

DESCRIPTOR TERM:**Personnel and Employment****Millard District Policy
File Code: 4310****Approved: 08-12-21****STAFF CONDUCT – PROFESSIONAL BOUNDARIES****A. PURPOSE AND PHILOSOPHY**

The Millard Board of Education expects that all interactions between employees and students be professional and appropriate. The following guidelines have been established to outline the scope of employment regarding interactions between students and staff members which stem from school relationships. The administration of the school district will cooperate fully in implementing this policy for the benefit of students, patrons and district employees.

B. DEFINITIONS

1. “Boundary violation” means crossing verbal, physical, emotional, or social lines that staff must maintain in order to ensure structure, security, and predictability in an educational environment.
 - a. A "boundary violation" may include the following, depending on the circumstances:
 - i. isolated, one-on-one interactions with a student out of the line of sight of others;
 - ii. meeting with a student in rooms with covered or blocked windows;
 - iii. telling risqué jokes to, or in the presence of a student;
 - iv. employing favoritism to a student;
 - v. giving gifts to individual students;
 - vi. staff member initiated frontal hugging or other uninvited touching;
 - vii. photographing an individual student for a non-educational purpose or use;
 - viii. engaging in inappropriate or unprofessional contact outside of educational program activities;

- ix. exchanging personal email or phone numbers with a student for a non-educational purpose or use;
 - x. interacting privately with a student through social media, computer, or handheld devices; and
 - xi. discussing an employee's personal life or personal issues with a student.
- b. "Boundary violation" does not include:
- i. offering praise, encouragement, or acknowledgment;
 - ii. offering rewards available to all who achieve;
 - iii. asking permission to touch for necessary purposes;
 - iv. giving a pat on the back or a shoulder;
 - v. giving a side hug;
 - vi. giving a handshake or high five;
 - vii. offering warmth and kindness;
 - viii. utilizing public social media alerts to groups of students and parents; or
 - ix. contact permitted by an IEP or 504 plan.
2. "Grooming" means befriending and establishing an emotional connection with a child or a child's family to lower the child's inhibitions for emotional, physical, or sexual abuse.
3. "Sexual conduct" includes any sexual contact or communication between a staff member and a student including but not limited to:
- a. "Sexual abuse" means the criminal conduct described in Utah Code Ann. §76-5-45 404.1(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;
 - iv. with the intent to:

- i. cause substantial emotional or bodily pain; or
 - ii. arouse or gratify the sexual desire of any individual.
 - b. “Sexual harassment” means conduct on the basis of sex that satisfies one or more of the following:
 - i. A school employee conditioning education benefits on participation in unwelcome sexual conduct, (i.e. quid pro quo); or
 - ii. Unwelcome conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school’s education program or activity; or
 - iii. Sexual assault (as defined in the Clery Act), dating violence, domestic violence, or stalking as defined in the Violence Against Women Act (VA WA).
 - c. “Sexual battery” means the criminal conduct described in Utah Code Ann. §76-9-53 702.1 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
 - d. A staff member and student sharing any sexually explicit or lewd communication, image, or photograph.
- 4. “Staff member” means an employee, contractor, or volunteer with unsupervised access to students.
[*Utah Administrative Rules R277-517-2*](#)
 - 5. “Student” means a child under the age of 18 or over the age of 18 if still enrolled in a public secondary school.

C. POLICY

Staff members shall act in a way that acknowledges and reflects their inherent positions of authority and influence over students.

- 1. Staff members shall recognize and maintain 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.

2. District employees shall maintain professional and appropriate demeanor and relationships with students, during and outside of school hours, both on and off campus, that foster an effective, non-disruptive and safe learning environment.
3. District employees are prohibited from dating or engaging in any undue familiarity with students, regardless of the student's age. Any action or comment by a district employee that would reasonably invite romantic or sexual involvement with a student is in violation of this policy.
4. District employees are not authorized to allow students in their homes for school-related social activities without prior written permission from the school principal.
5. A staff member may not subject a student to any form of abuse including but not limited to:
 - a. physical abuse;
 - b. verbal abuse;
 - c. sexual abuse
 - d. sexual harassment; or
 - e. mental abuse.
6. A staff member shall not touch a student in a way that makes a reasonably objective student feel uncomfortable.
7. A staff member shall not engage in any sexual conduct toward or sexual relations with a student including but not limited to:
 - a. viewing with a student, or allowing a student to view, pornography or any other sexually explicit or inappropriate images or content, whether video, audio, print, text, or other format;
 - b. sexual battery; or
 - c. sexual assault.
8. Staff member communications with students, whether verbal or electronic, shall be professional and avoid boundary violations. Initiating or unreasonably continuing to talk to a student about any of the following topics without: (a) obtaining appropriate parental consent; or (b) having an appropriate and legitimate educational, health, safety, emergency, or other reason:

- a. Political affiliations;
 - b. philosophies or beliefs of the Student or Student's family, except in accordance with UTAH CODE ANN. § 53G-10-202 and other applicable federal or state laws, rules, or regulations;
 - c. Mental or psychological problems of the student or student's family;
 - d. Sex behavior or attitudes;
 - e. Illegal, anti-social, self-incriminating, or demeaning behavior;
 - f. Criminal appraisals of others with whom the student has a close family relationship;
 - g. Legally recognized privileged relationships, such as with attorneys, doctors, or ministers;
 - h. Religious practices, affiliations, or beliefs of the student or parents; or
 - i. Income, other than as required by law to determine program eligibility
 - j. Discussions between an employee and student on any of the topics listed in subsection without appropriate parental consent or having a legitimate reason constitutes an inappropriate boundary invasion in violation of this policy, and may also be in violation of the federal Protection of Pupil Rights Amendment and the Utah Family Educational Rights and Privacy Act.
9. A staff member shall not provide gifts, special favors, or preferential treatment to a student or group of students.
 10. District employees shall not discriminate against a student on the basis of race, color, national origin, sex, disability, gender identity or expression, sexual orientation, religious affiliation, marital status, citizenship, pregnancy or breastfeeding status, genetic information, age, or any other characteristic protected by law.
 11. Staff member use of electronic devices and social media to communicate with students must comply with policy, be professional, pertain to school activities or classes, and comply with the Family Educational Rights and Privacy Act.
 12. A staff member may not use or be under the influence of alcohol or illegal substances during work hours on school property or at

school sponsored events while acting as a staff member [in an employment capacity]. Additionally, a staff member may not use [tobacco in] any form of tobacco or electronic cigarettes on school property or at school sponsored activities in an employment capacity. District employees shall enforce safe school policies regarding the use of alcohol, tobacco, and illegal substances during work hours and on school property.

13. A staff member shall cooperate in any investigation concerning allegations of actions, conduct, or communications that if proven, would violate this policy.
14. The activities set forth in this policy shall constitute inappropriate boundary invasions and are prohibited unless:
 - a. they occur for educational, health, safety, emergency, or other legitimate reason;
 - b. they occur between an employee and student who are relatives (defined as parents, children, grandparents, grandchildren, siblings, cousins, aunts, uncles, nieces, and nephews) or legal guardians; or
 - c. they occur outside of the school setting in conjunction with a relationship previously established through a church group, community organization, or other activity unrelated to the District, and they occur in the context of that relationship.
15. Conduct prohibited by this policy is considered a violation of this policy regardless of whether the student may have consented.

D. STRICTLY PROHIBITED BOUNDARY INVASIONS

The following boundary invasions are strictly prohibited and constitute good and sufficient cause subjecting the offending employee to disciplinary action, up to and including employment termination:

1. Drinking alcohol or taking illicit drugs in the presence of students, providing alcohol or drugs to students, requesting or allowing students to provide the employee with alcohol or drugs, or permitting students to drink alcohol or take drugs in any context, on or off school grounds.
2. Requesting or encouraging a student to model, or taking or distributing photographs of individual students, or promoting a student on a web page or through other means, where such activities contain sexual innuendo or are undertaken without the parent's consent.
3. Hot-tubbing or playing inappropriate party games with students.

4. Providing, paying for, attending, or covering up medical appointments or procedures for a student, such as tests for pregnancy or sexually transmitted diseases, labor and delivery, or abortion.
5. Viewing with a student, or allowing a student to view, pornography or any other sexually explicit or inappropriate images or content, whether video, audio, print, text, or other format.
6. Telling sexual jokes or stories in the presence of students.
7. Talking about sexual topics outside a classroom setting and approved curriculum.
8. Giving students information, verbally or otherwise, that may be illegal, false, inaccurate, threatening, harmful, hateful, abusive, harassing, stalking, tortious, defamatory, vulgar, obscene, indecent, lewd, profane, invasive of a person's privacy, or that promotes activity that is illegal or unsuitable for minors.
9. Physical contact of a sexual or romantic nature.

E. EXTRACURRICULAR ACTIVITY GUIDELINES

1. Instruction, counseling, administrative tasks, and all other planned school contact with students shall be accomplished at the school during regular school hours, with the exception of extracurricular activities as noted below:
 - a. If special circumstances make it necessary for a district employee to meet with one or more students outside the regular school day or at a location other than the school, prior approval from the principal is required.
 - b. When a student requires staff assistance outside the regular school day because of an emergency or unanticipated occurrence, the employee shall notify the principal of the occurrence as soon thereafter as possible.
 - c. District employees shall avoid traveling alone in private vehicles with students who are not members of the employee's immediate family. If such travel cannot be avoided, permission must be obtained in advance from the principal.
 - d. If a student must be transported by an employee due to an emergency situation where the health, safety or welfare of

the student is at risk, the principal shall be notified as soon thereafter as possible.

2. All extracurricular activities outside regular school hours, or off school property, must be authorized in advance by the school principal.
 - a. After hour activities involving students are to be held at the school whenever possible. If another location is necessary, prior approval from the school principal is required.
 - b. Employees are not authorized to allow students in their homes for school related social activities without prior permission from the school principal.
3. Employees shall not solicit a fee for any tutoring services provided to students at the school either within or outside school hours. Employees may provide tutoring services for a fee away from the school if the services are solicited and approved by the parents of the student, and proper supervision is in place.

F. REPORTING

1. District employees shall report any suspected incidents of:
 - a. physical abuse;
 - b. verbal abuse;
 - c. sexual abuse;
 - d. sexual harassment;
 - e. mental abuse; or
 - f. neglect.
2. A staff member who has reason to believe there has been a violation of this policy shall immediately report such conduct to an appropriate supervisor or school administrator. If a staff member has reason to believe a school administrator has violated this policy, the staff member shall immediately report the conduct to the administrator's supervisor.
3. Once a school has "actual knowledge" of sexual harassment, or allegations of sexual harassment, that activates the recipient's legal obligation to respond promptly.

“Actual Knowledge” means notice or allegations received by the Title IX coordinator, school official with authority to institute corrective measures on behalf of the school, or any school employee.

At the time of complaint, a complainant must be attempting to participate in the education program or activity of the school with which the formal complaint is filed.

There is no time limit or statute of limitations on a complainant’s decision to file a formal complaint.

Formal complaints must be submitted in written form. All parties will be treated equitably with a presumption of innocence. Trained staff responding to the complaint will have no conflict of interest, will investigate promptly, and will notify all parties of the decision in writing.

Both parties will have access to written evidence and witness statements, as well as the right to appeal any decision that is reached.

4. In addition to the obligation to report suspected child abuse or neglect to law enforcement or the Division of Child and Family Services under Utah Code Ann. §62A-4a-403:
 - a. a staff member who has reasonable cause to believe that a student may have been physically or sexually abused by a school staff member shall immediately report the belief and all other relevant information to the school administrator, and to the Superintendent.
 - b. a school administrator who has received a report or who otherwise has reasonable cause to believe that a student may have been physically or sexually abused by a school staff member shall immediately inform the Superintendent of the reported abuse; and
 - c. if the staff member suspected to have abused a student holds a professional educator license issued by the Utah State Board of Education, the Superintendent shall immediately report that information to the Utah Professional Practices Advisory Commission;
 - d. a person who makes a report under this subsection in good faith shall be immune from civil or criminal liability that might otherwise arise by reason of that report.

5. A staff member who has knowledge of suspected incidents of bullying shall immediately notify the student's building administrator in compliance with Millard School District Policy 6105.
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.

G. TRAINING

1. Within 10 days of beginning employment with the Millard School District a staff member shall receive training regarding this policy and shall acknowledge in writing having received training and understanding the policy.
2. Staff members employed by Millard School District at the time of initial adoption of this policy shall receive training regarding this policy prior to the first day of the 2019-2020 school year on which students will be in attendance and shall acknowledge in writing having received training and understanding the policy.

H. VIOLATIONS

A staff member found in violation of this policy will be subject to disciplinary action.

**Millard School District Code of Conduct
Staff Member Acknowledgement**

Name: _____ Position: _____

Date of Training: _____ Trained by: _____

I received training about the requirements of Millard School District's Staff Conduct Policy #4310. I understand the requirements of the policy and that I am responsible to recognize and maintain appropriate personal boundaries while interacting with students. I also understand that if I have reason to believe a staff member is violating this policy, I will report my suspicions to my supervisor, building administrator, or district administrator.

Signature

Date