Emery County School District

Policy: GBEB—Staff Code of Conduct & Appropriate Behavior

Date Adopted: 14 August 2019
Current Review / Revision: 14 August 2019

Purpose & Philosophy

The Emery School District Board of Education is committed to establishing and maintaining appropriate standards of conduct between staff members and students. These standards of conduct are also known as professional boundaries. Staff members shall maintain professional and appropriate demeanor and relationships with students, both during and outside of school hours, as well as both on and off campus, that foster an effective, non-disruptive and safe learning environment.

Definitions

- "Boundary violation" means crossing verbal, physical, emotional, or social lines that staff 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 a student out of the line of sight of others;

  b) meeting with a student 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) staff member initiated frontal hugging or other uninvited touching;

  g) photographing an individual student 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 employee's personal life or personal issues with a student.

  "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" 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" includes any sexual contact or communication between a staff member and a student including but not limited to:
    i) "Sexual abuse" means the criminal conduct described in Utah Code Ann. §76-5-404.1(2) and includes, regardless of the gender of any participant:
        (1) touching the anus, buttocks, pubic area, or genitalia of a student;
        (2) touching the breast of a female student; or
        (3) otherwise taking indecent liberties with a student;
        (4) with the intent to:
            (a) cause substantial emotional or bodily pain; or
            (b) arouse or gratify the sexual desire of any individual.

    ii) "Sexual battery" means the criminal conduct described in Utah Code Ann. §76-9-702.1 and includes intentionally touching, whether or not through clothing, the anus, buttocks, or any part of the genitals of a student, or the breast of a female 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

    iii) A staff member and student sharing any sexually explicit or lewd communication, image, or photograph.

- "Staff member" means an employee, contractor, or volunteer with unsupervised access to students.

- "Student" means a child under the age of 18 or over the age of 18 if still enrolled in a public secondary school.

Policy

Staff members shall act in a way that acknowledges and reflects their inherent positions of authority and influence over students.

a) Staff members shall recognize and maintain appropriate personal boundaries in teaching, supervising and interacting with students and shall avoid boundary violations including behavior that could reasonably be considered grooming or lead to even an appearance of impropriety.

b) A staff member may not subject a student to any form of abuse including but not limited to:
    i) physical abuse;
    ii) verbal abuse;
    iii) sexual abuse; or
    iv) mental abuse.

c) A staff member shall not touch a student in a way that makes a reasonably objective student feel uncomfortable.

d) A staff member shall not engage in any sexual conduct toward or sexual relations with a student including but not limited to:
   i) viewing with a student, or allowing a student to view, pornography or any other sexually explicit or inappropriate images or content, whether video, audio, print, text, or other format;
   ii) sexual battery; or
   iii) sexual assault.

e) Staff member communications with students, whether verbal or electronic, shall be professional and avoid boundary violations.

f) A staff member shall not provide gifts, special favors, or preferential treatment to a student or group of students.

g) A staff member shall not discriminate against a student on the basis of sex, religion, national origin, gender identity, sexual orientation, or any other prohibited class.

h) Staff member use of electronic devices and social media to communicate with students must comply with Emery District policy, be professional, pertain to school activities or classes, and comply with the Family Educational Rights and Privacy Act.

i) A staff member may not use or be under the influence of alcohol or illegal substances during work hours on school property or at school sponsored events while acting as a staff member. Additionally, a staff member may not use any form of tobacco or electronic cigarettes on school property or at school sponsored activities in an employment capacity.

j) A staff member shall cooperate in any investigation concerning allegations of actions, conduct, or communications that if proven, would violate this policy.

k) The Emery Board recognizes that familial relationships between a staff member and a student may provide for exceptions to certain provisions of this policy.

l) Conduct prohibited by this policy is considered a violation of this policy regardless of whether the student may have consented.

Reporting

a) A staff member who has reason to believe there has been a violation of this policy shall immediately report such conduct to an appropriate supervisor or school administrator. If a staff member has reason to believe a school administrator has violated this policy, the staff member shall immediately report the conduct to the administrator's supervisor.

b) In addition to the obligation to report suspected child abuse or neglect to law enforcement or the Division of Child and Family Services under Utah Code Ann. §62A-4a-403:

   i) a staff member who has reasonable cause to believe that a student may have been physically or sexually abused by a school staff member shall immediately report the belief and all other relevant information to the school administrator, or to the appropriate district supervisor;

   ii) a school administrator who has received a report or who otherwise has reasonable cause to believe that a student may have been physically or sexually abused by a school staff member shall immediately inform the appropriate district supervisor of the reported abuse; and

iii) if the staff member suspected to have abused a student holds a professional educator license issued by the Utah State Board of Education, the appropriate district supervisor shall immediately report that information to the Utah Professional Practices Advisory Commission;

iv) a person who makes a report under this subsection in good faith shall be immune from civil or criminal liability that might otherwise arise by reason of that report.

c) A staff member who has knowledge of suspected incidents of bullying shall immediately notify the student's building administrator in compliance with the Emery District bullying policy.

d) Failing to report suspected misconduct as required herein is a violation of this policy, the Utah Educator Standards, and in some instances, state law, and may result in disciplinary.

Training

a) Within 10 days of beginning employment with the Emery School District, a staff member shall receive training regarding this policy and shall acknowledge in writing having received training and understanding the policy.

b) Staff members employed by the Emery School District at the time of initial adoption of this policy shall receive training regarding this policy prior to the first day of the 2019-2020 school year on which students will be in attendance and shall acknowledge in writing having received training and understanding the policy.

Violations

A staff member found in violation of this policy will be subject to disciplinary action.

References

- Title 62A, Chapter 4a, Part 4, *Child Abuse or Neglect Reporting Requirements*
- Utah Code Section 53E-6-701, *Mandatory Reporting of Physical or Sexual Abuse of Students*
- Utah Admin. Code R277-401, *Child Abuse-Neglect Reporting by Education Personnel*
- Utah Admin. Code R277-515, *Utah Educator Professional Standards*
- Utah Admin. Code R277-322, *LEA Codes of Conduct*
- Utah Code Section 63G-7-301, *Waivers of Immunity*
- Utah Code Section 76-5-401.1, *Sexual Abuse of a Minor*
- Utah Code Section 76-9-702.1, *Sexual Battery*

Emery School District

Code of Conduct & Appropriate Behavior Policy
Staff Member Acknowledgement

Name: _____ Position: _____

Date of Training: _____ Trained by: _____

I received training about the requirements of the Emery School District's Code of Conduct policy. I understand the requirements of the policy and that I am responsible to recognize and maintain appropriate personal boundaries while interacting with students. I also understand that if I have reason to believe a staff member is violating the Code of Conduct, I will report my suspicions to my supervisor, building administrator, or the appropriate district administrator.

_____
Signature of Staff Member

_____
Date