

R277. Education, Administration.

R277-322. LEA Codes of Conduct.

R277-322-1. Authority and Purpose.

(1) This rule is authorized by:

(a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;

(b) Section 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law; and

(c) Section 63G-7-301, which requires the Board to create a model policy that regulates behavior of a school employee toward a student.

(2) The purpose of this rule is to require LEAs to create a code of conduct/appropriate behavior policy applicable to the LEA's staff.

R277-322-2. Definitions.

(1) "Boundary violation" means the same as that term is defined in R277-515.

(2) "Staff" or "staff member" means an employee, contractor, or volunteer with unsupervised access to students.

(3) "Sexual conduct" means any sexual contact or communication between a staff member and a student, including:

(a) "sexual abuse" as defined in Section 76-5-404.1;

(b) "sexual battery" as defined in Section 76-9-702.1; or

(c) a staff member and student sharing any sexually explicit or lewd communication, image, or photograph.

R277-322-3. Required Code of Conduct Policy

(1) The Superintendent shall create a model code of conduct/appropriate behavior policy.

(2) Each LEA shall adopt a code of conduct/appropriate behavior policy applicable to the LEA's staff.

(3) An LEA's code of conduct/appropriate behavior policy, adopted pursuant to Subsection (2), may not be less stringent than the model code of conduct/appropriate

behavior policy described in Subsection (1) and shall include, at a minimum:

(a) a statement that a staff member should avoid boundary violations, as defined in Rule R277-515, with students;

(b) a statement that a staff member may not subject a student to:

(i) physical abuse;

(ii) verbal abuse;

(iii) sexual abuse; or

(iv) mental abuse;

(c) a statement that a staff member shall report any suspected incidents of:

(i) physical abuse;

(ii) verbal abuse;

(iii) sexual abuse;

(iv) mental abuse; or

(v) neglect;

(d) a statement that a staff member may not touch a student in a way that makes a reasonably objective student feel uncomfortable;

(e) a statement that a staff member may not participate in sexual conduct with a student;

(f) a statement regarding appropriate verbal or electronic communication between a staff member and a student;

(g) a statement regarding providing gifts, special favors, or preferential treatment to a student or group of students;

(h) a statement that a staff member shall not discriminate against a student on the basis of sex, race, religion, or any other prohibited class;

(i) a statement regarding appropriate use of electronic devices and social media for communication between a staff member and a student;

(j) a statement regarding use of alcohol, tobacco, and illegal substances during work hours and on school property;

(k) a statement that a staff member is required to:

(i) report any suspicion of child abuse or bullying to the proper authorities;

(ii) annually read and sign all policies related to identifying, documenting, and

reporting child abuse; and

(iii) for an employee or contractor, annually attend abuse prevention training required in Section 53G-9-207; and

(3) An LEA shall post the LEA's code of conduct/appropriate behavior policy adopted pursuant to Subsection (2) on the LEA's website.

(4) An LEA shall annually provide training to staff regarding the policy, including the staff member's responsibility to report and how to report:

(a) known violations of the LEA's code of conduct/appropriate behavior policy; and

(b) known violations of the Utah Educator Standards contained in R277-515.

(5) A staff member shall annually sign a statement acknowledging that the staff member has read and understands the code of conduct/appropriate behavior policy.

KEY: codes of conduct, appropriate behavior, employee conduct

Date of Enactment of Last Substantive Amendment: August 14, 2018

Authorizing, and Implemented, or Interpreted Law: Art X Sec 3; 53E-3-401(4); 63G-7-301