

Policy Type: Operational Policy

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

Effective: As of the Date below

Purpose

The purpose of this policy is to prohibit bullying, cyber-bullying, hazing, retaliation, and abusive conduct involving Custom Class Charter School (“Custom Class”) students, employees, and volunteers. The Board of Directors (“Board”) has determined that a safe, civil learning environment is necessary for students to learn and achieve high standards, and that prohibited conduct disrupts a student’s ability to learn and Custom Class’s ability to educate students in a safe environment.

Custom Class is a statewide public charter school serving students primarily through online learning, with in-person activities and services at Family Service Centers and other school-sponsored events. This policy applies across all learning environments, including virtual spaces.

1. Policy: Prohibited Conduct

Bullying, cyber-bullying, hazing, retaliation, and abusive conduct toward students and employees are prohibited and will not be tolerated. Custom Class is committed to providing a safe and civil environment where all members of the school community are treated with dignity and respect.

1.1 Where This Policy Applies

Prohibited conduct is not allowed:

- On school property or within any Custom Class Family Service Center;
- At a school-related or school-sponsored event (in-person or virtual);
- While traveling to or from a school-related or sponsored event; and

- **At any time and any location**, including online, when the conduct impacts the school environment, student safety, or access to educational opportunities.

1.2 Retaliation, False Reports, and Distribution of Harmful Content

Students, employees, coaches, sponsors, and volunteers are prohibited from:

- Retaliating against a person who reports, participates in an investigation, or is a witness;
- Making knowingly false allegations or knowingly false statements during an investigation;
- Sharing or distributing recordings of bullying, cyber-bullying, hazing, abusive conduct, or retaliation to encourage, celebrate, or amplify future incidents; and
- Creating, distributing, or possessing sexually explicit content involving minors, or distributing nonconsensual intimate images (“sextortion”/nonconsensual image sharing). Reports of such conduct will be addressed immediately and may be referred to law enforcement.

1.3 Staff and Adult Responsibilities

Employees, coaches, sponsors, contractors, and volunteers shall not permit, condone, tolerate, plan, direct, encourage, assist, engage in, or participate in any prohibited conduct. Employees must take prompt and appropriate action when they know or reasonably should know of prohibited conduct.

1.4 Civil Rights and Protected Classes

Any bullying, cyber-bullying, hazing, abusive conduct, or retaliation that is targeted at a federally protected class may also constitute unlawful discrimination and may trigger additional obligations under federal civil rights laws and Office for Civil Rights (OCR) compliance requirements.

2. Definitions

For purposes of this policy, the following definitions apply.

2.1 Action Plan

“Action plan” means a school-developed process to address a verified incident of bullying, cyber-bullying, hazing, retaliation, or abusive conduct, including safety planning, supports, communication, and consequences as appropriate.

2.2 Abusive Conduct

“Abusive conduct” means verbal, nonverbal, or physical conduct of a parent/guardian or student directed toward a Custom Class employee that, based on severity, nature, and frequency, a reasonable person would determine is intended to cause intimidation, humiliation, or unwarranted distress. A single act ordinarily does not constitute abusive conduct unless it is sufficiently severe.

2.3 Bullying

“Bullying” means **student bullying** or **staff bullying**.

- **Student Bullying:** One or more students, with intent to cause harm, repeatedly committing a written, verbal, electronic, or physical act against another student, or engaging in a single egregious act involving an imbalance of power, that:
 1. creates an environment a reasonable person would find hostile, threatening, or humiliating; and
 2. interferes with a student’s educational performance, opportunities, or benefits.
- **Staff Bullying:** A school employee, with intent to cause harm, repeatedly committing a written, verbal, electronic, or physical act against a student or another employee, or engaging in a single egregious act involving an imbalance of power, that:
 1. creates an environment a reasonable person would find hostile, threatening, or humiliating; and
 2. substantially interferes with educational or professional performance, opportunities, or benefits.

Bullying does not include:

1. ordinary teasing, horseplay, argument, or peer conflict;
2. reasonable correction of behavior by a school employee; or
3. reasonable coaching strategies and techniques by a school employee who is a coach.

2.4 Cyber-Bullying

“Cyber-bullying” means using the internet, social media, messaging platforms, email, cell phones, gaming chats, or other electronic devices to send, post, or distribute text, video, or images with the intent, knowledge, or reckless disregard that the communication will hurt, embarrass, threaten, or intimidate an individual, regardless of whether the individual consented to, acquiesced in, or voluntarily accessed the communication.

2.5 Hazing

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

1. endangers mental or physical health or safety; involves physical brutality; forced consumption; harmful substances; exposure to elements; extreme physical activity; sleep deprivation; extended isolation; or extreme embarrassment, shame, or humiliation;
and
2. is committed for initiation into, admission into, affiliation with, holding office in, or as a condition for membership in a school or school-sponsored team, organization, program, club, or event.

Hazing is prohibited **regardless of consent** or participation by the targeted individual.

2.6 Incident and Verification

- “Incident” means a verified incident of bullying, cyber-bullying, hazing, retaliation, or abusive conduct.
- “Verification” means an alleged incident has been substantiated through a formal investigation process.

2.7 Retaliation

“Retaliation” means an act or communication intended:

1. as retribution for reporting or participating in a report/investigation; or
2. to improperly influence the investigation or response.

2.8 School Employee and Volunteer

- “School employee” includes teachers, staff, administrators, and any individual employed directly or indirectly by Custom Class in an official capacity.
 - “Volunteer” means a non-employee with significant, unsupervised access to students in connection with a school assignment.
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3. Reporting Prohibited Conduct

3.1 Student Reporting

Students who are subjected to or witness prohibited conduct must promptly report it to any Custom Class personnel, orally or in writing. Reports may be made through **PLACEHOLDER – REPORTING CHANNEL(S)** (e.g., Advisor, Administrator, online form, hotline, or email).

3.2 Employee Reporting

Employees who are subjected to or witness prohibited conduct must report it promptly to the **School Director (or designee)**.

3.3 Minimum Report Content

Each report should include, if known:

1. name of the complainant;
2. name of the person subjected to the conduct (if different);
3. name of the alleged perpetrator (if known);
4. date(s) and location(s) (including online platform if applicable); and
5. a description of the conduct and any witnesses or evidence (screenshots, messages, recordings, etc.).

3.4 Anonymous Reporting

Students and employees may request anonymity. Custom Class will take reasonable steps to maintain confidentiality to the extent possible. **Formal disciplinary action may not be based solely on an anonymous report.**

4. Investigation of Alleged Incidents

4.1 Investigation Responsibility and Training

The School Director or designee will promptly conduct a reasonably thorough investigation of all reports, including anonymous reports to the extent possible. Investigators will have adequate training to conduct investigations consistent with applicable law and rule.

4.2 Investigation Steps

An investigation may include interviews with:

- the targeted individual;
- the alleged perpetrator;
- parents/guardians of involved students;
- witnesses;
- staff who know the involved students; and
- other individuals with relevant information.

The investigator may review evidence including: disciplinary history, screenshots, emails, texts, DMs, platform logs, social media posts, audio/video, or other documentation.

4.3 Confidentiality Expectations

Individuals interviewed will be instructed to keep information confidential to the extent permitted by law. This does not restrict disclosure to law enforcement, compliance reporting, warrants/subpoenas, or other legally required reporting.

4.4 Law Enforcement Referrals

Custom Class will report to law enforcement when the Director reasonably determines the allegation may involve criminal conduct, threats of violence, exploitation, or unlawful image sharing.

4.5 Online Systems and Devices

Students have a limited expectation of privacy on school-provided accounts, devices, and network systems. Routine monitoring or targeted searches may occur when there is reasonable suspicion of policy or legal violations. Personal devices suspected of involvement may be temporarily restricted from school participation, and evidence may be requested from families consistent with law. Where appropriate, devices or evidence may be referred to law enforcement.

5. Parental Notification

The Director or designee will timely notify a parent/guardian if:

1. the student threatens suicide; or
2. the student is involved in an incident (as a targeted student or as the student who caused the incident), and of the action plan to address the incident.

Notification will typically be attempted by phone, and if unsuccessful, by email or other documented method. The school will maintain a record verifying notification and tracking implementation of any action plan, retained consistent with applicable student records laws and privacy protections.

6. Action Plan Following Verification

Following verification, Custom Class will develop and implement an action plan consistent with applicable law and rule.

6.1 For the Targeted Student (Coordinated with Parent/Guardian)

The action plan may include:

- a tailored response addressing the student's needs;
- steps to reduce exposure/interactions with the student who caused the incident (without requiring the targeted student to change schedule/placement);
- support measures to preserve access to educational services and opportunities;
- safety planning for online platforms and in-person settings; and

- access to resources the parent requests, to the extent available.

6.2 For the Student Who Caused the Incident (Coordinated with Parent/Guardian)

The action plan may include:

- a range of tailored, appropriate consequences;
- supports addressing underlying causes (skills supports, counseling referral, digital citizenship intervention, etc.);
- safety measures protecting other students; and
- an emergency removal process if the student presents an immediate safety threat.

6.3 Restorative Practices

Restorative practices may be used when appropriate. A targeted student is **not required** to participate in a restorative practice with the student who caused the incident. If restorative practices are considered, the school will notify the targeted student's parent/guardian and obtain consent before participation.

6.4 Ongoing Communication

Custom Class will provide reasonable updates to parents/guardians about implementation of the action plan, safety considerations, and the school's process for addressing the incident, consistent with FERPA.

7. Consequences of Prohibited Behavior

If, after investigation, a student is found to have violated this policy, consequences may include:

- corrective instruction and behavioral interventions;
- restriction of access to platforms, programs, or activities;
- removal from participation in school-sponsored events;

- suspension or expulsion in accordance with applicable law and school policy; and/or
- referral to law enforcement where appropriate.

If an employee is found to have violated this policy, corrective action may include:

- coaching, corrective action, reassignment, or termination consistent with law and employment policy.

Custom Class may respond to off-campus or online speech or conduct when it causes or threatens substantial disruption to school operations or significantly interferes with a student's educational access or safety.

8. Grievance and Appeals

- Employees may raise concerns regarding abusive conduct investigation outcomes through the **Staff Grievance Policy**.
- Parents/guardians may appeal consequences for the student who caused the incident through the **Parent Grievance Policy**, to the extent permitted.

PLACEHOLDER – LINK/REFERENCE TO STAFF GRIEVANCE POLICY

PLACEHOLDER – LINK/REFERENCE TO PARENT GRIEVANCE POLICY

9. Training, Prevention, and Assessment

9.1 Training

The Director will ensure students, employees, coaches, and volunteers receive training that meets state standards and includes:

- definitions and examples of prohibited conduct;
- civil rights discrimination overview (Title VI, Title IX, Section 504, ADA);
- safe digital citizenship;

- reporting procedures and retaliation protections; and
- how bullying/hazing differs from discrimination and may overlap.

Training will be offered:

- to new employees/volunteers within the first year;
- to all employees/volunteers at least once every three years thereafter; and
- to students at a frequency determined by the Director, including as relevant for athletics/extracurricular participation.

9.2 School Assessment

The Director or designee will periodically assess the prevalence and patterns of bullying, cyber-bullying, hazing, and retaliation, including virtual environments and in-person locations, to identify where additional supervision, supports, or controls are needed.

9.3 Liaison

The Director or designee shall act as Custom Class's liaison regarding bullying, cyber-bullying, hazing, abusive conduct, and retaliation.

10. Distribution and Acknowledgement

This policy will be posted on the Custom Class website and included in applicable student and employee handbooks. On an annual basis:

- employees;
- students age eight and older; and
- parents/guardians of students
will acknowledge receipt of this policy.

PLACEHOLDER – ANNUAL ACKNOWLEDGEMENT PROCESS

Certification

The undersigned officers and/or Board of Directors of Custom Class Charter School certify that this Bullying, Cyber-Bullying, Hazing, Retaliation, and Abusive Conduct Policy was duly adopted as of the date below.

Signature:

Matthew J. Middione – Board Chair

Signature:

Douglas Reed – Board Vice Chair

Effective Date: As of the Date Above

Revised Date:

References: R277-613-4; Utah Code 53G-9-601 et seq.; FERPA (20 U.S.C. 1232g); Title VI; Title IX; Section 504; ADA Title II