



NAVIGATOR POINTE ACADEMY

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

I. PURPOSE AND POLICY

Navigator Pointe Academy (NPA) is committed to providing a safe, civil, respectful, and supportive educational and working environment in which members of the school community are treated with dignity and respect.

Bullying, cyber-bullying, hazing, abusive conduct, retaliation, making a false report, the creation or distribution of sexually explicit or nonconsensual intimate images, and the prohibited sharing of recordings of incidents are not tolerated at NPA.

NPA shall maintain and implement this policy in accordance with applicable federal law, Utah law, Utah State Board of Education (USBE) rules, and other applicable legal requirements.

NPA recognizes that bullying, cyber-bullying, hazing, retaliation, and abusive conduct may occur separately or in combination with unlawful discrimination or other civil-rights violations. NPA shall investigate and respond to potential civil-rights violations as required by applicable federal and state law and NPA's applicable civil-rights policies and procedures.

Nothing in this policy shall be interpreted to restrict constitutionally protected speech or other expression protected by law. NPA may address off campus, online, or other conduct to the extent permitted by applicable law.

II. DEFINITIONS

For purposes of this policy, the following terms shall have the meanings provided in Utah Code Section 53G-9-601 and applicable Utah State Board of Education (USBE) rules.

Abusive Conduct: 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. A single act does not constitute abusive conduct.

Action Plan: A process to address an incident as described in Utah Code Section 53G-9-605.5.

Bullying: Student bullying or staff bullying.

Staff Bullying: A school employee, with the intent to cause harm, repeatedly committing a written, verbal, or physical act against a student or another school employee, or engaging in a single egregious act toward another employee involving an imbalance of power, that:

- a. creates an environment that a reasonable person would find hostile, threatening, or humiliating; and
- b. substantially interferes with a student's or employee's educational or professional performance, opportunities, or benefits.

"Staff bullying" does not mean instances of:

- a. ordinary teasing, horseplay, arguments, or peer conflict;
- b. reasonable correction of behavior by a school employee; or
- c. reasonable coaching strategies and techniques by a school employee who is a coach.

Student Bullying: Means one or more students, with the intent to cause harm, repeatedly committing a written, verbal, or physical act against another student, or engaging in a single egregious act toward another student involving an imbalance of power, that:

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

"Student bullying" does not mean instances of:

- a. ordinary teasing, horseplay, arguments, or peer conflict;
- b. reasonable correction of behavior by a school employee; or
- c. reasonable coaching strategies and techniques by a school employee who is a coach.

Communication: The conveyance of a message, whether verbal, written, or electronic.

Cyber-Bullying: 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.

Hazing: 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;

2. **involves:**

- a. 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. 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. 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

3. **is:**

- a. committed for the purpose of 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; or
- b. 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.

The conduct described above constitutes hazing regardless of whether the school employee or student against whom the conduct is committed, directed, consented to, or acquiesced in the conduct.

Incident: An incident of bullying, cyber-bullying, hazing, or retaliation that is prohibited under Utah Code Title 53G, Chapter 9, Part 6.

LEA Governing Board: A local school board or charter school governing board. For purposes of this policy, the LEA governing board is the Navigator Pointe Academy Governing Board.

Retaliate or Retaliation: An act or communication intended as retribution against a person for reporting bullying or hazing; or to improperly influence the investigation of, or the response to, a report of bullying or hazing.

School: A public elementary or secondary school, including a charter school.

School Employee: An individual working in the individual's official capacity as a school teacher; a school staff member; a school administrator; or an individual who is employed, directly or indirectly, by a school, an LEA governing board, or a school district; or who works on a school campus.

III. PROHIBITED CONDUCT

NPA prohibits the following conduct:

A. Bullying: A school employee or student may not engage in bullying of a school employee or student:

1. on school property;
2. at a school-related or school-sponsored event;
3. on a school bus;
4. at a school bus stop;
5. while traveling to or from a location or event described above; or
6. in another circumstance in which NPA has authority to address the conduct under applicable law.

B. Cyber-Bullying and Hazing: A school employee or student may not engage in cyber-bullying or hazing of a school employee or student as prohibited by Utah law.

C. Abusive Conduct: A parent or student may not engage in abusive conduct directed toward a school employee.

D. Retaliation: Retaliation against an individual who reports, participates in, assists with, or is involved in a report, investigation, response, or proceeding concerning conduct prohibited by this policy is prohibited as provided by Utah law and applicable federal law. NPA shall take appropriate responsive action regarding retaliation as required by applicable law and USBE rule.

E. False Reports: A person may not knowingly make a false report of bullying, cyber-bullying, hazing, abusive conduct, or retaliation. A report that is made in good faith but is not substantiated following review or investigation does not, by itself, constitute a false report.

F. Recordings of Prohibited Conduct: Students are prohibited from sharing a recording of an act of bullying, cyber-bullying, hazing, abusive conduct, or retaliation when the purpose of sharing the recording is to impact or encourage future incidents of prohibited conduct, as provided by Utah law. Nothing in this policy prohibits sharing a recording with an appropriate school employee, parent, law enforcement agency, or other person for purposes of reporting or investigating the incident, when otherwise permitted or required by law.

IV. POLICY DEVELOPMENT, REVIEW, AND IMPLEMENTATION

The NPA Governing Board shall maintain this policy as required by Utah law.

NPA shall:

1. develop and review the policy with input from stakeholders as required by Utah law;

2. provide protection to a student regardless of the student's legal status;
3. post the policy on NPA's website;
4. regularly review and update the policy as required by applicable law and USBE rule;
5. develop and implement action plans as required by Utah law and this policy; and
6. maintain administrative procedures, forms, protocols, checklists, and other implementation tools as appropriate.

Operational procedures used to implement this policy may be established or revised administratively, provided they remain consistent with this policy and applicable law.

V. ANNUAL STAFF ACKNOWLEDGMENT

NPA shall annually obtain the acknowledgment or signed statement required by Utah law and USBE rule indicating that the individual has received the NPA Governing Board's bullying, cyber-bullying, hazing, abusive conduct, and retaliation policy.

The acknowledgment requirement shall apply to the individuals identified in Utah Code Section 53G-9-605 and applicable USBE rule.

A signed statement does not replace any training otherwise required by law or USBE rule.

VI. TRAINING, EDUCATION, AND PREVENTION

NPA shall provide training and education regarding bullying, cyber-bullying, hazing, retaliation, abusive conduct, and related prevention and response responsibilities as required by Utah law and USBE rule. Training shall be provided by individuals qualified to provide the required training.

Training shall include the subjects required by USBE Rule R277-613 and applicable law, including:

1. bullying, cyber-bullying, hazing, retaliation, and abusive conduct;
2. discrimination under:
 - a. Title VI of the Civil Rights Act of 1964;
 - b. Title IX of the Education Amendments of 1972;
 - c. Section 504 of the Rehabilitation Act of 1973; and
 - d. Title II of the Americans with Disabilities Act of 1990;
3. how prohibited conduct and unlawful discrimination may differ and may occur separately or in combination;

4. prohibited conduct based on characteristics identified in applicable law and USBE rule;
5. free-speech rights and the differences in those rights among students, employees, and parents;
6. safe digital citizenship;
7. applicable reporting and response responsibilities;
8. prevention and intervention strategies;
9. when conduct may lead to student or employee discipline; and
10. other training required by applicable law or USBE rule.

Training under this policy shall complement applicable suicide prevention programs and training required by law.

NPA shall provide training to new school employees, coaches, and volunteers within the timeframe required by USBE rule and shall provide recurring training at least as frequently as required by law.

NPA shall maintain records or other verification of required training as required by applicable law and USBE rule.

VII. ATHLETIC PROGRAMS, CLUBS, AND ACTIVITIES

NPA shall provide bullying, cyber-bullying, hazing, retaliation, and abusive-conduct prevention training to participants in public-school-sponsored athletic programs, clubs, and activities as required by Utah law and USBE rule.

NPA shall:

1. provide training to new participants as required by USBE rule;
 2. provide recurring training at least as frequently as required by USBE rule;
 3. inform student athletes and extracurricular club members of prohibited activities and potential consequences for violations; and
 4. maintain required training participation records.
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VIII. ASSESSMENT AND PREVENTION

NPA shall assess the prevalence of bullying, cyber-bullying, hazing, and retaliation as required by USBE Rule R277-613.

The assessment shall include consideration of locations where students may be unsafe or where additional adult supervision may be required, including locations identified in applicable USBE rule.

NPA may use administrative procedures and other appropriate methods to conduct and document required assessments.

IX. REPORTING AND INVESTIGATION

A. Reporting

NPA shall provide reasonable methods for students, employees, parents, volunteers, and other appropriate individuals to report alleged bullying, cyber-bullying, hazing, retaliation, abusive conduct, or other conduct prohibited by this policy.

Reports may be made anonymously when appropriate. However, NPA will not impose formal disciplinary action based solely on an anonymous report.

NPA may establish administrative reporting forms and procedures consistent with this policy and applicable law.

B. Investigation

NPA shall investigate allegations of bullying, cyber-bullying, hazing, retaliation, and abusive conduct as required by Utah law and USBE Rule R277-613.

NPA shall ensure that individuals responsible for investigating allegations receive adequate training to conduct investigations as required by law.

An investigation shall include interviews and other information gathering required by USBE Rule R277-613 and may include interviews with:

1. the individual to whom the conduct was directed;
2. the individual alleged to have engaged in prohibited conduct;
3. parents of involved students;
4. witnesses;
5. school staff who are familiar with involved students; and

6. other individuals who may provide relevant information.

In investigating, NPA may review relevant information and evidence consistent with applicable law and school policies.

Detailed investigation forms, interview protocols, evidence review procedures, and documentation practices may be established administratively and are not incorporated into this policy except as required by law.

C. Confidentiality

NPA will protect confidentiality to the extent permitted by law and be consistent with conducting an effective investigation and responding appropriately to reported conduct.

An individual participating in an investigation may be instructed regarding applicable confidentiality obligations. Confidentiality does not prevent disclosures permitted or required by law, including disclosures to law enforcement, pursuant to a warrant or subpoena, or to comply with state or federal reporting requirements.

Nothing in this policy guarantees absolute confidentiality.

D. Searches and Electronic Devices

Searches, confiscation of property or electronic devices, review of electronic information, and referral of property or devices to law enforcement shall be governed by applicable laws and NPA's applicable student search, electronic-device, technology, and law-enforcement policies.

Nothing in this policy creates additional search authority.

X. LAW ENFORCEMENT REPORTING

NPA shall report conduct to law enforcement when reporting is required by applicable federal or state law.

NPA shall maintain a policy or administrative procedure identifying the circumstances under which incidents of bullying, cyber-bullying, hazing, retaliation, abusive conduct, harassment, or related conduct will be reported to law enforcement, as required by USBE Rule R277-613.

When reporting is not specifically required by law, NPA may consider the nature and severity of the conduct, applicable legal obligations, student and employee safety, and other relevant circumstances in determining whether referral to law enforcement is appropriate.

Nothing in this policy requires NPA to report every incident that could potentially constitute criminal conduct unless reporting is required by law or otherwise appropriate under NPA policy and applicable circumstances.

XI. CIVIL-RIGHTS VIOLATIONS

NPA shall investigate and respond appropriately to allegations or incidents that may constitute violations of applicable federal or state civil-rights laws.

NPA shall maintain a policy or procedure addressing the circumstances under which incidents involving bullying, cyber-bullying, hazing, retaliation, abusive conduct, or related conduct will be investigated and reported as civil-rights violations, as required by USBE Rule R277-613.

Potential civil-rights violations shall be investigated and reported as required by applicable federal and state law and NPA's applicable civil-rights policies and procedures.

NPA is not required by this policy to automatically report every incident that may involve a protected characteristic to the United States Department of Education Office for Civil Rights (OCR) unless reporting is required by applicable law.

When applicable, NPA shall take prompt and appropriate action required by federal or state law to address unlawful discrimination, harassment, retaliation, or other civil-rights violations.

Allegations involving sex discrimination or sex-based harassment shall also be addressed under NPA's applicable Title IX Grievance procedures and current federal law and regulations.

XII. RESPONSE TO VERIFIED INCIDENTS

Following a verified incident of bullying, cyber-bullying, hazing, retaliation, or abusive conduct, NPA shall create and implement an action plan as required by Utah law and USBE rule.

The action plan shall comply with Utah Code Section 53G-9-605.5 and applicable USBE rules.

A. Communication Plan

The action plan shall include a communication plan designed to keep each parent or guardian appropriately updated regarding implementation of the action plan as required by Utah law.

The required communication process shall include:

1. the outcome of the investigation;
2. a discussion of applicable safety considerations for the involved student; and
3. an explanation of NPA's process for addressing the incident, subject to applicable privacy and confidentiality laws.

NPA may establish communication protocols and methods administratively.

B. Student Toward Whom the Incident Was Directed

The action plan shall include, in direct coordination with the students' parents or guardians as required by Utah law:

1. a tailored response to the incident that addresses the students' needs;
2. a mechanism to consider consequences or accommodations the student may need regarding decreased exposure or interactions with the student who caused the incident;
3. notification of the consequences and plan to address the behavior of the student who caused the incident, subject to applicable privacy laws;
4. supportive measures designed to preserve the student's access to educational services and opportunities; and
5. to the extent available, access to other resources requested by the students' parents or guardians.

C. Student Who Caused the Incident

The action plan shall include, in direct coordination with the student's parents or guardian as required by Utah law:

1. a range of customized and appropriate consequences, while making reasonable efforts to preserve the students' access to educational services and activities;
2. a process to determine and provide any needed resources related to the underlying cause of the incident;
3. supportive measures designed to preserve the students' access to educational services and opportunities while protecting the safety and well-being of other students; and
4. a process to remove the student from school in an emergency, including a description of what constitutes an emergency, as required by law.

D. Protection of the Student Toward Whom the Incident Was Directed

NPA may not include in an action plan a requirement that the student toward whom the incident was directed change the student's:

1. educational schedule or placement; or
2. participation in a school-sponsored sport, club, or activity.

E. Parent Participation

If, after NPA attempts to involve a parent or guardian in the development and implementation of an action plan, the parent or guardian chooses not to participate, NPA may develop and implement the action plan without the parent or guardian's involvement, as permitted by Utah law.

F. Appeal of Action-Plan Consequences

NPA shall maintain an appeal process, as required by Utah Code Section 53G-9-605.5, for a student who caused an incident or the student's parent or guardian to appeal one or more consequences included in an action plan.

This policy does not create a separate right to appeal an investigator's factual findings, credibility determinations, or interpretation of evidence unless another applicable law or NPA policy requires such an appeal.

Required student discipline appeals, and other rights provided by applicable law or NPA policy, remain available.

XIII. RESTORATIVE AND SUPPORTIVE PRACTICES

Following a verified incident, NPA may use accountability practices, restorative practices, or supportive services when appropriate and consistent with applicable law and NPA policy.

A student to whom an incident was directed may not be required to participate in a restorative justice practice with an individual allegedly engaged in prohibited conduct.

If NPA seeks to include a student in a restorative justice practice, NPA shall notify the student's parent or guardian and obtain parental consent when required by Utah law and USBE rule.

XIV. PARENT/GUARDIAN NOTIFICATION

NPA shall notify a student's parent or guardian in a timely manner as required by Utah law and USBE Rule R277-613 when:

1. the student's parent or guardian is required to be notified of the student's threat of suicide;



2. the student is involved in an incident as a student toward whom the incident was directed or as an individual alleged to have engaged in prohibited conduct; or
3. the parent or guardian is required to be notified regarding the action plan addressing an incident.

NPA shall designate a school employee or designee responsible for providing required parent or guardian notifications and shall designate the format in which notification is provided and maintained.

Parent or guardian notification may be provided through reasonable methods of communication consistent with applicable law and NPA administrative procedures.

When notification concerns a student's threat of suicide, NPA shall provide the parent or guardian with the information and resources required by Utah law and USBE rule, including applicable suicide prevention materials, information regarding limiting access to fatal means, and information and resources regarding healthy use of social media and online practices.

NPA shall maintain records verifying required notifications and tracking implementation of an applicable action plan as required by law and USBE rule.

XV. CONSEQUENCES AND OTHER RESPONSES

Conduct that violates this policy may result in consequences, discipline, corrective action, supportive measures, or other responses permitted or required by law.

Student consequences shall be imposed consistently with applicable Utah law, USBE rules, and NPA's student discipline policies.

Employee consequences shall be imposed consistently with applicable law, employment policies, and applicable contractual or employment rights.

NPA may use:

1. appropriate student discipline;
2. employee discipline;
3. supportive services;
4. accountability or restorative practices when appropriate;
5. restrictions on participation in school activities;
6. safety measures;
7. educational or corrective interventions; and
8. other responses authorized by law and NPA policy.

Nothing in this policy creates a right to a particular consequence, intervention, or response beyond what is required by applicable law.

XVI. PROTECTION AGAINST RETALIATION

NPA shall take strong and appropriate responsive action against retaliation as required by Utah law and USBE rule.

NPA may aid students and parents or guardians in reporting subsequent concerns, problems, or new incidents.

Protective or supportive measures may be provided as appropriate and consistent with applicable law.

XVII. EMPLOYEE ABUSIVE-CONDUCT GRIEVANCE PROCESS

A school employee who believes the employee has experienced abusive conduct may submit a grievance to NPA for review.

The grievance should be submitted to the school director or the school director's designee.

If the grievance concerns the school director, the grievance shall be submitted to the NPA Governing Board Chairperson.

The grievance should provide sufficient information for NPA to understand and review the concern.

NPA shall review the grievance and respond or take other appropriate action consistent with applicable law, this policy, and NPA's applicable administrative procedures.

NPA may establish administrative procedures for receiving, reviewing, investigating, documenting, and responding to abusive-conduct grievances.

Nothing in this grievance process creates additional employment rights, contractual rights, deadlines, mandatory meetings, appeal rights, or procedural requirements beyond those required by applicable law or other applicable NPA policies.

XVIII. ANNUAL REPORTING AND RECORDKEEPING

NPA shall maintain records and submit reports regarding bullying, cyber-bullying, hazing, retaliation, abusive conduct, training, policy implementation, and related matters as required by Utah law, USBE rule, and applicable federal law.

NPA shall report information required by USBE regarding:

1. implementation of the NPA policy;
2. annual acknowledgment requirements;
3. required training;
4. verified incidents;
5. information concerning incidents involving characteristics identified in applicable reporting requirements; and
6. other information required by USBE or applicable law.

NPA shall protect student and employee information in accordance with applicable privacy and confidentiality laws.

XIX. ADMINISTRATIVE PROCEDURES

The school director or designee may establish administrative procedures necessary to implement this policy.

Administrative procedures may include:

1. reporting procedures and forms;
2. investigation procedures and checklists;
3. parent communication protocols;
4. action-plan forms;
5. training procedures;
6. recordkeeping practices;
7. assessment procedures;
8. law-enforcement referral procedures; and
9. other implementation tools.

Administrative procedures shall be consistent with this policy and applicable federal and Utah law. Administrative procedures may be revised as needed without requiring amendment of the Governing Board policy unless Board action is otherwise required by law or NPA policy.

XX. RELATIONSHIP TO OTHER NPA POLICIES AND LEGAL REQUIREMENTS

Conduct addressed by this policy may also be subject to other NPA policies or procedures, including those concerning:

- student discipline;
- nondiscrimination;
- Title IX;
- disability discrimination and accommodations;

- special education;
- employee conduct and discipline;
- student searches;
- electronic devices and technology use;
- school safety;
- student privacy;
- suicide prevention; and
- legally required reporting.

When another applicable law, regulation, or NPA policy establishes a specific process for addressing a particular allegation or concern, NPA may use the applicable process.

Nothing in this policy limits NPA's obligation to comply with applicable federal or state law.

XXI. POLICY ADMINISTRATION

The school director or designee shall administer this policy. NPA shall designate individuals as required by Utah law and USBE rule to perform responsibilities relating to:

1. training investigators;
2. overseeing implementation of action plans;
3. monitoring required parent communication processes;
4. assisting with school-specific needs; and
5. serving as an appropriate liaison regarding matters governed by this policy.

NPA may assign these responsibilities to one or more qualified individuals as permitted by applicable law.

XXII. LEGAL REFERENCES

This policy shall be interpreted and administered consistently with applicable law, including, as amended:

Federal Law

- 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;
- the Family Educational Rights and Privacy Act ("FERPA");
- applicable federal regulations; and

- other applicable federal constitutional and statutory requirements.

Utah Law

- Utah Code Title 53G, Chapter 9, Part 6;
- Utah Code Section 53G-8-202;
- Utah Code Section 53G-8-205;
- Utah Code Section 53G-8-209;
- Utah Code Section 53G-9-601;
- Utah Code Section 53G-9-603;
- Utah Code Section 53G-9-604;
- Utah Code Section 53G-9-605;
- Utah Code Section 53G-9-605.5;
- Utah Code Section 53G-9-606;
- Utah Code Section 53G-9-607;
- Utah Code Section 53G-9-704, as applicable;
- Utah Code Section 53G-7-1202, as applicable;
- applicable Utah student privacy and student data protection laws; and
- other applicable Utah law.

Utah State Board of Education Rules

- USBE Rule R277-613, LEA Policies and Training Regarding Bullying, Cyber-Bullying, Hazing, Retaliation, and Abusive Conduct;
 - USBE Rule R277-609, Standards for LEA Discipline Policies;
 - USBE Rule R277-615, Standards and Procedures for Student Searches;
 - USBE Rule R277-620, Suicide Prevention Programs;
 - USBE Rule R277-316, Professional Standards and Training for Non-licensed Employees and Volunteers; and
 - other applicable USBE rules, as amended.
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Board Approval: September 17, 2026