

Employee Code of Conduct and Appropriate Behavior
Policy Series: 5000 Personnel



Policy No. 5090

Purpose and Philosophy:

The Provo City 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:

1. Abuse
 - a. "Physical abuse" means abuse that results in physical injury or damage.
 - b. "Sexual abuse" has the same meaning as defined in [Utah Code § 80-1-102\(79\)](#).
 - c. "Verbal abuse" means repeatedly communicating in an objectively demeaning or disparaging manner which creates a hostile, intimidating, abusive, offensive, or oppressive learning environment.
 - d. "Mental abuse" means a pattern of sustained and repetitive acts or inappropriate statements that cause fear, lower self-esteem, or manipulate the person to control behavior. Examples of actions or statements that could be part of such a pattern include intimidation, threatening harm, destruction of property, insults or putdowns, arbitrary and unpredictable inconsistency, and denial that prior abusive incidents occurred. (Appropriate statements or actions taken in imposing discipline for misconduct do not constitute mental abuse.)
2. Boundary violation: A boundary violation occurs when a staff member crosses verbal, physical, emotional, or social lines that must be maintained to ensure structure, security, and predictability in an educational environment. Depending on the circumstances, the following may constitute a boundary violation:
 - a. Isolated, one-on-one interactions with students out of the line of sight of others;
 - b. Meeting with a student or students in rooms with covered or blocked windows;
 - c. Telling risqué jokes or using profanity in the presence of a student;
 - d. Employing favoritism to a student;
 - e. Inappropriate gift giving to an individual student;
 - f. Uninvited or inappropriate touching;
 - g. Photographing an individual student for a non-educational purpose or use;
 - h. Engaging in inappropriate or unprofessional conduct 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 with a student inappropriate details about the staff member's personal life or personal issues or a student's personal life or personal issues.
- 3. It is NOT a boundary violation to:
 - a. Offer praise, encouragement, or acknowledgement;
 - b. Offer rewards available to all who achieve;
 - c. Ask permission to touch for necessary purposes;
 - d. Give a pat on the back or a shoulder;
 - e. Give a side hug;
 - f. Give a handshake or "high five";
 - g. Offer warmth and kindness;
 - h. Use public social media alerts to groups of students and parents; or
 - i. Engage in contact permitted by an IEP or 504 plan.
 - j. It is not a boundary violation when a student acts or speaks in inappropriately familiar ways with a staff member without having been prompted to do so by the staff member, but such incidents must be promptly documented and reported to the staff member's supervisor or the building principal and the student should be given guidance on proper student-staff relationships as directed by the supervisor or principal.
- 4. Grooming: befriending and establishing an emotional connection with a child or child's family to lower the child's inhibitions for emotional, physical, or sexual abuse.
- 5. Sexual conduct: includes any sexual contact or communication between a staff member and student including, but not limited to:
 - a. Sexual abuse: criminal conduct described in [Utah Code Ann. §76-5-402.1\(2\)](#) and includes, regardless of the gender of any participant
 - i. Touching the anus, buttocks, pubic area, or genitalia of a student;
 - ii. Touching the breast of a female student; or
 - iii. Otherwise taking indecent liberties with a student with the intent to:
 - 1. Cause substantial or emotional bodily pain; or
 - 2. Arouse or gratify the sexual desire of any individual.
 - b. Sexual battery: 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
 - c. A staff member and student sharing any sexually explicit or lewd communication, image, or photograph.
- 6. "Bullying" means the same as that defined by [Policy 3320](#).
- 7. "Cyber-bullying" means the same as that defined by [Policy 3320](#).
- 8. "Neglect" has the same meaning as defined in [Utah Code § 80-1-102\(58\)](#).

9. Parent: the natural or adoptive or step or foster parent of a child or legal guardian who acts in the place of a parent.
10. Staff: an employee or any contractor or volunteer with unsupervised access to students.
11. Student: a child under the age of 18 or over the age of 18 if still enrolled in a public secondary school.

Professional Conduct

District staff are expected to comply with all District policies and to adhere to all requirements of the law.

1. District staff are further expected to act professionally. This includes the following:
 - a. Communicating in a civil manner and not promoting personal opinions, issues, or political positions as part of the instructional process in a manner inconsistent with law.
 - b. Speaking about and to students, parents, colleagues, and employees with respect and civility, in all instances avoiding the use of deficit and offensive language.
 - c. Demonstrating integrity and honesty in relationships with others and conducting any financial business and accounting for funds honestly and with integrity.
 - d. Complying with appropriate dress and grooming standards as established by generally accepted professional standards and supervisor directives. District staff dress according to the work they are assigned to perform.
 - e. Devoting sufficient time to properly plan, carry out, and evaluate acceptable educational programs, particularly those in alignment with the district's adopted curriculum where applicable.
 - f. Honoring letters of intent, contracts, and agreements.
 - g. Participating in the development of educational improvements in the school or district.
 - h. Participating in professional development programs and professional learning communities, including regular attendance at faculty/staff meetings.
 - i. Acting reasonably and prudently to protect the health, safety, and welfare of students when they are in school and participating in school-sponsored activities on or off campus and on District-approved transportation.
 - j. Avoiding the use of foul, abusive, demeaning, or profane language while engaged in school or school-related activities.
 - k. Preserving and maintaining school property.
 - l. Reporting to work regularly and on time.
2. District employees are required to report arrests and convictions as provided for in [Policy 5280](#).
3. District staff are prohibited from being under the influence of, using, possessing, or distributing any alcoholic beverage, tobacco product (including electronic cigarettes), or controlled substance at school or at a school-related activity where the staff member is functioning as such, as outlined in [Policy 5200](#).

- a. District staff are prohibited from providing alcohol or unauthorized drugs to students or from allowing students under the supervision or control of the staff member to use alcohol or unauthorized drugs.
 - b. District staff are further expected to support District efforts to reduce inappropriate drug use and alcohol or tobacco use among students, including by reporting student actions.
4. District staff are prohibited from knowingly viewing, accessing, or possessing pornographic or indecent material in any form (print, electronic, or otherwise) while on school premises or at a school-related activity or by using District devices, internet access, or other resources.
 - a. District staff may not knowingly use, view, create, distribute, or store pornographic or indecent material involving children at any time.
 - b. District staff may not expose students to sensitive material as defined by [Utah Code § 53G-10-103](#) and as determined by the District.

Professional and Ethical Relationships with Students

District staff are to comport themselves in a way that contributes to maintaining and fostering a positive, effective, non-disruptive and safe learning environment for students. This includes:

1. Maintaining professional and appropriate demeanor and relationships with students, both during and outside of school hours and on and off campus and through in-person and electronic interactions (through devices or social media).
2. Respecting appropriate interpersonal boundaries in interacting with students and avoiding behavior that could reasonably lead to the appearance of impropriety.
 - a. An educator may not invite, suggest, or encourage a student to reconsider or change the student's sexual orientation or gender identity.
 - b. An educator may not use his or her position, through instruction, materials, or symbols, to actively endorse, promote, or disparage a particular partisan, religious, denominational, sectarian, agnostic, or atheistic belief or viewpoint in a manner inconsistent with District policy.
3. Recognizing and maintaining 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.

Staff members shall act in a way that acknowledges and reflects their inherent positions of authority and influence over students. Staff are prohibited from engaging in the following conduct towards students:

1. Abuse (physical, sexual, verbal, or mental, as defined above);
2. Bullying, cyberbullying, harassment (including sexual harassment), or hazing;
3. Discrimination or harassment based on race, ethnicity, sex, gender identification, sexual orientation, religion (or lack of religious affiliation or belief), political viewpoint, or disability;
4. Boundary violations;
5. Sharing any sexually explicit or lewd communication, image, or photograph;

6. Allowing students in their homes for a school-related social activity without prior written permission of the principal;
7. Dating or any type of romantic or sexual relationship or conduct;
8. Requests for sexual activity or sexually suggestive comments; or
9. Touching a student in a way that makes a reasonably objective student feel uncomfortable.
10. Providing gifts, special favors, or preferential treatment to a student or group of students.
11. Singling out a particular student or students for personal attention and friendship beyond the professional staff-student relationship.
12. For non-guidance counseling or social work staff, encouraging students to confide their personal or family problems and/or relationships. If a student initiates such discussions, staff members are expected to refer the student to the appropriate staff members who will secure parental permission before engaging in such conversations. Staff involvement should be limited to a direct connection to the student's school performance.
13. Sending students on personal errands unrelated to any educational purpose.
14. Banter, allusions, sarcasm, jokes or innuendos of a disrespectful, racial, or sexual nature with students.
15. Disclosing intimate personal, sexual, family, employment concerns or other private matters to one or more students.
16. Addressing students or permitting students to address staff members with personalized terms of endearment, pet names, or otherwise in an overly familiar manner.
17. Socializing or spending time with students (including but not limited to activities such as going out for beverages, meals or movies, shopping, traveling and recreational activities) outside of school-sponsored events, except as participants in organized community activities; exception to socializing with a student outside of school could be when employees already have an existing relationship with the student (i.e. attending the same church, friends with one of their children).
18. Giving a student a ride alone in a vehicle in a non-emergency situation
19. Entering a student's home when a parent/guardian is not present.

The foregoing prohibitions apply to staff interaction with any student presently enrolled in the District and to staff interaction with any student who was enrolled in the District within the time period two (2) years before the conduct in question. See *Flaskamp v. Dearborn Public Schools*, 385 F.3d 935, 944 (6th Cir. 2004). Conduct prohibited by this policy is considered a violation of this policy regardless of whether the student may have consented.

The district recognizes that in circumstances where a staff member and a student have a relationship which is independent of and does not arise out of the school context, interactions which would be a boundary violation in the absence of that independent relationship may not constitute a boundary violation. (Examples of such independent relationships include where the staff member and student are family members or otherwise closely related or where the staff member and student are both affiliated with a non-school organization and the interaction relates to or arises out of that relationship.) The other prohibitions listed above apply regardless of the existence of an independent, non-school relationship.

A staff member shall cooperate in any investigation concerning allegations of actions, conduct, or communications that, if proven, would violate this policy. Violation of any of the prohibitions of this policy is grounds for employee disciplinary action up to and including termination of employment and for action up to and including termination of the District's relationship with a contractor or volunteer.

Reporting Requirements

Students and their parents/guardians should notify the principal (or other administrator) if they believe a teacher or other staff member may be engaging in conduct that violates this policy. If the conduct involves the principal, the student/parent should notify the Deputy Superintendent.

Staff members are required to promptly report any suspected incidents of abuse (physical, verbal, sexual, or mental) or neglect, including suspected incidents of child abuse as provided in [Policy 3421](#). All personnel who have reasonable cause to believe that a student has experienced sexual abuse by a staff member, volunteer, or agency personnel working in the school are required to make a report to Child Protective Services or law enforcement. Reporting suspected abuse to the building principal or supervisor does not relieve school personnel from their reporting responsibilities and timelines.

Staff members are also required to report incidents of student prohibited acts under [Policy 5280](#), which includes hazing and demeaning or assaultive behavior. Staff members shall also report incidents of bullying, cyberbullying, and harassment, under [Policy 3320](#).

Staff members are also required to report any instance of violation of this Code of Conduct policy, including but not limited to instances of sexual harassment as provided by [Policy 3214](#). Staff members are required to promptly notify the principal or the supervisor of the employee suspected of engaging in inappropriate conduct that violates this policy. If a staff member becomes aware that a student has initiated any interaction with a staff member which would be improper or inappropriately familiar, the staff member must promptly document and report that incident.

Staff members should report any instances where the staff member knows or has reason to believe that a staff member holding a Utah educator or administrative license has violated the Utah Educator Standards.

Reporting Procedures

Reports required under this Code of Conduct shall be made as follows:

1. Reports regarding child abuse or neglect shall be made according to [Policy 3421](#).
2. Reports regarding sexual harassment shall be made according to [Policy 3214](#).
3. Reports of student prohibited conduct shall be made according to [Policy 3320](#).
4. A staff member who has knowledge of suspected incidents of bullying shall immediately notify the student's building administrator.

5. Other reports required by this Code of Conduct shall be made to the staff member's immediate supervisor or the building principal. However, if the person who would receive the report is the person whose conduct is in question, the report will be made instead to that person's supervisor.
6. 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 action.

Training

Each staff member must, at least every year, read and sign [Policy 3421](#) (regarding reporting of suspected child abuse) and any other policies relating to identifying or documenting child abuse.

Each staff member must, at the time of initial employment and at least every year thereafter, be trained on the requirements of this code of conduct Policy 5090 and must at the time of each training sign a statement acknowledging that the staff member has read and understands this code of conduct.

Each staff member who is either an employee or a contractor must, once every three years, attend sexual abuse and human trafficking prevention training.

Each staff member who holds a Utah educator or administrative license shall become and remain familiar with the professional standards set forth in [Utah Administrative Rule R277-217](#).

Legal References

[Utah Code § 80-1-102\(63\). \(79\) \(2023\)](#)
[Utah Admin. Rules R277-217-3\(3\) \(January 10, 2024\)](#)
[Utah Admin. Rules R277-210-2\(6\) \(January 10, 2024\)](#)
[Utah Code § 80-1-102\(58\) \(2023\)](#)
[Utah Admin. Rules R277-322-2\(2\) \(August 19, 2019\)](#)
[Utah Admin. Rules R277-217-2, -3, -4, and -5 \(January 10, 2024\)](#)
[Utah Admin. Rules R277-217-2\(10\) to \(12\) \(January 10, 2024\)](#)
[Utah Admin. Rules R277-495-4\(1\)\(c\) \(December 11, 2023\)](#)
[Utah Admin. Rules R277-217-2\(16\) to \(19\) \(January 10, 2024\)](#)
[Utah Code § 76-10-1235 \(2007\)](#)
[Utah Admin. Rules R277-217-2\(4\) to \(7\), \(22\) to \(25\) \(January 10, 2024\)](#)
[Utah Admin. Rules R277-217-3\(2\), \(3\) \(January 10, 2024\)](#)
[Utah Admin. Rules R277-322-2\(3\) \(August 19, 2019\)](#)
[Utah Admin. Rules R277-322-3\(3\)\(a\) to \(j\) \(August 19, 2019\)](#)
[Utah Code § 63G-7-301\(3\)\(a\)\(i\), \(b\) \(2023\)](#)
[Utah Admin. Rules R277-322-3\(3\)\(c\), \(k\)\(i\) \(August 19, 2019\)](#)
[Utah Admin. Rules R277-322-3\(4\)\(a\) \(August 19, 2019\)](#)
[Utah Admin. Rules R277-322-3\(4\)\(b\) \(August 19, 2019\)](#)
[Utah Admin. Rules R277-322-3\(3\)\(k\)\(i\), \(4\) \(August 19, 2019\)](#)
[Utah Admin. Rules R277-322-3\(3\)\(k\)\(ii\) \(August 19, 2019\)](#)

[Utah Code § 63G-7-301\(3\)\(b\) \(2023\)](#)

[Utah Admin. Rules R277-322-3\(5\) \(August 19, 2019\)](#)

[Utah Admin. Rules R277-322-3\(3\)\(k\)\(iii\) \(August 19, 2019\)](#)

[Utah Code § 53G-9-207\(3\) \(2024\)](#)

[Utah Code § 53G-10-103](#)

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