

- 3.1.3. Administrators shall advise students suspected of wrongdoing orally or in writing of the nature of the alleged offense.
- 3.1.4. Students must be provided an opportunity to give their version of the incident under investigation, however, refusals to respond or provide information should be respected.
- 3.1.5. When questioning students as part of an investigation, school staff should have another adult present whenever possible.
- 3.1.6. In conducting an investigation, a school administrator may review disciplinary reports of involved students and review relevant physical evidence.
- 3.1.7. Administrators shall accommodate students with disabilities and young children unable to write their own statements through use of tape recorders, scribes, etc.
- 3.1.8. All students involved in the investigation shall be instructed that retaliation is prohibited. Any act of reprisal against any person who has testified, assisted, or participated in any manner in an investigation, proceeding, or hearing is strictly prohibited and subject to disciplinary action.
- 3.1.9. All students involved in the investigation shall be instructed to keep all details of the investigation confidential.
- 3.1.10. When the investigation is completed and if it is determined that disciplinary action may be in order, due process requirements must be met. Specifically, the student must be given proper notice of the charges against him/her and the disciplinary action being recommended, as well as a fair opportunity to present his or her version of the facts.

3.2. Conduct Alleging Sexual Harassment Protected Under Title IX

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When a school administrator receives a report or otherwise learns of alleged conduct that may rise to the level of sexual harassment as defined in Title IX, the school administrator shall follow the due process procedures as outlined in District policy 5S-102 *Sexual Harassment under the Jurisdiction of Title IX Protections.*

3.3. Confirmed Allegation of an Incident of Bullying, Cyber-bullying, Hazing, or Retaliation

Following an investigation confirming an incident of bullying, cyber-bullying, hazing, or retaliation, if appropriate, a school administrator may take positive restorative justice practice action and support involved students through trauma-informed practices.

3.4. Coordination with Law Enforcement

- 3.4.1. School administrators have the responsibility and the authority, within their respective jurisdictions, to determine when the help of law enforcement authorities is necessary, as outlined in this policy and Utah State law.
- 3.4.2. Under Utah Code Ann. §53G-8-211, a student who is alleged to have committed an offense on school property where the student is enrolled, when school is in session, or during a school-sponsored activity; may not be referred to law enforcement or court if the alleged offense is a class C misdemeanor, an infraction, or a status offense. The student may be referred to evidence-based alternative interventions.
- 3.4.3. School Administrators may invite law enforcement authorities to the school to:
 - [a] conduct an investigation of alleged criminal conduct on the school premises or during a school-sponsored activity;
 - [b] maintain a safe and orderly educational environment; or