



# NEBO SCHOOL DISTRICT BOARD OF EDUCATION POLICIES AND PROCEDURES

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**SECTION:** J – Students  
G - Personnel  
**POLICY TITLE:** Prohibition of Bullying, Hazing, and Retaliation  
**FILE No.:** JDD  
GBEA  
**DATED:** October 11, 2023

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### 1. PURPOSE AND PHILOSOPHY

- 1.1. The Board of Education is committed to providing all students and District employees with a safe and secure learning and working environment. Bullying, cyber-bullying, hazing, abusive conduct, and retaliation interfere with that environment and are prohibited. Not only can such conduct reduce academic achievement and job performance, but it can directly harm a student's or employee's health and well-being and may contribute to excessive absences, physical illness, mental and emotional anguish, or long-term social and psychological consequences.
- 1.2. Utah law defines and prohibits bullying, cyber-bullying, hazing, abusive conduct, and retaliation (together, "bullying conduct"). Both [UTAH CODE ANN. § 53G-9-605](#) and [UTAH ADMIN. CODE R277-613-4](#) require school districts to develop and implement policies that prohibit bullying conduct, require parental notification, and provide training to students and employees.
- 1.3. The Board therefore adopts this policy and encourages educators, employees, students, parents, and local law enforcement agencies to develop procedures to stop and prevent bullying, cyber-bullying, hazing, abusive conduct, and retaliation.

### 2. DEFINITIONS

- 2.1. "**Abusive Conduct**" means verbal, nonverbal, or physical conduct of a parent/guardian or student directed toward an 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 necessarily constitute "abusive conduct."

**2.2. “Bullying”**

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

**2.2.1.1.** Causing physical or emotional harm to the employee or student;

**2.2.1.2.** Causing damage to the employee’s or student’s property;

**2.2.1.3.** Placing the employee or student in reasonable fear of: (a) harm to the employee’s or student’s physical or emotional well-being; or (b) damage to the employee’s or student’s property;

**2.2.1.4.** 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 target; OR

**2.2.1.5.** Substantially interfering with a student having a safe school environment that is necessary to facilitate educational performance, opportunities, or benefits.

**2.2.2.** The conduct described in subsection 2.2.1 constitutes bullying regardless of whether the person against whom the conduct is committed directed, consented to, or acquiesced in the conduct.

**2.3. “Cyber-Bullying”** means using the Internet, a cell phone, or other 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, intimidate, express aggression towards, or threaten an individual, regardless of whether the individual directed, consented to, or acquiesced in the conduct, or voluntarily accessed the electronic communication.

**2.4. “Hazing”**

**2.4.1.** Hazing means an employee or student intentionally, knowingly, or recklessly committing an act or causing another individual to commit an act toward an employee or student that

**2.4.1.1.** Does one of the following:

**2.4.1.1.1.** endangers the mental or physical health and safety of an employee or student;

**2.4.1.1.2.** involves brutality of a physical nature, including whipping, beating, branding, calisthenics, bruising, electric shocking, placing a harmful substance on the body, or exposure to the elements;

**2.4.1.1.3.** 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 employee or student; or

**2.4.1.1.4.** involves any activity that would subject an employee or student to extreme mental stress, such as sleep deprivation, extended isolation from social contact, or conduct that subjects an employee or student to extreme embarrassment, shame, or humiliation;

**2.4.1.2.** AND:

**2.4.1.2.1.** is committed for the purpose of initiation into, admission into, affiliation with, holding office in, or a condition for membership in any school or school-sponsored team, organization, program, club, or event; OR

**2.4.1.3.** is directed toward an employee or student whom the individual who commits the acts 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.

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

**2.5. “Retaliation” or “Retaliate” means an act or communication intended:**

**2.5.1.** as retribution against a person for reporting bullying, cyber-bullying, hazing, or abusive conduct; or

**2.5.2.** to improperly influence the investigation of, or the response to, a report of bullying, cyber-bullying hazing, or abusive conduct.

### **3. PROHIBITION OF BULLYING, CYBER-BULLYING, HAZING, ABUSIVE CONDUCT AND RETALIATION**

**3.1.** Nebo School District prohibits bullying of students and employees by other students and employees at school/work, while on school or District property, at school/work-related or sponsored activities and events, on a school bus, at a school bus stop, and while the student or employee is traveling to or from any of the above. The District encourages all victims of bullying and all persons with knowledge of bullying to report the incident(s) immediately.

**3.2.** Nebo School District prohibits hazing and cyber-bullying of students and employees by other students and employees at any time or in any location. The District encourages all victims of hazing or cyber-bullying, and all persons with knowledge of hazing or cyber-bullying, to report the incident(s) immediately.

**3.3.** Nebo School District prohibits abusive conduct directed towards an employee by a student or parent/guardian at any time or in any location. The District encourages all employee victims of abusive conduct, and all persons with knowledge of abusive conduct, to report the incident(s) immediately.

**3.4.** No student or employee may engage in retaliation against a student, employee, investigator, or witness of an alleged incident of bullying, cyber-bullying, hazing, abusive conduct, or retaliation. The District encourages all victims of retaliation, and all persons with knowledge of retaliation, to report the incident(s) immediately.

**3.5.** No student or employee may make a false allegation of bullying, cyber-bullying, hazing, abusive conduct, or retaliation against a student or employee.

### **4. REPORTING**

**4.1.** A student victim of bullying, cyber-bullying, hazing, or retaliation shall inform his/her teacher or any of his/her school’s administrators. Students shall follow the complaint procedures outlined in [Nebo School District Policy JDC, Student Discrimination and Harassment](#). A student alleging bullying, cyber-bullying, hazing, or retaliation by the school administration shall report the conduct to the applicable director of elementary or secondary education.

**4.2.** An employee victim of bullying, cyber-bullying, hazing, abusive conduct, or retaliation shall inform his/her supervisor. Employees shall follow the complaint procedures outlined in [Nebo](#)

[School District Policy GBEB, Employee Discrimination and Harassment](#). An employee alleging bullying, cyber-bullying, hazing, abusive conduct, or retaliation by the employee's principal or supervisor shall report the conduct to the District's Director of Human Resources.

- 4.3. 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.
- 4.4. Each reported incident under this section shall provide the following information: (a) the name of the complaining party; (b) the name of the victim (if known); (c) the name of the alleged perpetrator (if known); (d) the date and location of the incident(s); and (e) a statement describing the incident(s), including names of witnesses (if known). Individuals making reports or complaints under this policy should use the [Complaint Form](#).

## 5. INVESTIGATION

- 5.1. The procedures in this section, together with those set forth in the policies referenced herein, constitute the action plan required under [UTAH ADMIN. CODE R277-613-4\(1\)\(c\)](#). The procedures are detailed and constitute the recommended best practice. Minor omissions and other procedural inconsistencies do not invalidate an otherwise equitable investigation. Investigators must be flexible and adapt to the circumstances of each complaint.
- 5.2. 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.
- 5.3. Commencing an Investigation
  - 5.3.1. An investigation should begin when an administrator becomes aware of an allegation of, or conduct that may constitute, bullying, cyber-bullying, hazing, retaliation, or abusive conduct. Such conduct or allegation is typically made known by receipt of a written complaint, but it may also be made known through a variety of other means, including but not limited to verbal complaints, direct observation, or as facts are disclosed during normal disciplinary proceedings. When an administrator becomes aware of conduct that may be in violation of this policy, the administrator shall begin an investigation in accordance with this policy.
  - 5.3.2. If any of the following apply, the administrator shall notify and consult with the applicable Director or other administrator in determining who will conduct the investigation.
    - 5.3.2.1. If the complaint alleges discrimination or harassment based on disability, notice and consultation should include the District Section 504 Coordinator or Director of Special Education, as applicable.
    - 5.3.2.2. If the complaint alleges facility access discrimination based on disability, notice and consultation should include the District Risk Manager.
    - 5.3.2.3. If the complaint involves an employee, volunteer, or other adult, notice and consultation should include the Director of Human Resources.
    - 5.3.2.4. If the complaint includes alleged or apparent conduct based on race, color, religion, sex, national origin, disability, and/or any other classification protected by law, consultation should include the Civil Rights Coordinator.
  - 5.3.3. An investigation under this policy will be conducted by a school or district administrator.
  - 5.3.4. The investigator should begin each investigation by documenting the type of conduct

using the Bullying, Hazing, Abusive Conduct Investigator Checklist (Checklist) and creating an investigation file. The investigator completes the Checklist as the investigation proceeds.

- 5.3.5.** The investigator will determine whether supportive measures need to be taken such as separating the complainant from the respondent pending the outcome of the investigation. If necessary, the investigator will recommend or implement appropriate supportive measures to protect the complainant from continued Discrimination, Harassment, or Retaliation.
- 5.3.6.** If the investigator begins an investigation before receiving a [Complaint Form](#), the investigator shall interview the complainant and obtain a completed and signed Complaint Form. If the age or ability of the complainant prevents the complainant from completing and signing a Complaint Form, the investigator shall complete and sign the form.
- 5.3.7.** The investigator shall refer the matter to law enforcement authorities or the Utah State Division of Child and Family Services, where appropriate or required by law. The investigator must continue to conduct the investigation even if the matter has been referred to another agency. The investigator should coordinate with the other agency and may adjust timelines and procedures accordingly.

#### **5.4. Investigative Procedures**

Both school-level and District-level investigations shall include the following steps. If an investigation is reassigned to a new investigator after it has begun, the new investigator shall gather all evidence and information from the previous investigator. The new investigator may, but is not required to, repeat interviews or other investigative procedures conducted by the previous investigator.

##### **5.4.1. Conduct Interviews**

- 5.4.1.1.** Each of the following must be interviewed, and a record made of their conversations.
  - 5.4.1.1.1.** The complainant. The complainant may be accompanied by an adult representative, including legal counsel. The complainant may present evidence supporting the complaint. If the complainant has not already completed the [Complaint Form](#), the investigator shall complete it based on information gathered in the interview.
  - 5.4.1.1.2.** The person making the complaint, if different than the complainant.
  - 5.4.1.1.3.** The respondent. The respondent may be accompanied by an adult representative, including legal counsel. The respondent may present evidence refuting the allegations set forth in the complaint. The investigator should gather a signed, written statement from the respondent using the [Response Form](#).
- 5.4.1.2.** The following may also be interviewed at the discretion of the investigator, and where applicable a [Witness Statement](#) should be completed, signed, and dated:
  - 5.4.1.2.1.** Anyone who witnessed the alleged conduct.
  - 5.4.1.2.2.** Anyone who may provide additional relevant information.
  - 5.4.1.2.3.** Parents of the complainant, if the complainant is a student;

**5.4.1.2.4.** Parents of the respondent, if the respondent is a student;

**5.4.1.2.5.** School staff familiar with the complainant

**5.4.1.2.6.** School staff familiar with the respondent

**5.4.1.3.** The investigator may have additional conversations with any of the individuals listed above to ensure that all relevant facts have been gathered.

#### **5.4.2.** Preservation of Evidence

**5.4.2.1.** In addition to the interviews described above, the investigator shall gather and preserve all other evidence, including video footage from surveillance cameras, photos, physical evidence, documents, correspondence, and any relevant electronic information such as text messages, videos, and social media postings.

**5.4.2.2.** Evidence should be preserved in the investigative file.

#### **5.4.3.** Evaluation of Evidence

**5.4.3.1.** The investigator shall consider all the evidence, including the credibility of all statements, and determine which facts are true. The determination should be outlined as findings of fact in the written Report and Decision described below. In determining findings of fact, the investigator should consider the following:

**5.4.3.1.1.** Credibility of statements made by the persons interviewed;

**5.4.3.1.2.** Corroborating evidence;

**5.4.3.1.3.** The details and consistency of each person's account;

**5.4.3.1.4.** Evidence of any past violations of this policy by the respondent;

**5.4.3.1.5.** Evidence of any false complaints; and

**5.4.3.1.6.** Any other relevant information.

**5.4.3.2.** The investigator applies the findings of fact to District policy and makes a conclusion as to whether any policy provision has been violated. The conclusions are outlined in the written Report and Decision.

#### **5.5.** Report and Decision

**5.5.1.** The investigator shall prepare a written report and decision of the investigation using the [Report and Decision form](#). If either the complainant or respondent is a student, the school administrator shall maintain the report. If either is an employee, volunteer, or other adult, a copy of the report shall be maintained by the Director of Human Resources. The report must include the following:

**5.5.1.1.** A description of the complaint.

**5.5.1.2.** A description of the response.

**5.5.1.3.** A list of specific sections of Nebo School District policies that are alleged to have been violated or that the alleged conduct, if true, would violate.

**5.5.1.4.** A detailed description of the investigation, including names and dates of individuals interviewed; receipt of written statements; and evidence considered, including video and audio recordings, correspondence, etc.

- 5.5.1.5.** Findings of fact. This section should describe with sufficient detail the events and actions found by the investigator to be true. It should include relevant facts such as age, gender, race, or disability of complainants and respondents.
- 5.5.1.6.** Conclusions, based on a preponderance of the evidence, as to whether Nebo School District policy was violated. If the investigator concludes that a policy violation has occurred, this section should refer to the specific policy provision and describe how the facts constitute a violation. This section should conclude whether each allegation is substantiated, unsubstantiated, or inconclusive.
- 5.5.1.7.** If allegations are substantiated but the investigator is not authorized under District policy to impose discipline on the respondent, the investigator's report and decision must include recommendations to address policy violations, including recommendations to (1) remedy the effects on the complainant, (2) implement system-wide measures to eliminate the type of conduct that occurred, and (3) impose disciplinary action or other remediation to rehabilitate the respondent and deter future violations.
- 5.5.1.8.** If allegations are substantiated and the investigator is authorized under District policy to impose discipline on the respondent, the investigator's report and decision must include actions taken or that will be taken to address policy violations, including to (1) remedy the effects on the complainant, (2) implement system-wide measures to eliminate the type of conduct that occurred, and (3) impose disciplinary action or other remediation to rehabilitate the respondent and deter future violations.

**5.5.2.** If the allegations are substantiated, the investigator shall ensure that the conduct and resulting disciplinary action is documented in the appropriate student or employee file.

**5.6.** Notice to Parties

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. Such notice is in addition to the notifications outlined in section 6. To satisfy the notice requirement of this subsection 5.6, 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 at least the following information:

- 5.6.1.** Notice that the investigation is concluded.
- 5.6.2.** A brief summary of the investigative steps, the findings of fact, and the conclusions.
- 5.6.3.** The safety measures that will be in place as a result of the investigation.
- 5.6.4.** Any appeal options as described in subsection 5.7.

**5.7.** 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.

- 5.7.1.** Students who have been disciplined as a result of an investigation under this policy may appeal in accordance with [Nebo School District Policy JD, Student Conduct and](#)

*Discipline*. Any hearing is limited to determining whether the investigative procedures were followed or whether new evidence has become available.

- 5.7.2. Employees who have been disciplined as a result of an investigation under this policy may appeal in accordance with the grievance procedures outlined in the applicable employee handbook.
- 5.7.3. Complainants may appeal by giving written notice to the Superintendent within ten (10) calendar days of the date of the decision they are appealing. Failure to submit written notice of appeal to the Superintendent within ten (10) calendar days constitutes forfeiture of any right to appeal. The Superintendent or his/her designee will hear the appeal and issue a written decision as to whether the investigative procedures of this policy were followed or whether new evidence would change the outcome of the investigation. The decision of the Superintendent or his/her designee is final.

## 6. PARENTAL NOTIFICATION

- 6.1. Pursuant to [UTAH CODE ANN. § 53G-9-604](#), each school administrator shall
  - 6.1.1. Notify the parent of a student who threatens suicide;
  - 6.1.2. Notify the parents of each student involved in an incident of bullying, cyber-bullying, hazing, abusive conduct, or retaliation, as determined under subsection 5.5.
- 6.2. The school administrator who notifies a parent/guardian under this section shall:
  - 6.2.1. keep a record verifying that the parent/guardian was notified using the [Communication of Risk and Harm](#) form. This form shall contain the date, time, and manner of notification and indicate the type of threat or incident.
  - 6.2.2. maintain the form created under subsection 6.2.1 in accordance with Title 53E, Chapter 9 of the Utah Code, Student Privacy and Data Protection, [UTAH CODE ANN. § 53E-9-101, et seq.](#), and the Family Educational Rights and Privacy Act (FERPA), [20 U.S.C. 1232g](#), and [34 C.F.R. Part 99](#); And
  - 6.2.3. provide the parent with:
    - 6.2.3.1. suicide prevention materials and information; and
    - 6.2.3.2. information on ways to limit the student's access to fatal means, including a firearm or medication.
- 6.3. At the request of a parent/guardian, the school administrator may provide information and make recommendations related to an incident or threat, as described herein.
- 6.4. If a student requests a copy of the records of an incident or threat described herein that specifically relates to the student, the school administrator shall provide the student a copy of the form and related written communication.
- 6.5. If a student who has graduated from high school specifically requests that records of an incident or threat described herein be expunged, the school administrator shall destroy the form and related written communication.

## 7. DISCIPLINE

- 7.1. Upon completion of an investigation under this policy, an individual found to have engaged in bullying, cyber-bullying, hazing, abusive conduct, or retaliation shall be subject to disciplinary action. The investigator shall notify the administrator authorized to impose discipline under District policy.
- 7.2. Students



- 7.2.1. Any student found in violation of this policy shall be subject to disciplinary action in accordance with [Nebo School District Policy JD, Student Conduct and Discipline](#).
- 7.2.2. In addition to the disciplinary actions described in Policy JD, violation of this policy by students may also result in dissolution of a team, organization, or other group.
- 7.2.3. Disciplinary action may not be based solely on an anonymous report of bullying, cyber-bullying, hazing, abusive conduct, or retaliation, but must be based on the outcome of an investigation conducted under this policy.
- 7.2.4. Disciplinary due process procedures shall be followed as set forth in [Nebo School District Policy JD, Student Conduct and Discipline](#). Hearings are limited to the issues available for appeal under this policy JDD/GBEA.
- 7.2.5. A complainant may be informed of disciplinary action taken against a respondent only in accordance with subsection 5.6 of this policy.

### 7.3. Employees

- 7.3.1. Any employee found in violation of this policy shall be subject to disciplinary action in accordance with [Nebo School District Policy GCPD, Employee Discipline, Administrative Leave, and Orderly Termination](#). Consequences should be firm and fair and correspond to the severity of the infraction.
- 7.3.2. Certified employees may be referred to the Utah Professional Practices Advisory Commission (UPPAC), along with any and all evidence, for investigation and possible disciplinary action against professional licensing.
- 7.3.3. Criminal acts will also result in referral to law enforcement authorities.
- 7.3.4. Disciplinary due process procedures shall be followed as set forth in applicable District Employee Handbooks and policies.

### 7.4. Parents, Volunteers, and Others

- 7.4.1. 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:
  - 7.4.1.1. a trespass notice prohibiting them from coming onto school or District property;
  - 7.4.1.2. communication protocols wherein parameters and restrictions are placed upon them in regards to communicating with school or District personnel;
  - 7.4.1.3. Loss of privilege to volunteer, do business, or otherwise interact with students or employees;
  - 7.4.1.4. other appropriate school or District imposed restrictions; and/or
  - 7.4.1.5. appropriate legal action.

## 8. ADDRESS EFFECTS ON COMPLAINANT

If an investigation concludes that an employee or student was a victim of bullying, cyber-bullying, hazing, abusive conduct, or retaliation, the District shall take prompt, appropriate action to end it and implement necessary remedial action with the intent to eliminate or reduce the adverse effects. Remedial actions may include referring the complainant to the school counselor or psychologist or to appropriate counseling services provided by the District, as applicable.

## 9. DISSEMINATION OF POLICY

This policy shall be posted on the District's website and may also be published in student registration materials, student and employee handbooks, parent information guides, and other appropriate school publications as directed by the District. The District will require a signed statement annually, indicating that the individual signing the statement has received this policy, from each (a) employee, (b) student who is at least eight years old, and (c) parent or guardian of a student enrolled in the District. An electronic signature satisfies the requirement. The signed statement does not satisfy the training requirements outlined in section 10.

## 10. EDUCATION AND TRAINING

- 10.1. Nebo School District recognizes the importance of educating its employees and students on the prevention of bullying, cyber-bullying, hazing, abusive conduct, and retaliation. To this end, students and employees will receive training in accordance with this section.
- 10.2. The superintendent shall identify at least one individual to be the point person with training and expertise to assist, direct, and supervise training of other employees on investigating allegations of bullying, cyber-bullying, hazing, retaliation, and abusive conduct.
- 10.3. The District will, subject to the parental consent requirements found in [UTAH CODE ANN. § 53E-9-203](#), assess students on the prevalence of bullying, cyber-bullying, hazing, and retaliation. The district will also provide ongoing training and education aimed at reducing and preventing such conduct. The District will provide annual training for students.
- 10.4. Employees shall complete training provided by the district at least as often as is required by law. Notice of this policy will be distributed as required by law. Volunteers with significant, unsupervised access to students in a school assignment shall also complete training provided by the district at least as often as is required by law. Training shall include information on the following:
  - 10.4.1. bullying, cyber-bullying, hazing, and retaliation;
  - 10.4.2. how bullying, cyber-bullying, hazing, and retaliation are different from discrimination under Nebo School District Policies JDC, [Student Discrimination and Harassment](#), and GBEB, [Employee Discrimination and Harassment](#), and how they may occur separately from each other or in combination;
  - 10.4.3. bullying, cyber-bullying, hazing, and retaliation based upon the students' or employees' actual or perceived characteristics, including race, color, national origin, sex, disability, religion, gender identity, sexual orientation, or other physical or mental attributes or conformance or failure to conform with stereotypes; and
  - 10.4.4. the right of free speech and how it differs for students, employees, and parents.
- 10.5. The training must complement or be included with the District's training on discrimination under the following federal laws and their related District policies:
  - 10.5.1. [Title VI of the Civil Rights Act of 1964](#);
  - 10.5.2. [Title IX of the Education Amendments of 1972](#);
  - 10.5.3. [Section 504 of the Rehabilitation Act of 1973](#); and
  - 10.5.4. [Title II of the Americans with Disabilities Act of 1990](#).
- 10.6. The training must complement the District's suicide prevention program.
- 10.7. The training must include information on when issues relating to this policy may lead to student or employee discipline.
- 10.8. Before a student, coach, or advisor may participate in a District-sponsored athletic program (curricular or extracurricular) or an extracurricular student club or activity, the student, coach,

or advisor shall participate in bullying and hazing prevention training. Such training may be in collaboration with the Utah High School Activities Association (UHSA). Student athletes and extracurricular student club members shall be informed of prohibited activities under Utah law and this policy and notified of potential consequences for violations. The District shall provide annual training to all new students and employees who are involved with such athletic programs and extracurricular student clubs, and shall provide refresher training for all such involved students and employees at least once every three (3) years. Training curriculum outlines, training schedules, and participant lists or signatures shall be maintained by the District or each school, as applicable, and provided to the Utah State Board of Education staff upon request.

- 10.9.** Records of employee training on this policy, including participant lists, shall be maintained by the Department of Human Resources. Records maintenance of student training on this policy shall be managed by the Coordinator of School and Student Services.

## 11. FIRST AMENDMENT RIGHTS

Nothing contained in this policy is intended to infringe upon the right of a student or employee to exercise their First Amendment right of free speech.

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### **EXHIBITS**

NONE

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### **REFERENCES**

[Family Educational Rights and Privacy Act \(FERPA\), 20 U.S.C. 1232g; 34 C.F.R. Part 99](#)  
[UTAH CODE ANN., § 53E-9-101, et seq.](#)  
[UTAH CODE ANN., § 53G-9-601, et seq.](#)  
[UTAH ADMIN. CODE, R277-609](#)  
[UTAH ADMIN. CODE, R277-613](#)  
[Nebo School District Policy CG, \*Computer, Email, and Internet Use\*](#)  
[Nebo School District Policy GBEB, \*Employee Discrimination and Harassment\*](#)  
[Nebo School District Policy JD, \*Student Conduct and Discipline\*](#)  
[Nebo School District Policy JDA, \*Safe School Environment\*](#)  
[Nebo School District Policy JDC, \*Student Discrimination and Harassment\*](#)  
[Nebo School District Policy JDE, \*Student Electronic Devices\*](#)  
[Letter from Russlynn Ali, U.S. Department of Education, Assistant Secretary for Civil Rights to Colleagues: Harassment and Bullying \(Oct. 26, 2010\) \(“Dear Colleague Letter”\)](#)

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### **FORMS**

[Investigator Checklist](#)  
[Complaint](#)  
[Response](#)  
[Witness Statement](#)  
[Investigation Classification](#)  
[Report and Decision](#)  
[Communication of Risk and Harm](#)

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### **HISTORY**

**Revised: 11 October 2023** – updated parental notification requirements per HB 481 (2023); made technical changes.

**Revised: 13 April 2022** – updated consistent with changes to R277-613 (Feb 2022); added full investigation, discipline, and reporting procedures; updated training requirements; made technical changes.

**Revised: 12 May 2021** – revised purpose and philosophy for clarity; reformatted some sections; updated per R277-613 (2020), including modifying definitions and training requirements to align with statute; added links to citations.

**Revised: 11 July 2018** – updated per R277-613 (Apr 9, 2018); modified definitions; made technical changes.

**Revised: 12 July 2017** – updated per SB161 (2017); modified definitions; added abusive conduct; modified reporting procedures; modified investigation process; addressed effects on victims; made technical changes.

**Revised: 14 August 2013** – added provisions related to cyberbullying; revised reporting and investigation procedures; added parental notification requirement per HB134 (2013); made technical changes.

**Revised: 17 October 2012** – added definitions; referenced discrimination and harassment policies; made technical changes.

**Revised: 10 February 2010** – modified definitions; added requirements for education and training.

**Revised: 9 September 2009** – updated per HB325 (2008); added definitions of hazing and retaliation; revised prohibitions; expanded complaint, investigation, and discipline procedures; added provision on First Amendment.

**Renumbered: 9 July 2008** – relettered from JFCJC; no change to content.

**Adopted: 8 November 2006.**

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