



Staff Conduct with Students Policy

References: **62A-4a-403** – Child Abuse or Neglect Reporting Requirements
 53E-6-701 – Mandatory Reporting of Physical or Sexual Abuse of Students
 R277-401 – Child Abuse-Neglect Reporting by Education Personnel
 R277-515 – Utah Educator Professional Standards
 R277-322 – LEA Codes of Conduct
 63G-7-301 – Waivers of Immunity
 76-5-401.1 – Sexual Abuse of a Minor
 76-9-702.1 – Sexual Battery

PURPOSE

The Merit Board is committed to establishing and maintaining appropriate standards of conduct between staff members and students. Professional boundaries ensure that staff maintain professional and appropriate relationships with students at all times—both during and outside school hours, and on or off campus. These boundaries foster an effective, non-disruptive, and safe learning environment.

DEFINITIONS

- I. Boundary Violation:** occurs when a staff member crosses verbal, physical, emotional, or social lines that are necessary to maintain structure, security, and predictability in an educational setting. Boundary violations include:
- A.** Isolated, one-on-one interactions with a student out 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.** Showing favoritism to a student;
 - E.** Giving gifts to individual students;
 - F.** Initiating uninvited physical contact, such as frontal hugs;
 - G.** Photographing a student for non-educational purposes;
 - H.** Engaging in inappropriate or unprofessional contact outside of educational activities;
 - I.** Exchanging personal email or phone numbers with a student for non-educational purposes;
 - J.** Interacting privately with a student via social media or electronic devices; or

- K. Discussing an employee's personal life or issues with a student.
- II. **Grooming:** the act of befriending and establishing an emotional connection with a child or their family to lower the child's inhibitions for emotional, physical, or sexual abuse.
- III. **Sexual Conduct:** any sexual contact or communication between a staff member and a student, including but not limited to:
 - A. **Sexual Abuse** (as defined by Utah Code Ann. §76-5-404.1(2)):
 - 1. Touching a student's anus, buttocks, pubic area, or genitalia;
 - 2. Touching the breast of a female student;
 - 3. Taking indecent liberties with a student;
 - 4. Engaging in conduct intended to cause emotional or bodily harm or to gratify sexual desire
 - B. **Sexual Battery** (as defined by Utah Code Ann. §76-9-702.1): Intentionally touching a student's private areas, including through clothing, in a manner likely to cause affront or alarm.
 - C. **Other Sexual Conduct:** Sharing sexually explicit or lewd communication, images, or photographs with a student.
- IV. **Staff Member:** An employee, contractor, or volunteer with unsupervised access to students.
- V. **Student:** A child under the age of 18, or over 18 if still enrolled in a public secondary school.

POLICY

- I. Staff members shall act professionally, maintaining appropriate boundaries with students in all interactions. They must avoid behaviors that could create an appearance of impropriety.
 - A. A staff member **may not**:
 - 1. Subject a student to **any form of abuse**;
 - 2. Touch a student in a way that makes a **reasonable** student uncomfortable;
 - 3. Engage in **any** sexual conduct with a student, including:
 - a) Viewing or allowing a student to view pornography or inappropriate material; or
 - b) Sexual battery or assault;
 - 4. Provide gifts, special favors, or preferential treatment to students;
 - 5. Discriminate against students based on **sex, religion, national origin, gender identity, sexual orientation, or other protected characteristics**;
 - 6. Use personal electronic devices or social media to **privately communicate** with students;
 - 7. Use, or be under the influence of, alcohol or illegal substances during work hours, on school property, or at school-sponsored events;

8. Use **tobacco or electronic cigarettes** on school property or at school events; or
9. Fail to cooperate in investigations of alleged violations of this policy
- B. Acceptable interactions between students and staff may include:
 1. Offering praise, encouragement, or acknowledgment;
 2. Providing rewards available to all students who achieve;
 3. Asking permission for necessary physical contact;
 4. Giving a pat on the back, a shoulder touch, a side hug, handshake, or high five;
 5. Offering warmth and kindness in an appropriate manner;
 6. Using public social media alerts to groups of students and parents; or
 7. Contact permitted by an Individualized Education Plan (IEP) or 504 Plan.
- II. Staff communications with students, whether verbal or electronic, must be **professional** and **avoid boundary violations**.
- III. Familial relationships between a staff member and a student **may** provide exceptions to certain provisions of this policy.
- IV. A student's consent **does not permit** a violation of this policy.
- V. A staff member **must immediately report** any suspected violation of this policy to the school Director.
 - A. If the Director is suspected of violating this policy, the report must be made to the Board of Trustees.
 - B. If the accused staff member holds a Utah State Board of Education professional educator license, the Director **must report** the suspected abuse to the **Utah Professional Practices Advisory Commission**.
 - C. Failure to report misconduct covered in this policy may result in **disciplinary action**, as it violates:
 1. This policy;
 2. Utah Educator Standards;
 3. State law in certain cases.
- VI. Any person who reports suspected misconduct in **good faith** is **immune from civil or criminal liability**.
- VII. Within **10 days** of employment, new staff members must receive training on this policy and **sign an acknowledgment** confirming their understanding.
- VIII. Staff employed at the time of this policy's adoption must receive training before the first student attendance day of the school year and **sign an acknowledgement** after training.
- IX. A staff member found in violation of this policy will be subject to **disciplinary action**, which may include termination and legal consequences.