

- 1 **R277. Education, Administration.**
- 2 **R277-322. LEA Codes of Conduct.**
- 3 **R277-322-1. Authority, Purpose, and Oversight Category.**
 - 4 (1) This rule is authorized by:
 - 5 (a) Utah Constitution Article X, Section 3, which vests general control and
 - 6 supervision over public education in the Board;
 - 7 (b) Subsection 53E-3-401(4), which allows the Board to make rules to execute
 - 8 the Board's duties and responsibilities under the Utah Constitution and state law; and
 - 9 (c) Section 63G-7-301, which requires the Board to create a model policy that
 - 10 regulates behavior of a school employee toward a student.
 - 11 ~~(d) Section 76-5-404.1, which defines "position of special trust" inclusive of~~
 - 12 ~~several public education related positions.]~~
 - 13 (2) The purpose of this rule is to require LEAs to create a code of conduct ~~or~~
 - 14 ~~appropriate behavior policy~~ applicable to the LEA's ~~staff~~ employees and individuals in
 - 15 a position of special trust.
 - 16 (3)(a) The code of conduct required by this rule applies to ~~a person in a position~~
 - 17 of special trust with an LEA or school ~~[LEA staff]~~ all LEA employees~~[, including~~
 - 18 employees who hold an educator license issued by the Board].
 - 19 (b) Nothing in this rule shall limit ~~[or replace]~~ the Board's authority under Rules
 - 20 R277-210 through R277-217 to investigate or discipline licensed educators for conduct
 - 21 violations.
 - 22 ~~(3) This Rule R277-322 is categorized as Category 2 as described in~~
 - 23 Rule R277-111.]
- 25 **R277-322-2. Definitions.**
 - 26 (1) "Boundary violation" means the same as that term is defined in Rule R277-
 - 27 210.

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

30 ~~[(3) "Position of special trust" means the same as that term is defined in Section
31 76-5-404.1.]~~

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

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

37 ~~[(4) "Sexual conduct" means any sexual contact or communication between a
38 staff member [person in a position of special trust] and a student, including:~~

39 ~~(a) "sexual abuse" as defined in Section 76-5-404.1;~~
40 ~~(b) "sexual battery" as defined in Section 76-9-702.1; or~~
41 ~~(c) [a staff member and student] sharing any sexually explicit or lewd
42 communication, image, or photograph.]~~

43 () "Special Trust Employee" means

44 () "Student" means

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

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

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

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

54 (d) Discussion or depiction of sexual activity, sexual identity, sexual orientation,
55 sexual preferences, or sexual experiences that is not age-appropriate, curriculum-
56 aligned, or pedagogically necessary;
57 (e) Conduct that a reasonable person would view as creating a sexualized,
58 intimidating, hostile, or boundary-eroding educational environment;
59 (f) Any attempt to initiate, encourage, normalize, or advance a sexual or romantic
60 relationship with a student or minor, regardless of consent or reciprocity;
61 (g) The sharing of any sexually explicit or lewd communication, image, or
62 photograph;
63 (h) sexual abuse as defined in Section 76-5-404.1; or
64 (i) "sexual battery" as defined in Section 76-9-702.1.

65

66 **R277-322-3. Required Code of Conduct Policy.**

67 (1) The ~~Superintendent shall create a~~ Board hereby creates a model code of
68 conduct ~~or appropriate behavior~~ policy as set forth in Subsections (2) and (3).

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

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

75 (2) [A] [person in a position of a special trust] [staff member] An LEA employee:

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

78 (b) shall receive annual training on recognizing and preventing boundary
79 violations in both physical and digital settings] comply with the provisions of 65G-7-301
80 which require:

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

82 (ii) obtaining a signed statement acknowledging that the employee has read and
83 understands the code of conduct;
84 (c) shall comply with all federal, state, and local laws;
85 (d) shall treat students with dignity and respect [by promoting the health, safety,
86 and well-being of students, including maintaining appropriate verbal, emotional, and
87 social boundaries];
88 (e) shall [take prompt an appropriate action to stop, mitigate, and prevent
89 harassment or discriminatory conduct toward a student] promptly report any violation of
90 the code of conduct to the LEA [that the person knew or should have known may result
91 in an inappropriate hostile, intimidating, abusive, offensive, or oppressive environment];
92 (f) shall take prompt and appropriate action to protect a student from any known
93 condition detrimental to the student's physical health, mental health, or safety;
94 (g) shall report to the LEA conduct in violation of the LEA's policy, including the
95 LEA's code of conduct;] and
96 [(h)](f) shall report suspected child abuse or neglect to law enforcement or the
97 Division of Child and Family Services in accordance with Sections 53E-6-701 and 80-2-
98 602.
99 [(f)](i) [a statement that a staff member] may not subject a student to:
100 (i) physical [abuse] harm or mistreatment;
101 (ii) verbal [abuse] mistreatment or intimidation;
102 (iii) sexual [abuse] conduct; or
103 (iv) mental [abuse] or psychological mistreatment;
104 [(c)](j) [a statement that a staff member] shall report any suspected incidents of:
105 (i) physical [abuse] harm or mistreatment;
106 (ii) verbal [abuse] mistreatment or intimidation;
107 (iii) sexual [abuse] conduct;
108 (iv) mental [abuse] or psychological mistreatment; or
109 (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]) [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 [or] 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 _____ [(g) 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 _____ [(g)](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;

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

142 ~~[(r)](i) (i) shall maintain political and ideological neutrality in the classroom [and in~~
143 ~~the course of professional duties] while at school, when acting in an official capacity for~~
144 ~~the LEA, when interacting with students, or when students can see or hear and may not~~
145 ~~use or display partisan[政治, or ideologically] or politically charged language,~~
146 ~~symbols, attire, or expressions[, including, but not limited to campaign slogans, political~~
147 ~~party insignia, or advocacy symbols, during work hours, on school property, or in~~
148 ~~connection with official LEA activities] when such use or display is not directly~~
149 ~~connected to active instruction aligned with the approved curriculum.~~

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

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

157 ~~[(v) shall use discretion in personal communications, including online posts and~~
158 ~~social media activity;~~

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

162 ~~[(s)](i) subject to constitutional rights against self-incrimination, shall fully~~
163 ~~cooperate with criminal or civil law enforcement, and an LEA, UPPAC, or Board~~

164 investigations involving a student or [person in a position of a special trust] [staff
165 member] employee by:
166 (i) responding truthfully and promptly to lawful inquiries;
167 (ii) providing relevant information within the individual's knowledge or possession;
168 and
169 (iii) complying with lawful subpoenas, warrants, or other compulsory processes;
170 [(t)](k) [may not] prohibited while on school property, while acting in an official
171 capacity or under circumstances where the conduct could reasonably be perceived as
172 occurring in an official capacity or as school sponsored, invite, suggest, or encourage a
173 student to reconsider or change the student's sexual orientation or gender identity; and
174 [(z) may not, through instruction, materials, or symbols, actively endorse,
175 promote, or disparage, a particular partisan, religious, denominational, sectarian,
176 agnostic, or atheistic belief or viewpoint; and]
177 [(u) shall observe and adhere to practices of confidentiality, privacy, and
178 discretion, including ensuring that information is accessible only to those authorized to
179 have access.
180 (3) A [person in a position of a special trust] staff member:
181 (a) shall annually read and sign all policies related to identifying, documenting,
182 and reporting child abuse; and]
183 [(b)](l) shall annually attend abuse prevention training as required in Section
184 53G-9-207.
185 [(4) Notwithstanding Subsection (3), an LEA shall only require a volunteer to
186 complete required trainings if the volunteer has significant and ongoing student
187 interaction.]
188
189 **R277-322-4. LEA Responsibilities.**
190 (1) Each LEA shall adopt a code of conduct policy, which may not be less
191 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.

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

222 ~~[(6)]~~7 A staff member ~~[A person with a position of special trust,]~~ who is an
223 ~~employee of, or volunteer at, an LEA shall annually sign a statement acknowledging~~
224 ~~that the staff member [the person] has read and understands the code of conduct [or~~
225 ~~appropriate behavior] policy.]~~

226 ~~[(8)]~~(6) (a) An LEA shall annually provide to its governing board, LEA
227 Superintendent, and the Board's Internal Audit Department a compliance attestation
228 verifying that the LEA has provided required training, obtained employee
229 acknowledgments, and posted its code of conduct as required by this rule.

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

232 ~~[(9)]~~(7) (a) An LEA shall annually submit to the Superintendent and the Board's
233 Internal Audit Department aggregate data on code of conduct complaints, categories of
234 violations, and dispositions, with student and employee identities redacted, in a format
235 prescribed by ~~[the Superintendent]~~ Internal Audit.

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

239 ~~[(10)]~~(8) An LEA shall report to the Board's Internal Audit Department, in a
240 manner prescribed by the department, within 45 days, any ~~[individual in a position of a~~
241 ~~special trust]~~ ~~[staff member]~~ employee at the LEA who:

242 (a) is terminated from employment for conduct that violates sexual conduct
243 provisions of the LEA's code of conduct or appropriate behavior policy;
244 (b) resigns or retires in lieu of termination for conduct that violates sexual conduct
245 provisions of the LEA's code of conduct or appropriate behavior policy; or

246 (c) resigns or separates under an agreement that limits disclosure of the
247 underlying reason for separation, including non-disclosure or confidentiality agreements,
248 if the conduct involved potential violation of the LEA's code of conduct or Rules R277-
249 217, R277-316, or R277-605; sexual conduct provisions of the LEA's code of conduct
250 [or
251 (d) otherwise separates employment following substantiated findings of
252 misconduct, harm, neglect, or other conduct inconsistent with LEA policy, including the
253 LEA's code of conduct].
254 [(11)](9) A report under this Subsection (10) shall include, at a minimum:
255 (a) the individual's name and position or assignment;
256 (b) the date of separation or LEA action;
257 (c) the nature of the conduct that led to the separation or LEA action; and
258 (d) whether the matter has been referred to law enforcement, UPPAC, or another
259 regulatory authority.
260 [(12)](10) An LEA may not construe this section to prevent the LEA from making
261 reports to law enforcement, UPPAC, or the Department of Health and Human Services
262 as otherwise required by law.
263 [(13)](11) (a) An LEA may not enter into any agreement that prevents or restricts
264 the LEA from providing the notice required by this section.
265 (b) An LEA may not enter into an agreement, which restricts or prohibits [a staff
266 member] an employee from communicating or reporting any complaint or concern
267 regarding the direct or indirect safety and welfare of students or any inappropriate
268 conduct by the LEA to law enforcement, a local board, or the Board.
269 [(14)](12) The Superintendent shall classify a report submitted under Subsection
270 (10) as private in accordance with Subsections 63G-2-302(2)(a) and (d).
271 [(15)](13) An LEA shall ensure that the LEA's code of conduct and policies,
272 adopted consistent with this rule, is posted in a location that is readily accessible to the
273 public on:

274 (a) the LEA's official website; and
275 (b) each school's official website within the LEA.
276 [(16)][(14)]An LEA shall update the website posting within 30 days of adopting or
277 revising its code of conduct.

278 [(17)][(15)]Failure of an LEA to comply with this Section R277-322-4 constitutes
279 noncompliance subject to corrective action or sanctions [under Rule R277-114].

280

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

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

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

286 (a) disciplinary action by the LEA, up to and including termination of employment;
287 (b) referral to UPPAC if the individual is licensed by the Board; and
288 (c) other remedies or penalties available under the law.

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

291 (3) An [individual] employee who knowingly makes a false, malicious, or frivolous
292 report may be subject to:

293 (a) disciplinary action by the LEA, up to and including termination of employment;
294 (b) referral to UPPAC if the individual is licensed by the Board; and
295 (c) other remedies or penalties available under the law.

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

298 (5) An employee at an LEA that retaliates or facilitates retaliation against an
299 employee for reporting an alleged violation of this code of conduct or R277-210 or
300 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.
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307 **KEY: codes of conduct, appropriate behavior, employee conduct**
308 **Date of Last Change: August 7, 2024**
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310 **Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 63G-**
311 **7-301**
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313