



**Policy JD Exhibit 3
Recommended Disciplinary Actions for
Indecent Material**

Sexual material¹ appealing to the prurient interest can damage those who are exposed to it and negatively affect their relationships with others. Nebo School District will be aggressive yet fair in dealing with students who access, possess, distribute, or produce such material. This Exhibit 3 is intended to guide administrators in responding to violations of the prohibition against pornography and other indecent material.

Since sexual material is addictive and destructive, administrators should watch for patterns that indicate addiction or other serious problems that may require greater intervention. Incidents should be documented in the District’s Student Information System, reported to parents, and, when appropriate, reported to the police. When patterns and problems are recognized and addressed, students will be more likely to receive appropriate help.

The tables included in this Exhibit 3 should be used as guidelines. Disciplinary action should be taken in light of all the circumstances surrounding a violation, including mitigating or aggravating factors. Administrators should consider the age and maturity of the student being disciplined, whether the student has a disability, the nature of the material, the privacy rights of those involved, whether the material was solicited or unsolicited, and whether the material constitutes bullying or harassment.

The content or subject is an adult / The content is not child pornography				
Offense	Level	1st Violation	2nd Violation	Subsequent Violations
Accessing ² or Possessing ³	Indecent or Inappropriate ⁴	Warning / fix problem / enter into SIS / parent contact / other appropriate consequences	Suspended to parent	Suspend up to five days
	Pornography (nudity) ⁵	Suspended to parent	Suspend up to five days / police referral	Suspend up to 10 days / police referral
	Pornography (obscene) ⁶	Suspend up to five days / police referral	Suspend up to five days / police referral	Suspend for 10 days / refer to Coordinator of Student Services / police referral
Producing ⁷ or Distributing ⁸	Indecent or Inappropriate ⁴	Warning / fix problem / enter into SIS / parent contact / other appropriate consequences	Suspend to parent	Suspend up to five days
	Pornography (nudity) ⁵	Suspend up to five days	Suspend up to ten days / police referral	Suspend for 10 days / refer to Coordinator of Student Services / police referral
	Pornography (obscene) ⁶	Suspend up to five days / police referral	Suspend up to 10 days / police referral	Suspend for 10 days / refer to Coordinator of Student Services / police referral

Student victim / Child pornography				
Offense	Level	1st Violation	2nd Violation	Subsequent Violations
Accessing ² or Possessing ³	Indecent or Inappropriate ⁴	Suspend to parent	Suspend up to five days	Suspend up to 10 days
	Pornography (nudity) ⁵	Suspend up to five days / police referral	Suspend for 10 days / refer to the Coordinator of Student Services / police referral	Suspend for 10 days / refer to the Coordinator of Student Services (90 day suspension) / police referral
	Pornography (obscene) ⁶	Suspend up to 10 days / police referral	Suspend for 10 days / refer to the Coordinator of Student Services / police referral	Refer to the Coordinator of Student Services for expulsion / police referral
Distributing ⁸ or Producing ⁷ with <u>willing victim</u>	Indecent or Inappropriate ⁴	Suspended to parent	Suspend up to five days	Suspend up to 10 days
	Pornography (nudity) ⁵	Suspend up to 10 days / police referral	Suspend for 10 days / refer to the Coordinator of Student Services / police referral	Refer to the Coordinator of Student Services for expulsion / police referral
	Pornography (obscene) ⁶	Suspend for 10 days / refer to the Coordinator of Student Services / police referral	Suspend for 10 days / refer to the Coordinator of Student Services / police referral	Refer to the Coordinator of Student Services for expulsion / police referral
Distributing ⁸ or Producing ⁷ with <u>unwilling victim</u>	Indecent or Inappropriate ⁴	Suspend up to five days	Suspend up to 10 days	Suspend for 10 days / refer to the Coordinator of Student Services
	Pornography (nudity) ⁵	Suspend for 10 days / refer to the Coordinator of Student Services / police referral	Suspend for 10 days / refer to the Coordinator of Student Services / police referral	Refer to the Coordinator of Student Services for expulsion / police referral
	Pornography (obscene) ⁶	Suspend for 10 days / refer to the Coordinator of Student Services / police referral	Refer to the Coordinator of Student Services for expulsion / police referral	

Definitions

¹ “Material” means any pictures, images, text, video, audio, drawing, illustration, or other communication medium, whether electronic, print, or in any other format.

² “Accessing” means the intentional viewing, hearing, or witnessing of material at school, on school property, or at a school sponsored activity or event.

³ “Possessing” means material is found on a student’s person or in the student’s personal belongings, including, but not limited to, pocket, wallet, purse, backpack, electronic device, locker, or automobile.

⁴ “Indecent Material” means material that appeals to the prurient interest but is not considered pornography. It includes material that could sexually harass or offend other students or employees. Examples include images of people in swimsuits, lingerie, or underwear.

⁵ “Pornography (nudity)” means material that shows nude or seminude figures revealing private body parts such as breasts, buttocks, and genital organs, but does not show figures in provocative poses suggesting, simulating, or engaging in sex acts.

⁶ “Pornography (obscene)” means material that describes, imitates, or depicts nude or seminude figures engaged in any kind of sex act or in a provocative pose suggesting or simulating a sex act.

⁷ “Producing” means creating or willingly participating in any way in the creation of material as defined above. It includes making photographic, audio, or visual recordings; allowing oneself to be so recorded; drawing; writing; or otherwise participating in the creation of material. Producing includes enticing another to create or participate in the creation of material.

⁸ “Distributing” means sending, giving, showing, or otherwise revealing, making, or attempting to make accessible to another, material as defined above.