

# Davis School District Policy and Procedures

**Subject: 2HR-204 Ethical Conduct of District Employees**  
**Index: Human Resources – Employee Legal Rights and Responsibilities**  
**Revised: May 2, 2017**

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## 1. PURPOSE AND PHILOSOPHY

As an employee of the Davis School District (District) a person is placed under an affirmative duty to comply with various standards governing the ethical conduct of school district employees. Following the standards will ensure the highest principles of behavior and uphold the trust vested in District employees by the community.

## 2. UTAH PUBLIC OFFICERS' AND EMPLOYEES' ETHICS ACT

The intent of Utah Public Officers' and Employees' Ethic Act is to promote the public interest and strengthen the confidence of citizens in the integrity of their government; and to allow public employees to take advantage of opportunities available to all other citizens to acquire private economic or other interest where it will not interfere with the full and faithful discharge of their public duties.

### 2.1. Non Education-Related Outside Employment

A school district employee who participates in a non-education-related employment or business activities outside of their District employment may not:

- 2.1.1. accept employment or engage in any business or professional activity that would require disclosure of controlled information gained by reason of their employment;
- 2.1.2. disclose controlled, protected, or private information gained by reason of their employment to secure personal privileges or exemptions of self or others;
- 2.1.3. use their position as a District employee to further their own personal economic interest or secure special privileges or exemptions for self or others; or
- 2.1.4. accept outside employment that may impair independence of judgment in performing their public duties.

### 2.2. Accepting Gifts or Compensation

2.2.1. A District employee may not knowingly receive, accept, seek, or solicit, directly or indirectly, for themselves or another a gift of substantial value or a substantial economic benefit tantamount to a gift where:

- [a] It would tend to improperly influence the performance of job responsibilities;
- [b] It is intended as a reward for official action taken; or
- [c] The employee is currently, or in the near future will be involved in action directly affecting the donor, unless a disclosure of the gift or compensation and other relevant information has been made in the manner provided in Utah Code Ann. §67-16-6.

2.2.2. A District employee who is not involved in the procurement of goods or services, may accept an occasional nonmonetary gift having a value not exceeding \$50 and any award which may be publicly presented in recognition of public services.

2.3. This section does not apply to a public employee who engages in conduct that constitutes a violation of this section to the extent that the public employee is chargeable for the same conduct under Utah Code Ann. §63G-6a-2404 and District policy 6F-103 Purchasing Policy.

### 2.4. Participation in Transaction Involving Business as to Which Employee has Interest

A District employee may not participate in their official capacity in any transaction

between the District and any business in which they are an officer, director, employee, owner, or is a family member that stands to benefit by association unless the employee has appropriately disclosed the interest and is approved by the Board or designee.

[Disclosure Pursuant to Utah Public Officers' and Employees' Ethics Act](#)

### **3. ETHICAL CONDUCT FOR EDUCATION EMPLOYEES**

District employees shall represent the highest standards and values of the community in a manner characterized by trust, morality, and ethical principles. In accordance with Utah Administrative Code R277-515, education employees must:

- 3.1 maintain verbal, physical, emotional, and social lines with students to ensure structure, security, and predictability in an educational environment (see rule [R277-515-2\(1\)](#));
- 3.1. be role models of civic and society responsibility (see rule [R277-515-3](#));
- 3.2. maintain a positive and safe learning and working environment (see rule [R277-515-4](#));
- 3.3. conduct themselves professionally (see rule [R277-515-6](#)); and
- 3.4. comply with District policies (see rule [R277-515-5](#)).

### **4. MEETING WITH STUDENTS OUTSIDE NORMAL SCHOOL DAY**

School instruction, counseling, and other administrative tasks relating to students which require the presence of students should be accomplished on school premises within the normal school day.

- 4.1. Approval of the school principal is required whenever it becomes necessary for a District employee to meet with a student outside the normal school day.
- 4.2. Notice shall be given to a parent or legal guardian before detaining any student after school.
- 4.3. If detention is necessary for the student's health or safety, an exception may be made to the notice requirement.
- 4.4. District personnel are not authorized to invite school-aged persons from the District to the employee's home.
- 4.5. All extra-curricular student activity programs require authorization of the school principal.
- 4.6. District employees shall avoid traveling alone with a student.

### **5. EDUCATIONAL SERVICES OUTSIDE OF EDUCATOR'S REGULAR EMPLOYMENT**

A District employee who desires to participate in a private, but public educational-related activity where the principle clients are current or prospective students must abide by applicable state laws, rules, and District policy.

- 5.1. A District employee's participation in outside activities must be separate and distinguishable from their school employment.

- 5.2. A District employee may not promote the activities by contacting students at the public schools or by using education records or information obtained through their District employment unless the records or information are readily available to the general public.
- 5.3. A District employee may not use school time, materials, or equipment to discuss, promote, or prepare for any private activity.
- 5.4. A District employee may not state or imply to any person that participation in a regular school activity or program or the receipt of school credit is conditioned on participation in a private activity.
- 5.5. A District employee shall assure that any advertising of the outside activity is in compliance with state law, rule, and District policy.
- 5.6. A District employee shall provide a copy of any contract entered into with an activity sponsor to their direct supervisor and the Superintendent's Office.

**6. VIOLATIONS OF PROFESSIONAL ETHICS**

- 6.1. A District employee should report known violations of this policy to the employee's supervisor. In situations where the supervisor is alleged to be in violation of this policy, the reporting employee shall notify the School Director or the Human Resources Director.
- 6.2. Any District employee who violates the established standards of ethical decorum and behavior will be subject to disciplinary action up to and including dismissal from employment in accordance with state law, rule, and District policy.

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## DEFINITIONS

“**Activity sponsor**” means a private or public individual or entity that employs an employee in any program in which public school students participate.

“**Controlled, private or protected information**” means information classified as controlled, private, or protected in Title 63G, Chapter 2, Government Records Access Act (GRAMMA), or other applicable provision of law, including 20 U.S.C. §1232g Family Educational Rights and Privacy Act (FERPA) which governs student records.

“**Economic benefit tantamount to a gift**” includes: (a) a loan at an interest rate that is substantially lower than the commercial rate then currently prevalent for similar loans; and (b) compensation received for private services rendered at a rate substantially exceeding the fair market value of the services.

“**Gift or compensation**” means anything of economic value, however designated, which is paid, loaned, granted, given, donated, or transferred to any person or business entity by anyone other than the employee for or in consideration of personal services, materials, property, or any other thing whatsoever.

“**Private, but public education-related activity**” means any type of activity by an employee in which the principle clients are current or prospective students of the employee and for which the employee receives compensation. Such activities include: (1) tutoring; (2) lessons; (3) clinics; (4) camps; or (5) travel opportunity.

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## REFERENCES

[Utah Code Ann. Title 67, Chapter 16](#) – Public Officers’ and Employees’ Ethics Act.

[Utah Administrative Code R277-107](#) – Educational Services Outside of Educator’s Regular Employment.

[Utah Administrative Code R277-515](#) – Utah Educator Standards.

[Utah Administrative Code R277-517](#) - LEA Codes of Conduct.

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## FORMS AND OTHER LINKS

[Avoiding Conflicts of Interest as a Public School Employee](#)

[Disclosure Pursuant to Utah Public Officers’ and Employee’ Ethics Act](#)

[Ethical Conduct of School Employees Pamphlet](#)

[Written Verification by Employee \(Private but Public Education-Related Activities\)](#)

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## RELATED POLICIES

[6F-103 Purchasing Policy Section 14 Violations and Penalties](#)

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## DOCUMENT HISTORY:

**Adopted: March 17, 2009**

**Revised: September 1, 2009** – Added section 4 Meeting with Students Outside the Regular School Day. This language was previously found in 5S-400 School Attendance and Discipline when the policy was revised, renumbered and renamed to 5S-100 Student Conduct and Discipline.

**Revised: September 22, 2010 (by consent)** – As part of a five-year review, including a reorganization of the Table of Contents, policy was renumbered from 2HR-119 to 2HR-204. No substantive changes.

**Revised: July 1, 2014** – Updated with minor revisions consistent with changes in law and rule.

**Revised: May 2, 2017** – Updated to comply with new Administrative Code R277-517.