

SCHOOL/DEPARTMENT: [REDACTED] School

Complainant: [REDACTED] Home Address: [REDACTED]
Home/Mobile Phone: [REDACTED] Work Phone: [REDACTED] Email: [REDACTED]
Parent Name: [REDACTED] Phone: 801-787-3506 Email: [REDACTED]

Respondent: [REDACTED] Home Address: [REDACTED]
Home/Mobile Phone: Enter # [REDACTED] Work Phone: [REDACTED] Email: [REDACTED]
Parent Name: [REDACTED] Phone: [REDACTED] Email: [REDACTED]

Check the box(es) of the conduct investigated:

- Abusive Conduct
- Bullying/Cyber-Bullying
- Discrimination
- Harassment
- Hazing
- Retaliation
- Other Misconduct

Check the box(es) to indicate the basis of the conduct investigated:

- Race/Color/National Origin
- Sex/Gender
- Sexual Orientation
- Gender Identity
- Pregnancy
- Religion
- Disability
- Age
- Status as a Veteran
- N/A or None

Description of the Complaint:

[Provide a brief summary of the incident(s)/conduct described by complainant, including who, what, when, and where.]

Complainant alleges that the responded, while talking with another classmate, repeatedly used the N-word in their conversation. The complainant states that she repeatedly asked the respondent to stop using the N-word word, but the respondent ignored these requests, and then called the complainant the N-word.

Description of the Response:

[Provide a brief summary of the incident(s)/conduct described by the respondent, including any denial, admission, or clarification of allegations found in the complaint.]

The respondent admits to using the N-word during a conversation with a classmate but, denies calling the complainant the N-word.

Policies Implicated:

[List the specific sections of Nebo School District policies that are alleged to have been violated (i.e., list policy sections that the conduct, if found to be true, would violate.)]

JD Student Conduct and Discipline

4.2.21. Inciting, encouraging, being an accomplice to, or promoting any of the prohibited conduct listed above, including taking or sharing videos, pictures, or other recordings of real or apparent violations of this policy with the effect of belittling others, celebrating the conduct, or interfering with the District’s efforts to maintain a safe and orderly learning environment.

JDC Student Discrimination and Harassment

4.2. “Harassment” includes, but is not limited to, any behavior, expression, or activity that stigmatizes or victimizes individuals or groups of people because of their race, color, religion, national origin, disability, or any other classification protected by law, and that:

4.2.3. Creates an intimidating, hostile, demeaning, or offensive educational environment.

5. HARASSMENT AND DISCRIMINATION PROHIBITED Types of conduct that are prohibited in the District and that may, upon examination of the totality of the circumstances, constitute Discrimination or Harassment based upon race, color, religion, sex, national origin, disability, or other classification protected by law (excluding sexual harassment as defined in Nebo School Policy JDCB/GBEBB, Sexual Harassment) include, but are not limited to:

5.3. Epithets, slurs, negative stereotypes, name calling, verbal abuse, derogatory comments, degrading descriptions, and hostile acts which are based upon a student's race, color, religion, national origin, physical or mental disability, or other classification protected by law;

5.7. Any unwelcome communication (whether written, verbal, or sent by electronic or other means) that is offensive or degrading and motivated by a student's race, color, religion, national origin, physical or mental disability, or other classification protected by law;

Detailed Description of the Investigation:

[List dates and times of all interviews and written statements of the complainant, respondent, and witnesses. List any video or audio recordings, correspondence, documentation, or other physical and electronic evidence reviewed as part of the investigation.]

October 3, 2023

1. The complaint reported the incident to the SRO.
2. The SRO instructed the complainant to report to school administration.
3. The school called their director.
4. The school contacted the Civil Rights Coordinator. It was determined that the school will conduct this investigation.
5. The school obtained written complaint.
6. The school called parents.

October 4, 2023

1. The complainant was interviewed.
2. The respondent provided a written repose to the allegations.
3. The respondent was interviewed.
4. A list of potential witnesses was compiled.

October 5, 2023

1. Witnesses were interviewed. Five students and one adult.
2. A follow up interview was conducted with the complainant and the respondent.

Findings of Fact:

[Weigh the credibility of all evidence and make a determination as to which facts are true. Provide a detailed description of every fact you find to be true based upon a preponderance of the evidence standard.]

1. Respondent admits to using the N-word when talking to a classmate.
2. Respondent denies that the complainant asked her to stop using the N-word but, witness testimony confirms that the complainant did ask the respondent to stop using the N-word.
3. Respondent denies calling the complainant the N-word. Witness testimony confirms that the respondent did not call the complainant the N-word.

Conclusions of Policy:

[Make determinations as to which, if any, Nebo School District policies were violated by the findings of fact. For each finding of fact, identify the specific policy language the fact violates. Indicate any findings of fact that do not violate District policy. Summarize conclusions for each of complainant's allegations as "substantiated," "unsubstantiated," or "inconclusive."]

When the respondent repeatedly used the N-word in conversation with a classmate, and then continued to use the N-word after being asked to stop, the respondent:

- Promoted prohibited conduct. See Nebo Policy JD Student Conduct and Discipline, Section 4.2.21.
- Used a word that stigmatizes and victimizes individuals or groups of people due to their race/skin color. See Nebo Policy JDC Student Discrimination and Harassment, Section 4.2
- Created a demeaning and offensive environment for the complainant. See Nebo Policy JDC Student Discrimination and Harassment, Section 4.2.3.
- Engaged in unwelcome communication that was offensive and degrading and motivated by race/skin color. See Nebo Policy JDC Student Discrimination and Harassment, Section 5.7.

Recommendations:

[Make recommendations to address the effects of any policy violation on the complainant. If applicable, recommend any system-wide measures to remedy the effects in the school or workplace. Make recommendations for appropriate disciplinary action or other remediation measures to rehabilitate the respondent and deter future violations.]

The school will take the following actions:

1. The respondent will receive a two day in school suspension.
2. The respondent will be asked to read policy JDC and JD, and then meet with a school administrator and summarize those policies. At this time, the school administrator will talk to the respondent about the origin of the N-word in an effort to help the respondent better understand the history and original meaning of the word.
3. The school will talk to the complainant and the respondent about the need for support/assistance in moving forward.

ATTACHMENTS: Please attach written statements and other relevant documents to this Investigation Report and Decision

I hereby represent that I conducted the above-referenced investigation in a timely matter, with impartiality, and have made the above determinations to the best of my ability. I further represent that the information provided herein is true, correct, and complete to the best of my knowledge.

Dated this 10th day of October, 2023

Enter name

Enter title

For School/District Use Only

Maintain original at School/Department of Human Resources/District Civil Rights Coordinator