

Effective 5/14/2019

53G-9-601 Definitions.

As used in this part:

- (1)
 - (a) "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.
 - (b) A single act does not 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:
 - (a) causing physical or emotional harm to the school employee or student;
 - (b) causing damage to the school employee's or student's property;
 - (c) placing the school employee or student in reasonable fear of:
 - (i) harm to the school employee's or student's physical or emotional well-being; or
 - (ii) damage to the school employee's or student's property;
 - (d) creating a hostile, threatening, humiliating, or abusive educational environment due to:
 - (i) the pervasiveness, persistence, or severity of the actions; or
 - (ii) a power differential between the bully and the target; or
 - (e) substantially interfering with a student having a safe school environment that is necessary to facilitate educational performance, opportunities, or benefits.
- (3) "Communication" means the conveyance of a message, whether verbal, written, or electronic.
- (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)
 - (a) "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)
 - (A) endangers the mental or physical health or safety of a school employee or student;
 - (B) 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;
 - (C) 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
 - (D) 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
 - (ii)
 - (A) is 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) 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.
- (b) The conduct described in Subsection (5)(a) constitutes hazing, regardless of whether the school employee or student against whom the conduct is committed directed, consented to, or acquiesced in, the conduct.
- (6) "LEA governing board" means a local school board or charter school governing board.
- (7) "Policy" means an LEA governing board policy described in Section 53G-9-605.
- (8) "Retaliate" means an act or communication intended:
 - (a) as retribution against a person for reporting bullying or hazing; or
 - (b) to improperly influence the investigation of, or the response to, a report of bullying or hazing.
- (9) "School" means a public elementary or secondary school, including a charter school.
- (10) "School employee" means an individual working in the individual's official capacity as:
 - (a) a school teacher;
 - (b) a school staff member;
 - (c) a school administrator; or
 - (d) an individual:
 - (i) who is employed, directly or indirectly, by a school, an LEA governing board, or a school district; and
 - (ii) who works on a school campus.

Amended by Chapter 293, 2019 General Session