing, or retaliation involving the parent's student as a victim or an individual who is alleged to have engaged in prohibited conduct.
- Subject to the parental consent requirements of *Section 53£-9-203*, if applicable, UMA shall assess students about the prevalence of bullying, cyber-bullying, hazing, and retaliation; specifically locations where students are unsafe and additional adult supervision may be required, such as playgrounds, hallways, and lunch areas.
- UMA shall take strong responsive action against retaliation, including assistance to victims and their parents in reporting subsequent problems and new incidents.
- UMA shall provide that students, school employees, coaches, and volunteers receive training on bullying, cyber-bullying, hazing, and

retaliation, from individuals qualified to provide such training, which shall include information on bullying, cyber-bullying, hazing and retaliation;

Discrimination under the following federal laws:

- o Title VI of the Civil Rights Act of 1964;
- o Title IX of the Education Amendments of 1972;
- o Section 504 of the Rehabilitation Act of 1973; and
- o Title II of the Americans with Disabilities Act of 1990

### 3. Introduction

- Bullying, cyberbullying, hazing, or retaliation toward an individual by any other individual or group of individuals will not be tolerated at UMA or at any activity.
- Administration shall take appropriate action, which can include appropriate discipline, when any person engages in bullying, cyberbullying, hazing, or retaliation at UMA.

### 4. Definitions

- **Abusive Conduct** is any verbal, nonverbal, or physical conduct of an individual directed toward another individual (particularly for the purposes of this policy, and employee), based on its severity, nature, and frequency of occurrence, a reasonable person would determine:
  - o is intended to cause intimidation, humiliation, or unwarranted distress;
  - o results in substantial physical or psychological harm as a result of intimidation, humiliation, or unwarranted distress; or
  - o exploits an individual's known physical or psychological disability.

**Bullying** is intentionally committing a written, verbal, or physical act against an individual that a reasonable person under the circumstances should know or reasonably foresee will have the effect of:

- o causing physical or emotional harm to an individual;
- o causing damage to an individual's property;
- o placing the an individual in reasonable fear of:
  - o harm to an individual's physical or emotional wellbeing; or
  - o damage to the individual's property;
- o creating a hostile, threatening, humiliating, or abusive educational environment due to:
  - the pervasiveness, persistence, or severity of the actions; or

- a power differential between the bully and the victim; or
- substantially interfering with an individual having a safe school environment that is necessary to facilitate educational performance, opportunities, or benefits.

#### o Types of Bullying

- Bullying includes relational aggression or indirect, covert, or social aggression, including rumor spreading, intimidation, enlisting a friend to assault a child, and social isolation.
- Physical Bullying - Physical bullying involves hurting an individual's body or possessions and may include, but is not limited to: hitting; pushing; tripping; shoving; kicking; pinching; spitting; or taking and breaking an individual's possessions.
  - Cyberbully - see Cyberbullying definition in this section.
- Relational Aggression {Social} Bullying - Relational Aggression {Social} Bullying is manipulation with the intent to hurt or control an individual's ability to maintain rapport with his or her peers and is a subtle form of aggression that uses relationships to damage or manipulate others and may include, but is not limited to, spreading rumors; exclusion; or ignoring or getting others to ignore someone.
- Verbal/Emotional Bullying is a series of repeated incidents that insults; threatens; isolates; degrades; humiliates; and/or controls another person. Verbal/emotional bullying typically targets someone's religion; race; gender; physical attributes; or their mental abilities. Verbal/emotional bullying may include, but is not limited to name calling; taunting; belittling; cruel criticism; personal defamation; or sexually aggressive/inappropriate comments.
- Conduct described in this section constitutes bullying, regardless of whether the individual against whom the bullying is committed directed, consented to, or acquiesced in, the conduct.
- Communication means the conveyance of a message, whether verbal, written, or electronic.

- Cyberbullying is using the Internet; a cell phone; computer; or another device, to send, share, or post: text; video; recording, 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 against whom the cyberbullying is committed consented to, or acquiesced in the conduct, or voluntarily accessed the electronic communication.
- Employee means an individual working in the individual's official capacity as a: UMA teacher; UMA staff member; UMA Administrator; or any individual who is employed, directly or indirectly, by UMA.
- Harassment means 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; repeatedly communicating to another individual in an objectively demeaning or disparaging manner; or statements that contribute to a hostile work environment or hostile learning environment for the individual.
- Hazing is intentionally, knowingly, or recklessly committing an act or causing another individual to commit an act toward an individual that: endangers the mental or physical health or safety of an individual; involves, but is not limited, to 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; 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 an individual; or involves any activity that would subject an individual to extreme mental stress, such as sleep deprivation, extended isolation from social contact, or conduct that subjects an individual to extreme embarrassment, shame, or humiliation AND is committed for the purpose of initiation into, admission into, affiliation with, holding office in, or as a condition for in a UMA sponsored team, organization, program, club, or event; or is directed toward an

individual whom the individual who commits the act knows, at the time the act is committed, is a member of, or candidate for

4

membership in, a UMA sponsored team, organization, program, club, or event in which the individual who commits the act also participates. o The conduct described in this section constitutes hazing, regardless of whether the person against whom the hazing is committed directed, consented to, or acquiesced in, the conduct.

- Patron means any visitor to any UMA facility, on any UMA property, or at any UMA event or activity.
- Restorative Justice Practice is a discipline practice designed to enhance UMA safety, reduce UMA suspensions, and limit referrals to court, and is designed to help minors take responsibility for and repair the harm of behavior that occurs in UMA.
- Retaliation is any form or sanction, restraint, coercion, discrimination, or adverse treatment against an individual because that individual has asserted, or has assisted another person to assert, a complaint of bullying, cyberbullying, harassment, or hazing in either a formal or informal manner with UMA, or with any state or federal agency, or because that individual has testified, assisted, or participated in any manner in an investigation, proceeding, or hearing related to a bullying, cyberbullying, harassment, or hazing complaint.
- Trauma-Informed Care is 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.
- Volunteer means any individual who is designated an official UMA Volunteer by having completed the formal volunteer UMA process annually.

## 5. Prohibitions

- Any person, whether student, employee, volunteer, or patron, shall not engage in any of the negative behaviors described in this policy towards any individual: on UMA property; at a UMA related or sponsored event; on any UMA bus or other UMA vehicle; at a designated UMA bus stop;

or while the individual is traveling to or from a location or event described above.

5

- A student or an employee shall not engage in hazing, cyberbullying, or abusive conduct toward a student or an employee at any time or in any location as per Utah Code.
- No individual, whether student, employee, volunteer, or patron, shall engage in retaliation against any person or an investigator for, or witness of, an alleged incident of bullying, cyberbullying, harassment, hazing, or retaliation against any such person.
- No individual, whether student, employee, volunteer, or patron, shall make a false allegation of bullying, cyberbullying, harassment, hazing, or retaliation against a person.
- Any bullying, cyberbullying, harassment, 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.

#### 6. Complaint Guidelines

- The following guidelines are available for those who believe they are victims of bullying, cyberbullying, hazing, or retaliation, or who witness such acts:
  - o Seek to resolve the issue directly with the accused.
  - o Seek to resolve the issue through UMA Administration.
    - o The complaint will be promptly and reasonably investigated by a UMA Administrator or an individual designated by the Superintendent.
  - o The UMA Administrator investigating the complaint will complete required UMA forms/documents.
  - o The initial allegation of bullying, cyberbullying, hazing, or retaliation may be submitted either orally or in writing.
  - o Complaints must be made within forty-five {45} calendar days after the date of the alleged act.

#### 7. Investigation and Response Procedures

- Incidents of bullying, cyberbullying, hazing, and retaliation will be

reported to the Superintendent or his/her designee.

- All investigations will be treated with discretion to protect the privacy of those involved.

6

- All efforts will be made to treat the information confidentially; however, absolute confidentiality of all information obtained through an investigation cannot be guaranteed.
- The accused may not contact the alleged victim during an investigation without intervention by UMA and with the permission of the complainant.
- When conducting investigations, the UMA Administrator or individual designated by the Superintendent who is investigating the complaint shall disclose his/her role as a neutral investigator rather than an advocate for any party.
- The extent of the investigation will be determined, among other factors, by the nature and severity of the charges.
- An investigation shall be completed as quickly as practicable, but within thirty (30) days of receipt of the complaint, unless extenuating circumstances require a longer period. All parties shall be notified of the extension of time.
- Within ten (10) working days of the conclusion of the investigation, the UMA Administrator or individual designated by the Superintendent who is investigating the complaint shall provide all parties a written disposition of the complaint.
- The parties will then have ten (10) working days to provide written responses to the report and have them considered by the UMA Administrator or individual designated by the Superintendent who is investigating the complaint.
- Violations of the prohibitions noted in this policy may fall under the other UMA policies and consequence(s) may include, but are not limited to:
  - o use of positive restorative practices consistent with *Utah State Board of Education (USBE) Rules*;
  - o student suspension or removal from a UMA-sponsored team or activity; including UMA-sponsored transportation;

o employee reassignment, suspension, or termination; or o temporary or permanent reduction or removal of Volunteer privilege.

7

• Formal disciplinary action is prohibited based solely on an anonymous report of bullying, cyberbullying, hazing, or retaliation. • If an investigation reveals evidence of criminal conduct, the matter will be referred to local law enforcement. UMA will conduct its own internal investigation independent of law enforcement officials. **8. Actions to Include When Appropriate**

- Notify the involved student's parents/guardians of restorative practices if they are being taken, and obtain consent from the involved student(s)' parent(s)/guardian(s) before including the victim in the process.
- Procedures for protecting the victim and other involved individuals from being subjected to further bullying, cyberbullying, hazing or retaliation for reporting the bullying, cyberbullying, or hazing.
- Referral of victim and/or aggressor to UMA counselor, or other appropriate personnel.
- Procedures for a fair and timely opportunity for the accused to explain the accusations and defend his/her actions prior to discipline. • Procedures for providing rights prior to discipline.

## **9. Records**

- Records of all bullying, cyberbullying, hazing, and retaliation complaints shall be maintained by UMA Administration.
- Information gathered, developed, and documented in the investigation will be regarded as a protected record.
- Record shall be maintained in accordance with the requirements of the:
  - o *Utah Student Data Protection Act;*
  - o *Utah Family Educational Rights and Privacy Act;*
  - o *Federal Family Educational Rights and Privacy Act*

**10. Parental/Guardian Notification of Certain Incidents and Threats** • UMA shall notify a parent/guardian if the parent's/guardian's student threatens suicide or if the student is involved in an incident of bullying, cyberbullying, hazing, or

- UMA shall produce and maintain a record that verifies that the parent/guardian was notified of the incident or threat per the Notification of Threat or Incident Policy.

#### 11. Training and Additional Considerations

8

- Students, employees, and volunteers shall receive training regarding bullying, cyberbullying, hazing, and retaliation.
- Training shall comply with *USBE Rules*.
- Prior to any student, employee, or volunteer participating in any UMA program, or extracurricular club or activity, the student, employee or volunteer shall participate in bullying, cyberbullying, hazing, and retaliation prevention training.

#### **Section 12 – Action Plan and Ongoing Parent Communication**

In accordance with Utah Code §53G-9-605(3)(h)–(i), UMA shall implement the following procedures when an incident of bullying, cyberbullying, hazing, retaliation, or abusive conduct is verified:

##### **Action Plan:**

- A written Action Plan will be developed by school administration in consultation with relevant staff, the targeted student, and the student who caused harm, as appropriate.
- The Action Plan will:
  - Identify specific supports and safety measures for the targeted student.
  - Specify disciplinary consequences and interventions for the student who caused harm.
  - Provide referrals or access to counseling, restorative practices, or other resources as appropriate.
- The Action Plan shall be documented in school records, signed by the administrator, and a copy shall be provided to parents/guardians of the students involved.

##### **Ongoing Parent Communication:**

- Parents/guardians of all involved students will be notified within 24 hours of verification of the incident.
- School staff shall provide regular updates (at least weekly for the first month, and as needed thereafter) regarding the implementation and effectiveness of the Action

Plan.

- Updates may be delivered by phone, email, or in writing, and shall be documented in the student's record.
- Parents/guardians may request review or modification of the Action Plan if concerns arise.
- Upon completion of the Action Plan, a final written confirmation shall be provided to parents/guardians.

