

**R277. Education, Administration.**

**R277-322. LEA Codes of Conduct.**

**R277-322-1. Authority, Purpose, and Oversight Category.**

(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) Subsection 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.

~~[(d) Section 76-5-404.1, which defines "position of special trust" inclusive of several public education related positions.]~~

(2) The purpose of this rule is to require LEAs to create a code of conduct or appropriate behavior policy applicable to the LEA's ~~[staff]~~ employees and individuals in a position of special trust.

(3)(a) The code of conduct required by this rule applies to ~~[a person in a position of special trust with an LEA or school]~~ LEA staff, including employees who hold an educator license issued by the Board.

(b) Nothing in this rule shall limit or replace the Board's authority under Rules R277-210 through R277-217 to investigate or discipline licensed educators for conduct violations.

~~[(3)4]~~ This Rule R277-~~[326]~~322 is categorized as Category 2 as described in Rule R277-111.

**R277-322-2. Definitions.**

(1) "Boundary violation" means the same as that term is defined in Rule R277-210.

(2) "Personal identity characteristics" has the same meaning as defined in Section 53B-1-118.

~~[(3) "Position of special trust" means the same as that term is defined in Section 76-5-404.1.]~~

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

(4) "Retaliation" means intimidation, threats, coercion, harassment, adverse employment actions, or other conduct that would discourage a reasonable person from reporting or participating in an investigation.

(~~[4]~~5) "Sexual conduct" means any sexual contact or communication between a staff member ~~[person in a position of special trust]~~ 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]~~ Board hereby creates a model code of conduct ~~[or appropriate behavior]~~ policy as set forth in Subsections (2) and (3).

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

~~—— (3) An LEA's code of conduct or appropriate behavior policy, adopted pursuant to Subsection (2), may not be less stringent than the model code of conduct or appropriate behavior policy described in Subsection (1) and shall include, at a minimum:]~~

(2) A ~~[person in a position of a special trust]~~ staff member:

(a) ~~[a statement that a staff member]~~ shall avoid boundary violations, as defined in Rule R277-210, with students or minors;

\_\_\_\_\_ (b) shall receive annual training on recognizing and preventing boundary violations in both physical and digital settings;

\_\_\_\_\_ (c) shall comply with all federal, state, and local laws;

\_\_\_\_\_ (d) shall treat students with dignity and respect by promoting the health, safety, and well-being of students, including maintaining appropriate verbal, emotional, and social boundaries;

\_\_\_\_\_ (e) shall take prompt an appropriate action to stop, mitigate, and prevent harassment or discriminatory conduct toward a student ~~[that the person knew or should have known may result in an inappropriate hostile, intimidating, abusive, offensive, or oppressive environment]~~;

\_\_\_\_\_ (f) shall take prompt and appropriate action to protect a student from any known condition detrimental to the student's physical health, mental health, or safety;

\_\_\_\_\_ (g) shall report to the LEA conduct in violation of the LEA's policy, including the LEA's code of conduct; and

\_\_\_\_\_ (h) shall report suspected child abuse or neglect to law enforcement or the Division of Child and Family Services in accordance with Sections 53E-6-701 and 80-2-602.

(~~[b]~~i) [~~a statement that a staff member~~] may not subject a student to:

(i) physical [~~abuse~~] harm or mistreatment;

(ii) verbal [~~abuse~~] mistreatment or intimidation;

(iii) sexual [~~abuse~~] conduct; or

(iv) mental [~~abuse~~] or psychological mistreatment;

(~~[e]~~i) [~~a statement that a staff member~~] shall report any suspected incidents of:

(i) physical [~~abuse~~] harm or mistreatment;

(ii) verbal [~~abuse~~] mistreatment or intimidation;

(iii) sexual [~~abuse~~] conduct;

(iv) mental [~~abuse~~] or psychological mistreatment; or

(v) neglect;

84           ~~[(d)]~~k) ~~[a statement that a staff member]~~ may not touch a student in a way that  
85 makes a reasonably objective student feel uncomfortable;

86           ~~[(e)]~~l) ~~[a statement that a staff member]~~ may not participate in sexual conduct with  
87 a student;

88           ~~[(f)]~~m) ~~[a statement regarding appropriate]~~ may not engage in inappropriate verbal  
89 or electronic communication ~~[between a staff member and]~~ with a student;

90           ~~[(g)]~~n) ~~[a statement regarding providing]~~ may not give inappropriate gifts, special  
91 favors, or unearned preferential treatment to a student or group of students;

92           ~~[(h)]~~o) ~~[a statement that a staff member]~~ may not discriminate against a student  
93 on the basis of the student's personal identity characteristics;

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

96           ~~[(j)]~~p) ~~[a statement regarding]~~ may not use ~~[of]~~ alcohol, tobacco, ~~[and]~~ or illegal  
97 substances during work hours and on school property;

98           ~~[(k)]~~ a statement that a staff member shall:

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

100          ~~—— (ii) annually read and sign all policies related to identifying, documenting, and~~  
101 ~~reporting child abuse; and~~

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

104           ~~[(q)]~~ may not retaliate against a student, parent, or other personnel who report a  
105 suspected violation of state law, Board rule or LEA policy, including the LEA code of  
106 conduct;

107          ~~—— (r) shall disclose conflicts of interest, including financial or personal relationships,~~  
108 ~~that may compromise professional judgment or student welfare;]~~

109          (q) shall act professionally and in a manner that upholds the integrity of the  
110 school and the public education system, whether on or off duty;

~~\_\_\_\_\_ (t) shall refrain from conduct, speech, or expression, whether in person or virtually, that could reasonably be viewed as inappropriate, unprofessional, or detrimental to the reputation of the individual's position or LEA or the education profession, during work hours, on school property, or in connection with official LEA activities];~~

\_\_\_\_\_ (r)(i) shall maintain political and ideological neutrality in the classroom and in the course of professional duties and may not use partisan, political, or ideologically charged language, symbols, attire, or expressions, including, but not limited to campaign slogans, political party insignia, or advocacy symbols, during work hours, on school property, or in connection with official LEA activities;

\_\_\_\_\_ (ii) Notwithstanding Subsection (q)(i), there is no violation where a staff member engages in temporary, incidental, or de minimis displays of personal expression that are not disruptive to the educational environment and cannot reasonably be perceived as school-sponsored;

~~\_\_\_\_\_ (v) shall use discretion in personal communications, including online posts and social media activity;~~

~~\_\_\_\_\_ (w) may not post, share or endorse content that reasonably could be perceived as harassment, intimidation, discrimination, encouraging violence, or otherwise inconsistent with professional standards of conduct;]~~

\_\_\_\_\_ (s) subject to constitutional rights against self-incrimination, shall fully cooperate with criminal or civil law enforcement, and an LEA, UPPAC, or Board investigations involving a student or ~~[person in a position of a special trust]~~ staff member by:

\_\_\_\_\_ (i) responding truthfully and promptly to lawful inquiries;

\_\_\_\_\_ (ii) providing relevant information within the individual's knowledge or possession;  
and

\_\_\_\_\_ (iii) complying with lawful subpoenas, warrants, or other compulsory processes;

\_\_\_\_\_ (t) may not while on school property, while acting in an official capacity or under circumstances where the conduct could reasonably be perceived as occurring in an

official capacity or as school sponsored, invite, suggest, or encourage a student to reconsider or change the student's sexual orientation or gender identity; and

~~[(z) may not, through instruction, materials, or symbols, actively endorse, promote, or disparage, a particular partisan, religious, denominational, sectarian, agnostic, or atheistic belief or viewpoint; and]~~

(u) shall observe and adhere to practices of confidentiality, privacy, and discretion, including ensuring that information is accessible only to those authorized to have access.

(3) A ~~[person in a position of a special trust]~~ staff member:

(a) shall annually read and sign all policies related to identifying, documenting, and reporting child abuse; and

(b) shall annually attend abuse prevention training as required in Section 53G-9-207.

(4) Notwithstanding Subsection (3), an LEA shall only require a volunteer to complete required trainings if the volunteer has significant and ongoing student interaction.

#### **R277-322-4. LEA Responsibilities.**

(1) Each LEA shall adopt a code of conduct policy, which may not be less stringent than the model code of conduct adopted in Section R277-322-3.

(2) An LEA that contracts with entities that directly serve students of the LEA must include a provision in the contracts with the entities that the contractor also adopt a code of conduct policy that may not be less stringent than the model code of conduct in Section R277-322-3.

(3) An LEA shall establish a hotline as described in Section R277-123-7 for students, parents, and personnel to report violations of Board rule and LEA policy, including the code of conduct.

(4) An LEA shall refer substantiated violations and systemic noncompliance of this rule to ~~[the Superintendent]~~ Internal Audit for possible corrective actions or sanctions under Rule R277-114.

(5) If an LEA repeatedly fails to provide required training, acknowledgments, or policy postings, the LEA may be subject to corrective action or sanctions under Rule R277-114.

~~[(4) An LEA shall post the LEA's code of conduct or appropriate behavior policy adopted pursuant to Subsection (2) on the LEA's website.]~~

~~[(5)(a) An LEA shall annually provide training to staff [individuals in a position of special trust] regarding the LEA's code of conduct policy, the hotline described in Subsection (3) [including the staff member's] and the individual's responsibility to report and how to report:~~

~~[(a)i) known violations of the LEA's code of conduct or appropriate behavior policy; and~~

~~[(b)ii) known violations of the Utah Educator Standards contained in Rule R277-217.~~

(b) An LEA shall annually provide its administrators with specialized training on investigation procedures and documentation of complaints.

~~[(6)(7) A staff member [A person with a position of special trust] who is an employee of, or volunteer at, an LEA shall annually sign a statement acknowledging that the staff member [the person] has read and understands the code of conduct ~~[or appropriate behavior]~~ policy.~~

(8)(a) An LEA shall annually provide to its governing board, LEA Superintendent, and the Board's Internal Audit Department a compliance attestation verifying that the LEA has provided required training, obtained employee acknowledgments, and posted its code of conduct as required by this rule.

(b) An LEA shall make the attestation under Subsection (8)(a) in a format prescribed by the Superintendent.

194 (9)(a) An LEA shall annually submit to the Superintendent and the Board's  
195 Internal Audit Department aggregate data on code of conduct complaints, categories of  
196 violations, and dispositions, with student and employee identities redacted, in a format  
197 prescribed by ~~[the Superintendent]~~ Internal Audit.

198 (b) The Superintendent shall make the information submitted under Subsection  
199 (9)(a) available to the Board upon request.

200 (10) An LEA shall report to the Board's Internal Audit Department, in a manner  
201 prescribed by the department, within 45 days, any ~~[individual in a position of a special~~  
202 ~~trust]~~ staff member at the LEA who:

203 (a) is terminated from employment for conduct that violates sexual conduct  
204 provisions of the LEA's code of conduct or appropriate behavior policy;

205 (b) resigns or retires in lieu of termination for conduct that violates sexual conduct  
206 provisions of the LEA's code of conduct or appropriate behavior policy;

207 (c) resigns or separates under an agreement that limits disclosure of the  
208 underlying reason for separation, including non-disclosure or confidentiality agreements,  
209 if the conduct involved potential violation of the LEA's code of conduct or Rules R277-  
210 217, R277-316, or R277-605; or

211 (d) otherwise separates employment following substantiated findings of  
212 misconduct, harm, neglect, or other conduct inconsistent with LEA policy, including the  
213 LEA's code of conduct.

214 (11) A report under this Subsection (10) shall include, at a minimum:

215 (a) the individual's name and position or assignment;

216 (b) the date of separation or LEA action;

217 (c) the nature of the conduct that led to the separation or LEA action; and

218 (d) whether the matter has been referred to law enforcement, UPPAC, or another  
219 regulatory authority.

\_\_\_\_\_ (12) An LEA may not construe this section to prevent the LEA from making reports to law enforcement, UPPAC, or the Department of Health and Human Services as otherwise required by law.

\_\_\_\_\_ (13)(a) An LEA may not enter into any agreement that prevents or restricts the LEA from providing the notice required by this section.

\_\_\_\_\_ (b) An LEA may not enter into an agreement, which restricts or prohibits a staff member from communicating or reporting any complaint or concern regarding the direct or indirect safety and welfare of students or any inappropriate conduct by the LEA to law enforcement, a local board, or the Board.

\_\_\_\_\_ (14) The Superintendent shall classify a report submitted under Subsection (10) as private in accordance with Subsections 63G-2-302(2)(a) and (d).

\_\_\_\_\_ (15) An LEA shall ensure that the LEA's code of conduct and policies, adopted consistent with this rule, is posted in a location that is readily accessible to the public on:

\_\_\_\_\_ (a) the LEA's official website; and

\_\_\_\_\_ (b) each school's official website within the LEA.

\_\_\_\_\_ (16) An LEA shall update the website posting within 30 days of adopting or revising its code of conduct.

\_\_\_\_\_ (17) Failure of an LEA to comply with this Section R277-322-4 constitutes noncompliance subject to corrective action or sanctions under Rule R277-114.

**R277-322-5. Retaliation and False Reports.**

\_\_\_\_\_ (1) An LEA shall prohibit retaliation against an individual who, in good faith, reports a suspected violation of LEA code of conduct, policy, Board rule, or the law.

\_\_\_\_\_ (2) An individual may not knowingly make a false, malicious, or frivolous report alleging a violation of the LEA's code of conduct, policy, or the law.

\_\_\_\_\_ (3) An individual who knowingly makes a false, malicious, or frivolous report may be subject to:

\_\_\_\_\_ (a) disciplinary action by the LEA, up to and including termination of employment;

248 (b) referral to UPPAC if the individual is licensed by the Board; and

249 (c) other remedies or penalties available under the law.

250 (4) Nothing in this section shall be construed to discourage or penalize good-faith  
251 reports made without malice or with a reasonable belief in their accuracy.

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253 **KEY: codes of conduct, appropriate behavior, employee conduct**

254 **Date of Last Change: August 7, 2024**

255 **Notice of Continuation: June 7, 2024**

256 **Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 63G-**  
257 **7-301**

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