

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] all LEA employees, ~~[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 speech or 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.]~~

() "Special Trust Employee" means

() "Student" means

() "Sexual conduct" means any verbal, written, visual, digital, or physical act or communication that is sexual in nature, sexualized, or reasonably perceived as intended to arouse sexual interest, normalize sexual behavior, or blur professional boundaries, including but not limited to:

(a) Sexualized speech, comments, jokes, narratives, hypotheticals, or discussions, whether explicit or implicit;

(b) Romantic or sexual expressions, flirtation, innuendo, or suggestive language;

(c) Electronic, digital, or social-media communications of a sexual or romantic nature, including emojis, images, memes, or coded language;

(d) Discussion or depiction of sexual activity, sexual identity, sexual orientation, sexual preferences, or sexual experiences that is not age-appropriate, curriculum-aligned, or pedagogically necessary;

(e) Conduct that a reasonable person would view as creating a sexualized, intimidating, hostile, or boundary-eroding educational environment;

(f) Any attempt to initiate, encourage, normalize, or advance a sexual or romantic relationship with a student or minor, regardless of consent or reciprocity;

(g) The sharing of any sexually explicit or lewd communication, image, or photograph;

(h) sexual abuse as defined in Section 76-5-404.1; or

(i) "sexual battery" as defined in Section 76-9-702.1.

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]~~ An LEA employee:

(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]~~ comply with the provisions of 65G-7-301 which require:

(i) providing the required code of conduct training; and

(ii) obtaining a signed statement acknowledging that the employee has read and understands the code of conduct;

(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 and appropriate action to stop, mitigate, and prevent harassment or discriminatory conduct toward a student]~~ promptly report any violation of the code of conduct to the LEA ~~[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)](f) 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;~~

~~[(c)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;~~

110 ~~———([d]k) [a statement that a staff member] may not touch a student in a way that~~
111 ~~makes a reasonably objective student feel uncomfortable;~~
112 ~~———([e]l) [a statement that a staff member] may not participate in sexual conduct with~~
113 ~~a student;~~
114 ~~———([f]m) [a statement regarding appropriate] may not engage in inappropriate verbal~~
115 ~~or electronic communication [between a staff member and] with a student;~~
116 ~~———([g]n) [a statement regarding providing] may not give inappropriate gifts, special~~
117 ~~favors, or unearned preferential treatment to a student or group of students;~~
118 ~~———([h]o) [a statement that a staff member] may not discriminate against a student~~
119 ~~on the basis of the student's personal identity characteristics;]~~
120 ~~[(i) a statement regarding appropriate use of electronic devices and social media~~
121 ~~for communication between a staff member and a student;]~~
122 [(i)](g) [a statement regarding] may not use [ef] alcohol, tobacco, [and] or illegal
123 substances ~~[during work hours and]~~ while working or on school property;
124 ~~[(k) a statement that a staff member shall:~~
125 ~~———(i) report any suspicion of child abuse or bullying to the proper authorities;~~
126 ~~———(ii) annually read and sign all policies related to identifying, documenting, and~~
127 ~~reporting child abuse; and~~
128 ~~———(iii) for an employee or contractor, annually attend abuse prevention training~~
129 ~~required in Section 53G-9-207; and]~~
130 ~~[(q) may not retaliate against a student, parent, or other personnel who report a~~
131 ~~suspected violation of state law, Board rule or LEA policy, including the LEA code of~~
132 ~~conduct;~~
133 ~~———(r) shall disclose conflicts of interest, including financial or personal relationships,~~
134 ~~that may compromise professional judgment or student welfare;]~~
135 ~~[(e)](h) shall act professionally and in a manner that upholds the integrity of the~~
136 ~~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];~~

~~_____ [(#)](i) (i) shall maintain political and ideological neutrality in the classroom [and in the course of professional duties]~~ while at school, when acting in an official capacity for the LEA, when interacting with students, or when students can see or hear and may not use or display partisan~~[, political, or ideologically]~~ or politically 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]~~ when such use or display is not directly connected to active instruction aligned with the approved curriculum.

~~_____ (ii) This includes, but is not limited to campaign slogans, political party insignia, or advocacy symbols, during work hours, on school property, or in connection with official LEA activities;~~

~~_____ [(#)](iii) Notwithstanding Subsection (i)(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)](j) 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] employee 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)](k)~~ [may not] prohibited 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)](l)~~ 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.

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

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

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

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

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

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

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

213 ([b]ii) known violations of the Utah Educator Standards contained in Rule R277-
214 217.

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

217 (b)(i) If an LEA repeatedly fails to provide to the provisions of 63G-7-301 or this
218 Rule, the LEA may be subject to corrective action or other sanctions.

(ii) Additionally, the employees, responsible for implementing and monitoring compliance with these provisions, and Superintendent may be subject to sanctions and UPPAC action.

~~[(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)](6)~~ (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.

~~[(9)](7)~~ (a) An LEA shall annually submit to the Superintendent and the Board's Internal Audit Department aggregate data on code of conduct complaints, categories of violations, and dispositions, with student and employee identities redacted, in a format prescribed by ~~[the Superintendent]~~ Internal Audit.

~~(b) [The Superintendent shall make the information submitted under Subsection (9)(a) available to the Board upon request]~~ Internal Audit shall make the information submitted under Subsection (9)(a) available to the Board quarterly.

~~[(10)](8)~~ An LEA shall report to the Board's Internal Audit Department, in a manner prescribed by the department, within 45 days, any ~~[individual in a position of a special trust]~~ ~~[staff member]~~ employee at the LEA who:

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

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

_____ (c) resigns or separates under an agreement that limits disclosure of the
underlying reason for separation, including non-disclosure or confidentiality agreements,
if the conduct involved potential violation of the ~~[LEA's code of conduct or Rules R277-
217, R277-316, or R277-605;]~~ sexual conduct provisions of the LEA's code of conduct
[or
_____ ~~(d) otherwise separates employment following substantiated findings of~~
~~misconduct, harm, neglect, or other conduct inconsistent with LEA policy, including the~~
~~LEA's code of conduct].~~
_____ ~~[(11)]~~(9) A report under this Subsection (10) shall include, at a minimum:
(a) the individual's name and position or assignment;
(b) the date of separation or LEA action;
(c) the nature of the conduct that led to the separation or LEA action; and
(d) whether the matter has been referred to law enforcement, UPPAC, or another
regulatory authority.
_____ ~~[(12)]~~(10) 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)]~~(11) (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] an employee 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)]~~(12) The Superintendent shall classify a report submitted under Subsection
(10) as private in accordance with Subsections 63G-2-302(2)(a) and (d).
_____ ~~[(15)]~~(13) 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.

_____ ~~[(46)]~~(14) An LEA shall update the website posting within 30 days of adopting or
revising its code of conduct.

_____ ~~[(47)]~~(15) 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)(a) 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.

_____ (b) An employee who retaliates against an individual for reporting alleged
misconduct under this Code of Conduct may be subject to:

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

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

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

_____ (2) An [individual] employee 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] employee 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;

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

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

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

_____ (5) An employee at an LEA that retaliates or facilitates retaliation against an
employee for reporting an alleged violation of this code of conduct or R277-210 or
R277-217 may be subject to:

- 301 (a) disciplinary action by the LEA, up to and including termination of
302 employment;
303 (b) corrective action or other sanctions in law and rule; or
304 (c) UPPAC action, if a licensed educator.
305
306

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

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

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

310 **Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 63G-**
311 **7-301**
312
313