

# P-1: Administrative Procedures

## Ethical Standards and Codes of Conduct



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### REFERENCES

[Board Policy P-1](#)

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### DEFINITIONS

**Boundary violation:** A boundary violation means crossing verbal, physical, emotional, and social lines that an educator must maintain in order to ensure structure, security, and predictability in an educational environment. A boundary violation may include the following, depending on the circumstances:

- A. isolated, one-on-one interactions with students out of the line of sight of others;
- B. meeting with students in rooms with covered or blocked windows;
- C. telling risqué jokes to, or in the presence of a student;
- D. employing favoritism to a student;
- E. giving gifts to individual students;
- F. educator initiated frontal hugging or other uninvited touching;
- G. photographing individual students for a non-educational purpose or use;
- H. engaging in inappropriate or unprofessional contact outside of educational program activities;
- I. exchanging personal email or phone numbers with a student for a non-educational purpose or use;
- J. interacting privately with a student through social media, computer, or handheld devices; and
- K. discussing an educator's personal life or personal issues with a student.

A boundary violation does not include:

- A. offering praise, encouragement, or acknowledgment;
- B. offering rewards available to all who achieve;
- C. asking permission to touch for necessary purposes;
- D. giving a pat on the back or a shoulder;
- E. giving a side hug;
- F. giving a handshake or high five;
- G. offering warmth and kindness;
- H. utilizing public social media alerts to groups of students and parents; or
- I. contact permitted by an IEP or 504 plan.

**Grooming:** Grooming means befriending and establishing an emotional connection with a child or a child's family to lower the child's inhibitions for emotional, physical, or sexual abuse.

**Sexual Conduct:** For purposes of these procedures only, sexual conduct includes any sexual contact or communication between a staff member and a student, including but not limited to:

1. Sexual abuse, as defined by Utah Code Ann. §76-5-404.1(2), including, regardless of the gender of any participant:
  1. touching a student's anus, buttocks, pubic area, breast, or genitalia; or
  - (1) otherwise taking indecent liberties with a student; and
  - (2) taking such action with the intent to:
    - (a) cause substantial emotional or bodily pain; or
    - (b) arouse or gratify the sexual desire of any individual.
2. Sexual battery, as defined by Utah Code Ann. §76-9-702.1, including intentionally touching, whether or not through clothing, the anus, buttocks, breast, or any part of the genitals of a student, and the actor's conduct is under circumstances the actor knows or should know will likely cause affront or alarm to the student touched; or
3. A staff member and student sharing any sexually explicit or lewd communication, image, or photograph.

**Staff:** For purposes of these procedures only, staff or staff member means an employee, contractor, or volunteer with unsupervised access to students.

**Student:** For purposes of these procedures only, student means a child under the age of 18 or over the age of 18 if still enrolled in a public secondary school.

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## PROCEDURES FOR IMPLEMENTATION

### I. Professional Behavior

All district employees must comply with various standards governing their ethical and professional behavior. Employees acknowledge that they serve the public, and that the public has placed its trust in them. This responsibility requires employees to maintain standards of exemplary professional conduct in a manner characterized by trust, morality, and ethical principles. Because a district employee's actions will be viewed and appraised by the community, professional associates, and students, all employees must subscribe to the standards outlined below.

### II. Professional and Ethical Code of Conduct

#### A. All employees:

1. will comply with the Utah Public Officers' and Employees' Ethics Act, including provisions related to:
  - a. potential conflicts caused by outside employment;
  - b. accepting gifts or compensation;
  - c. participating in transactions involving a business in which the employee has an interest;
  - d. filing the required [conflict of interest disclosure](#) if the employee has a relationship with or interest in an outside business entity.
2. will make the well-being of students the fundamental value of all decision making and actions;
3. will fulfill professional responsibilities with honesty and integrity;
4. will be a role model of civic and social responsibility;
5. will maintain a positive and safe learning and working environment;
6. will support the principle of due process and protect the civil and human rights of all individuals;
7. will obey local, state and national laws and not knowingly join or support organizations that advocate, directly or indirectly the over-throw of the government; and
8. will comply with the board's policies and district's administrative procedures.

#### B. Administrator standards:

1. In addition to the above, district administrators shall demonstrate the traits, skills, and work functions designated in Utah's Educational Leadership Standards.

### III. Educator Standards

#### A. An educator may not:

1. Be convicted of a felony;
2. Be convicted of a misdemeanor offense that:
  - a. Adversely affects the educator's ability to carry out the educator's responsibilities; or
  - b. Adversely affects the well-being of students;
3. Be convicted of, or engage in conduct of a sexual nature described in Utah Code §53E-6-603(2)
4. Participate in sexual, physical, or emotional harassment towards any colleague or public school-age student;
5. Engage in:
  - a. A single egregious instance or pattern of inappropriate contact in any communication, including written, verbal, or electronic, with a minor, student, colleague, or member of the community; or
  - b. A single egregious instance or pattern of boundary violations with a student;
6. Solicit, encourage, or consummate an inappropriate relationship, whether written, verbal, or physical, with a student or a minor;
7. Accept an inappropriate gift from, or give an inappropriate gift to, a student;
8. Be convicted of or commit a criminal offense involving a child, including physical abuse, cruelty, or exploitation of a child;
9. Use corporal punishment, excessive force, or inappropriate physical restraint, except as provided in Utah Code §53G-8-302;
10. Provide alcohol or unauthorized drugs to a student or allow a student under the educator's supervision or control to consume or obtain alcohol or unauthorized drugs;
11. Attend school or a school-related activity in an assigned employment-related capacity while possessing, using, or being under the influence of alcohol or an illegal drug;
12. Attend school or a school-related activity in an assigned employment-related capacity after intentionally exceeding the prescribed dosage of a prescription medication that may impair the educator;
13. Possess or distribute an illegal drug or be convicted of any crime related to an illegal drug, including a prescription drug not specifically prescribed to the educator;
14. Be convicted of an alcohol-related offense;

15. Use or attempt to use a district computer or information system to access information that may be detrimental to young people or inconsistent with the educator's role model responsibility;
  16. Knowingly possess, while at school or any school-related activity, any pornographic or indecent material in any form;
  17. Use school or district equipment to intentionally view, create, distribute, or store pornographic or indecent material in any form;
  18. Knowingly use, view, create, distribute, or store pornographic or indecent material involving children;
  19. Expose students to material the educator knows or should have known to be inappropriate given the age and maturity of the students;
  20. Violate state laws regarding the possession of a firearm while on school property or at a school-sponsored activity;
  21. Knowingly allow a student to violate a board policy or law concerning possession or access to a weapon;
  22. Interfere with or discourage a student's or colleague's legitimate exercise of constitutional, legal, or civil rights, whose actions are consistent with the law or a board policy;
  23. Exclude a student from participating in any program, deny or grant any benefit to a student, or encourage a student to develop a prejudice on the basis of:
    - a. Race;
    - b. Color;
    - c. Creed;
    - d. Sex;
    - e. National origin;
    - f. Marital status;
    - g. Political or religious belief;
    - h. Physical or mental condition;
    - i. Family, social, or cultural background;
    - j. Sexual orientation; or
    - k. Gender identification;
  24. Knowingly or intentionally permit unauthorized collection, sharing, or use of student data;
  25. Knowingly violate student confidentiality unless revealing confidential information to an authorized person serves the best interest of a student and serves a lawful purpose;
  26. Violate:
    - a. the Utah Public Officers' and Employees' Ethics Act;
    - b. Utah's Student Privacy and Data Protection Act;
    - c. Utah Admin. Code R277-107, Educational Services Outside of an Educator's Regular Employment; or
    - d. Utah Admin. Code R277-120-5, Classroom Materials Developed by Utah Educators;
  27. Cheat or engage in academic dishonesty, whether on behalf of a student or in the educator's own educational pursuits.
- B. Required Conduct for an Educator
1. An educator shall:
    - a. comply with all federal, state, and local laws;
    - b. maintain a professional educator/student relationship, including by:
      - i. treating a student with dignity and respect by promoting the health, safety and well-being of students; and
      - ii. maintaining appropriate verbal, emotional, and social boundaries;
    - c. take prompt and appropriate action to prevent harassment or discriminatory conduct toward a student or school employee that the educator knew or should have known may result in a hostile, intimidating, abusive, offensive, or oppressive environment;
    - d. take prompt and appropriate action to protect a student from any known condition detrimental to the student's physical health, mental health, safety, or learning;
    - e. report suspected child abuse or neglect to law enforcement or the Division of Child and Family Services in accordance with Utah Code §§53E-6-701 and 62A-4a-409;
    - f. cooperate in providing all relevant information and evidence to the proper authority in the course of an investigation by a law enforcement agency or by the Division of Child and Family Services regarding potential criminal activity, except that an educator may decline to give evidence against himself or herself in an investigation if the evidence may tend to incriminate the educator as that term is defined by the Fifth Amendment of the U.S. Constitution;

- g. take appropriate steps to notify a student's parents and refer a student to appropriate prevention services if a student threatens suicide or self-harm as required by Utah Code §§53E-9-203(7) and 53G-9-604(2);
- h. provide truthful, accurate, and complete information in:
  - i. licensing, transfer, and employment applications or other documentation;
  - ii. evaluations of the educator, other educators, or students;
  - iii. proceedings related to educator licensure, employment, or related benefits;
  - iv. student IEP plans and related special education documentation;
- i. be forthcoming with truthful, accurate, and complete information to an appropriate authority regarding known educator misconduct that could adversely impact performance of a professional responsibility, by another educator;
- j. notify USBE at the time of application for licensure of:
  - i. current investigations involving professional misconduct in another jurisdiction;
  - ii. prior licensing disciplinary action in another jurisdiction; and
  - iii. past criminal convictions;
- k. report an arrest, citation, charge or conviction to the district in accordance with Utah Admin. Code R277-217-4;
- l. conduct financial business with integrity by honestly accounting for all funds committed to the educator's charge, as school responsibilities require, consistent with board policy;
- m. follow the board's accounting/fiscal policy and accompanying administrative procedures for collecting money in connection with a school activity, accounting for all money collected, and not commingling district or school funds with personal funds as described in Utah Admin. Code R277-113;
- n. demonstrate honesty and integrity by strictly adhering to all state and district instructions and protocols in managing and administering a standardized test to a student consistent with Utah Code §53E-4-312 and Utah Admin. Code R277-404;
- o. accept academic degrees or professional certification only from duly accredited institutions; and
- p. honor all contracts until fulfillment or release.

**IV. Staff Code of Conduct – Applicable to Employees, Contractors, and Volunteers with Significant Unsupervised Access to Students**

- A. All staff members shall act in a way that acknowledges and reflects their inherent positions of authority and influence over students.
- B. Staff members shall recognize and maintain appropriate personal boundaries in teaching, supervising and interacting with students. Staff members must avoid boundary violations with students, including behavior that could reasonably be considered grooming or lead to even an appearance of impropriety. This prohibition specifically includes the following:
  - 1. A staff member may not engage in any sexual conduct with a student.
  - 2. A staff member may not share any sexually explicit or lewd communication, image, or photograph with a student.For licensed educators, a boundary violation will result in disciplinary action at the district level and may result in action being taken against your professional license.
- C. A staff member may not subject a student to:
  - 1. physical abuse;
  - 2. verbal abuse;
  - 3. sexual abuse; and/or
  - 4. mental abuse.
- D. A staff member may not touch a student in a way that makes a reasonably objective student feel uncomfortable.
- E. A staff member may not provide gifts, special favors, or preferential treatment to a student or group of students.
- F. A staff member must report any suspected incidents of physical abuse, verbal abuse, sexual abuse, mental abuse, or neglect. This obligation is in addition to the mandatory child abuse reporting requirements imposed on all district employees.
- G. A staff member shall not discriminate against a student on the basis of sex, race, religion, or any other protected class. See Board Policy G-19: Discrimination, Harassment, Sexual Harassment, and Retaliation Prohibited, and its accompanying administrative procedures for additional information.

- H. No staff may use alcohol, tobacco, or any illegal substances during work hours or on school property. See Board Policy G-22: Tobacco and Drug Free District, and its accompanying administrative procedures for additional information.
- I. A staff member is required to report any suspicion of child abuse or neglect to the appropriate child welfare agency and/or law enforcement agency. If a staff member believes that the abuse has been caused by another staff member, a report must also be made to the school principal or superintendent. See Board Policy S-8: Mandatory Child Abuse Reporting and Training, and its accompanying administrative procedures for additional information.
- J. A staff member is required to report any suspicion of bullying to the appropriate school administrator or the district's department of human resources services. See Board Policy G-20: Bullying, Cyber-bullying, Hazing, and Abusive Conduct Prohibited, and its accompanying administrative procedures for additional information.
- K. A staff member must use appropriate and professional language when communicating with students, including verbal, written, and electronic communications. Examples of inappropriate and unprofessional language include but are not limited to: profanity; risqué, crude, off-color jokes; intimidating, harassing, threatening, disparaging, or demeaning comments; and/or racially or ethnically charged comments or slurs. See board policies G-19 and G-20, and their accompanying administrative procedures for additional information.
- L. Staff must ensure that any electronic communications with students, including through social media sites, is for the purpose of teaching and learning, and/or is directly related to a school activity or school-sponsored event. Licensed educators must ensure that they maintain separate professional and personal virtual profiles, and that they do not engage in or encourage personal on-line connections with students.

#### **V. Violations**

Any district employee who violates this established code of conduct will be subject to disciplinary action up to and including termination.

- A. Staff must report all suspected violations of any of the above codes of conduct to the appropriate school administrator, the appropriate district network director, or the department of human resource services.
  - 1. Failing to report suspected misconduct as required in these procedures is a violation of not only these administrative procedures and the Utah Educator Standards, it may also be a violation of state law, and may result in disciplinary action.

#### **VI. Training**

- A. The district will annually train all licensed educators on the Utah Educator Standards described in Utah Administrative Code, Rule R277-217
- B. Within ten days of beginning employment with the district, a staff member shall receive training regarding these procedures and accompanying board policy and shall acknowledge in writing having received and understood such training.
- C. Staff must annually read and sign all policies related to identifying, documenting and reporting child abuse.
- D. Employees and contractors must annually attend abuse prevention training required by Utah Code Ann. §53G-9-207.