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To: The Board of Education
From: Doug Larson
Re: Policy Reading
Date: April 27, 2022

Policy and Legal Services will present two First Readings during the next Board of Education meeting. A description of the policies under consideration is provided below.

Article V.C.14. Employee Code of Conduct

USBE narrowed the educator standards Rule. The district relied on language in that rule that was removed. To preserve those expectations for its employees, and to ensure educators act as role models to students, the district is revising its Employee Code of Conduct policy to recapture the language that USBE eliminated.

Article V.C.7. Disruptive and/or Unlawful Acts and Trespass

PLS is recommending modifications to the district's existing policy to provide clarity on how the district responds to disruptions. The modifications include definitions and more comprehensive expectations for civil and respectful conduct. The modifications also broaden and strengthen prohibitions against unlawful and disruptive behavior and trespass.

Article V.C.14. Employee 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 primarily involve maintaining a safe environment conducive to learning for all students ~~of conduct are also known as professional boundaries.~~ These standards ~~and~~ are generally applicable to anyone working or volunteering with, or in proximity to students. ~~All~~ ~~Staff~~ members, contractors, and volunteers working in Granite School District shall maintain professional and appropriate relationships with students suitable for a student role model ~~with students~~, both during and outside of school hours, and 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. “Educators,” for the purpose of this policy, include any individual working in education including employees of Granite School District, individuals working under contract with the District, or volunteers working on behalf of the District.

2.3.“Grooming” means befriending and establishing an emotional connection with a child or a child’s family to lower the child’s inhibitions for the purpose of encouraging inappropriate contact or engaging in an inappropriate relationship.

3.4.“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.

4.5.“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~~Educators hold positions of inherent authority and influence over students and model behavior for students. Thus, as an express term of continued employment in Granite School District, ~~staff members~~educators are responsible to abide by heightened standards of professional and personal conduct described in this policy.

1. Safety

Educators shall work to establish and maintain safe environments for students including:

- a. preventing, identifying, reporting, and correcting any threatening, harassing, or discriminatory conduct;

- b. providing responsible supervision of students;
- c. maintaining student privacy and confidentiality as appropriate;
- d. protecting students from any known condition that may be detrimental to students' physical or mental health;
- e. refraining from possessing, viewing, creating, or distributing at school or at any school related activity any pornographic or indecent material in any form;
- f. refraining from using District computer systems in a manner that is detrimental to students or inconsistent with the educator's role model responsibility.

2. Role Model Responsibilities

- a. Educators' actions provide a model for students to follow, and educators shall exhibit exemplary conduct, including:
 - i. demonstrating integrity and honesty in relationships with colleagues, students, parents, and patrons;
 - ii. communicating professionally and with civility with colleagues, student, parents, and patrons;
 - iii. complying with the Professional Standards for Educators maintained by the Utah State Board of Education (USB E);
 - iv. complying with the Public Employees Ethics Act;
 - iii. refraining from promoting personal or political positions or ideologies as part of the instructional process in a manner that is inconsistent with state laws and regulations; and
 - iv. engaging in civic dialogue and speaking as a citizen on matters of public concern in civil and responsible manner that does not disrupt the orderly operation of schools or providing instruction.
- b. Educators shall comply with federal, state, and local laws and regulations and shall not engage in unlawful conduct including:
 - i. committing any felony or misdemeanor offense that adversely affects the educator's ability to perform duties;
 - ii. engaging in any act of unlawful violence or abuse including physical, psychological, or emotional abuse;
 - iii. engaging in any unlawful conduct of a sexual nature, domestic violence, or stalking;
 - iv. committing any unlawful or harmful act involving a minor;
 - v. unlawfully possessing, using, or distributing a controlled substance or engaging in any prohibited conduct while under the influence of a controlled substance or alcohol;
 - vi. failing to report abuse; and
 - vii. unlawfully using or possessing of a firearm.

3. Boundaries Related to Students

a. ~~Staff members~~ Educators shall recognize and maintain appropriate personal boundaries in teaching, supervising, and interacting with students during and after school hours.

b. ~~Staff members~~ Educators shall avoid boundary violations, including behavior that could reasonably be considered grooming or that could reasonably lead to the appearance of impropriety.

~~Staff members~~ Educators may not subject a student to any form of abuse including, but not limited to, physical, verbal, sexual, or mental/emotional abuse.

c. ~~Staff members~~ Educators shall not touch a student in a way that would make a reasonably objective student feel uncomfortable.

d. ~~Staff members~~ Educators shall not engage in any sexual conduct toward or sexual relations with any student, regardless of consent.

e. ~~Staff members~~ Educator communications with students, whether written, verbal, or electronic, shall be professional and avoid unduly intimate or personal issues, problems, or related subjects.

f. ~~Staff members~~ Educators shall refrain from using excessive profanity, making ~~crude vulgar~~ or off-color jokes, or using language that could be considered abusive, intimidating, threatening, disparaging, or demeaning.

g. ~~Staff members~~ Educators shall not provide gifts, special favors, or preferential treatment to a student or group of students

7. h. ~~Staff members~~ Educators shall not subject, or allow a student to be subjected to physical ~~abuse~~, verbal ~~abuse~~, sexual ~~abuse~~, emotional, 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).

i. ~~Staff members~~ Educators shall not discriminate or permit discrimination 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).

j. ~~Staff members~~ Educators' 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 Article X.C.3. Educator and Student Communications and Social Media).

k. ~~Staff members~~ Educators 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.

l. ~~Staff members~~ Educators 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. 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 and Discipline

1. ~~An educator-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~~ educator has reason to believe a school administrator has violated this policy, the ~~staff member~~ educator 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. ~~An staff member~~ educator who has reasonable cause to believe that a student may have been physically or sexually abused by an educator ~~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 an ~~school staff member~~ educator shall immediately inform district administration of the reported abuse.
 - c. If the ~~staff member~~ educator suspected to have abused a student holds a professional educator license, the district shall report that information to Utah Professional Practices Advisory Commission (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. An ~~educator~~ ~~staff member~~ who has knowledge of suspected incidents of bullying, cyberbullying, hazing, or harassment 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 ~~S~~state law, and may result in disciplinary action potential criminal liability.
 5. 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, and District policies and shall constitute improper conduct and just cause for disciplinary action, up to and including termination of employment.
 6. ~~A~~ Licensed Educators engaging in ~~such conduct~~ prohibited by this policy ~~conduct~~ is/are subject to referral to UPPAC and/or other licensing bodies for potential censure.
 7. ~~Educators~~ ~~A staff member~~ shall cooperate in any investigation concerning allegations of actions, conduct, or communication, if proven, would violate this policy.

Training

All ~~staff members~~ educators 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 §58-37-4, Utah Controlled Substances Act

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 67, Child Abuse and Neglect Reporting

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