



Policy & Legal Services
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To: Members of the Board of Education
From: Doug Larson
Re: Policy Readings
Date: December 13, 2019

Policy and Legal Services will present three First Readings during the next Board of Education meeting. A description of the policy identified is provided below.

Article V.C.14 Code of Conduct

This policy is required by R277-322 along with annual training related to appropriate contact with students and boundary violations. This policy taken right out of USBE rules and is intended to be consistent with the USBE requirements.

Article V.C.1. Prohibition of Discrimination, Harassment, and Retaliation

This policy is being modified to address some issues we encountered last year. The appeal provisions of this policy have been articulated more carefully to provide for a final agency actions for in discrimination matters. Due process procedures require finality, and this new language provides for finality.

Article VIII.B.8. Home School

State law and USBE rules were modified to specifically require LEAs to offer end of year, state-mandated testing to home school students. This policy was opened to provide for this new requirement and other provisions of the policy were amended to conform to other current requirements.

Article V.C.14 Code of Conduct

A. Purpose and Philosophy

The public vests trust in public schools to protect students and to model exemplary ethical behavior. The Board of Education of Granite School District 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, which foster a safe and nurturing learning environment.

B. Definitions

1. "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. A "boundary violation" may include the following, depending on the circumstances:

- i. isolated, one-on-one interactions with a student out of the line of sight of others;
- ii. meeting with a student in rooms with covered or blocked windows;
- iii. telling risqué jokes to, or in the presence of a student;
- iv. employing favoritism to a student;
- v. giving gifts to individual students;
- vi. staff member initiated frontal hugging or other uninvited touching;
- vii. photographing an individual student for a non-educational purpose or use;
- viii. engaging in inappropriate or unprofessional contact outside of educational program activities;
- ix. exchanging personal email or phone numbers with a student for a noneducational purpose or use;
- x. interacting privately with a student through social media, computer, or other electronic devices; and
- xi. discussing an employee's personal life or personal issues with a student.

b. "Boundary violation" does not include:

- i. offering praise, encouragement, or acknowledgment;
- ii. offering rewards available to all who achieve;
- iii. asking permission to touch for necessary purposes;

- iv. giving a pat on the back or a shoulder;
 - v. giving a side hug;
 - vi. giving a handshake or high five;
 - vii. offering warmth and kindness;
 - viii. utilizing public social media alerts to groups of students and parents; or
 - ix. engaging in contact permitted by an IEP or 504 plan.
2. “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.
3. “Sexual conduct” includes any sexual contact or communication between a staff member and a student including but not limited to “sexual abuse” described in Utah Code Ann. §76-5-404.1(2); “sexual battery” described in Utah Code Ann. §76-9-702.1; and sharing pornographic, sexually explicit, or lewd communications, images, video, text, photographs, or other similar content with students.
4. “Staff member” means an employee, contractor, or volunteer with access to students.
5. “Student” means a child under the age of 18 or over the age of 18 if still enrolled in a public secondary school.

C. Policy

Staff members hold positions of inherent authority and influence over students. Therefore, as an express term of continued employment in Granite School District, staff members are responsible to abide by heightened standards of professional and personal conduct.

1. Staff members shall recognize and maintain appropriate personal boundaries in teaching, supervising, and interacting with students during and after school hours. Staff members shall avoid boundary violations, including behavior that could reasonably be considered grooming or that could reasonably lead to the appearance of impropriety.
2. A staff member may not subject a student to any form of abuse including, but not limited to, physical, verbal, sexual, or mental/emotional abuse.
3. A staff member shall not touch a student in a way that would make a reasonably objective student feel uncomfortable.

4. A staff member shall not engage in any sexual conduct toward or sexual relations with a student.
5. Staff member communications with students, whether written, verbal, or electronic, shall be professional and avoid unduly intimate or personal issues, problems, or related subjects.
6. Staff members shall refrain from using profanity, making crude or off-color jokes, or using language that could be considered abusive, intimidating, threatening, disparaging, or demeaning.
7. A staff member shall not provide gifts, special favors, or preferential treatment to a student or group of students.
8. A staff member shall not shall not subject, or allow a student to be subjected to physical abuse, verbal abuse, sexual abuse, and/or mental abuse (see Administrative Memorandum Number 6, Prohibition of Corporal Punishment and Unreasonable Use of Physical Restraint) and shall comply with all mandatory child abuse or neglect reporting requirements) (see Administrative Memorandum Number 67 Child Abuse and Neglect Reporting) .
9. A staff member shall not discriminate against a student on the basis of race, sex, religion, disability, national origin, gender identity, sexual orientation, or any other prohibited class (see Article V.C.1. Prohibition of Discrimination Harassment and Retaliation).
10. Staff member use of electronic devices and social media to communicate with students must be professional, pertain to school activities or classes, comply with the Family Educational Rights and Privacy Act, and otherwise conform to district policies (See e.g. Article X.C.3. Educator and Student Communications and Social Media).
11. A staff member may not possess, use, or be under the influence of alcohol or illegal substances during work hours, on school property, or at school sponsored events while supervising students or 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 while acting in the capacity of a staff member.
12. Staff members shall maintain the confidentiality of personally identifiable information or information that is sensitive, including but not limited to student information, financial information, and medical information.

13. Conduct prohibited by this policy is considered a conduct violation regardless of whether the student may have consented to the conduct. Conduct described in this policy is not exhaustive, but is illustrative of unprofessional conduct, which violates statutes, regulations, or district policies and shall be constitute improper conduct and just cause for disciplinary action, up to and including termination of employment. A licensed educator engaging in such conduct may be subject to referral to Utah Professional Practices Advisory Commission (UPPAC) or other licensing bodies.
14. A staff member shall cooperate in any investigation concerning allegations of actions, conduct, or communications that, if proven, would violate this policy.
15. The district recognizes that some circumstances provide reasonable exceptions to this policy including, but not limited to, social workers and psychologists counseling students with parental permission; educators intervening with students believed to be at risk of suicide, self-harm, or harming others; familial relationships between a staff member and a student; and other exceptions contemplated by Utah Code 53E-9-203 Student Privacy.

D. Reporting

1. A staff member who has reason to believe there has been a violation of this policy shall immediately report the 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.
2. The following are reporting obligations of the district in addition to the obligation to report suspected child abuse or neglect to law enforcement or the Division of Child and Family Services (DCFS) under Utah Code Ann. §62A-4a-403:
 - a. 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 a district administrator.
 - b. 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 district administration of the reported abuse.

- c. If the staff member suspected to have abused a student holds a professional educator license, the district shall report that information to UPPAC or any other relevant licensing body.
- d. 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.
- 3. A staff member who has knowledge of suspected incidents of bullying shall immediately notify the building administrator in compliance with district policy (see Article VIII.B.9. Prohibition of Bullying Cyberbullying Hazing).
- 4. Failing to report suspected misconduct as required herein is a violation of this policy, the Utah Educator Standards, and in some instances, Utah State law, and may result in disciplinary action.

E. Training

All staff members shall receive annual training on proper conduct and appropriate boundaries with students and shall acknowledge in writing having received and understood this policy.

References:

Utah Code 76-5-401.1, Sexual Abuse of a Minor

Utah Code 76-9-702.1, Sexual Battery

Utah Code 62A-4a-401 et seq. Child Abuse or Neglect Reporting Requirements

Utah Code 63G-7-301, Waivers of Immunity

Utah Code 53E-9-203, Student Privacy

Utah Code 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

Article V.C.1. Prohibition of Discrimination Harassment and Retaliation Article IX.A.1.b. Drugs, Alcohol, and Tobacco Testing and Prohibitions

Article VIII.B.9. Prohibition of Bullying Cyberbullying Hazing

Administrative Memorandum Number 95, Prohibited Substances

Administrative Memorandum Number 6, Prohibition of Corporal Punishment and Unreasonable Use of Physical Restraint