



Utah State Board of Education

James Moss Jr., *Chair* Molly Hart, *Vice Chair*
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Joseph Kerry Carol Barlow Lear Cindy Davis
Brent J. Strate Christina Boggess Randy Boothe
LeAnn Wood Natalie Cline Emily Green
Sarah Reale Matt Hymas Kristan Norton

Sydnee Dickson,
State Superintendent of Public Instruction

Cybil Child,
Executive Secretary

August 11, 2023

Natalie Cline
USBE Board Member
natalie.cline@schools.utah.gov

RE: Personnel Investigation

Dear Member Cline,

The Board has had extensive discussion and review of complaints submitted to the Internal Audit Department and feedback from the public. Leadership, joined by Members of the Board listed below, would like to draw attention to specific principles we have discussed regarding Board Member conduct as we move forward.

As stated in Article IV(2) of the Board's bylaws, Board members have rights to speak under the First Amendment to the United States Constitution, including controversial speech on policy issues and speech that is critical of the government. Courts have confirmed that dissenting views should not be punished; rather, "our reliance must be on the substantial safeguards of free and open discussion in a democratic society." *Mal v. Tam*, Justice Anthony Kennedy. Justice Alito added, "...the proudest boast of our free speech jurisprudence is that we protect the freedom to express "the thought that we hate."

On July 13, USBE Leadership released a public statement in response to your Facebook post, dated July 4, 2023, concerning Utah schools. Leadership disagreed with your approach to the issue, while acknowledging the seriousness of the content discussed. Exercising its own right to speak in the public square, the Board Members affirm that statement with one clarification:

SALT LAKE CITY – The Utah State Board of Education (USBE) firmly believes that children must be protected from inappropriate sexual material in the school setting.

USBE leadership strongly disapproves of recent social media statements by one board member that schools are "complicit in the grooming of children for sex trafficking" and "brainwashing them into queer, gender bending ideologies."



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Such an allegation against schools generally is inflammatory, divisive and unfair to Utah's teachers, who put Utah's students first every day and interfere with efforts to provide thoughtful solutions to difficult issues. We also condemn any harassment or discrimination against teachers, education leaders, staff or students on the basis of sexual orientation as provided by Utah law.

USBE applauds the diligent and indispensable efforts of Utah teachers, parents and education leaders and staff to serve and protect our students and to create environments conducive to learning. We will continue to support them in this critical work.

We also affirm USBE Bylaw provisions which establish an ethical framework for USBE Board Members to "respect the privacy of students, USBE employees, LEA employees, and school level employees, including refraining from direct and indirect identification of such, in a negative light in any public setting, venue, or platform where there is a reasonable expectation of privacy." (USBE Bylaws Article IV(2)).

We will continue to strengthen processes and policy that will protect Utah's children from content harmful to minors and will continue to work with the public and legislature.

We believe progress will continue as we collaborate, debate and work together on important issues facing our families and educators. We encourage all Board members and members of the public to "speak, write, debate, listen, challenge and learn while maintaining civility and mutual respect." (USBE Policy 2004).

Sincerely,

James Moss Jr., Chair

Molly Hart, Vice Chair

Jennie Earl, Vice Chair

Randy Boothe, Board Member
 Matt Hymas, Board Member
 Carol Barlow Lear, Board Member
 Sarah Reale, Board Member
 LeAnn Wood, Board Member

Cindy Davis, Board Member
 Joseph Kerry, Board Member
 Kristan Norton, Board Member
 Brent Strate, Board Member



NEWS RELEASE

Utah State Board of Education

250 EAST 500 SOUTH P.O. BOX 144200 SALT LAKE CITY, UT 84114-4200
www.schools.utah.gov

August 7, 2023

For Immediate Release

Contact: Kelsey James, board communications coordinator
801-538-7516 · kelsey.james@schools.utah.gov

Utah State Board of Education Concludes Personnel Investigation

SALT LAKE CITY – The Utah State Board of Education (USBE) has concluded its analysis of several hotline complaints against Board Member Natalie Cline.

USBE's complaint process provides for an initial analysis by the Internal Audit Department, which does not make specific findings of fact or legal determinations and is not a determination of whether a particular board member did in fact violate Utah law, policy, bylaws, or injure the good name of the Board. The preliminary analysis may be followed by a more in-depth investigation when bylaw violations are in question (USBE Policy 2005). This step includes legal counsel engagement and Board member response. Finally, Board Leadership can take specified action or bring the matter to executive session, where evidence and input can be considered by the full Board for possible action (USBE Policy 2005).

Taylorsville Library Complaint — Due to the nature of a complaint regarding alleged statements about a USBE staff member at the Taylorsville Library on June 29, 2023, Board leadership requested additional investigation beyond the preliminary analysis, which included engagement by legal counsel and a request for response from Board Member Cline. The Board met twice last week to review the evidence and consider possible action. USBE takes seriously any report of improper conduct by its members, including allegations about statements that violate the privacy of staff members (USBE Bylaws Article IV(2)). In this matter, no additional action was taken due to a lack of sufficient evidence.

Facebook Post Complaint — Board Leadership responded to a post by Member Cline dated July 4, 2023, by exercising its own right to speak in a press release on July 13, 2023. As stated in Article IV(2) of the Board's bylaws, the Board acknowledges that its members have the right to speak under the First Amendment to the United States Constitution, including controversial speech on policy issues and speech that is critical of the government; but the Board also expects members to follow its Bylaws and use civility and accuracy in communication.

USBE regrets that inaccurate statements regarding the investigation and preliminary analysis in this matter during the confidential investigation led to premature conclusions and speculation regarding Board action.

USBE POLICY 2005: Complaints Against Individual Board Member

