Ethics Policy Regarding Private But Public Education-Related Activities

Definitions—

For purposes of this policy, the following definitions apply: • “District employee” means a person who is employed on a full-time, part-time, or contract

basis by the District. • “Activity Sponsor” means a private or public individual or entity that employs an employee in

any program in which public school students participate. • “Extracurricular Activity” means an activity for students recognized or sanctioned by the

school or District which may supplement or complement, but are not an official part of, the required program or regular curriculum. • “Private but Public Education-Related Activities” means any type of activity for which a

District employee receives compensation and the principal clients are students at the school where the employee works. Such activities include but

are not limited to:

o Tutoring; o Lessons; o Clinics; o Camps; or o Travel Opportunities. *Utah Admin. Rules R277-107-2 (July 9, 2018)*

Prohibition upon Educator Participation in Private but Public Education-Related Activities—

A District employee who participates in a private but public education-related activity shall ensure that his or her participation in the activity is separate and distinguishable from the employee's public employment. In relation to a private but

public education-related activity, the employee may not: 1. Use education records, resources, or information obtained through employment with the

District to promote the activity unless the records, resources, or information are readily available to the general public; 2. Use school time to promote, discuss, or prepare for the activity; 3. State or imply to any person or entity that participation in a school sponsored program or

extracurricular activity is conditioned in any way on participation in the activity. 4. Give or withhold credit based on participation in the activity, including but not limited to

clinics, camps, private programs or travel activities that are not equally and freely available to all students; 5. Contact students at public schools except as provided for below.

Utah Admin. Rules R277-107-3 (July 9, 2018)

Activities an Educator May Engage In—

In relation to a private, but public related activity, an employee may: 1. Offer public education-related services, programs or activities to students provided that

they are not advertised or promoted during school time and consistent with the policy. 2. Discuss the activity with students or parents, but only outside of the classroom and the

regular school day. 3. Use student directories or online resources which are available to the general public to

identify prospective clients.

4. Use student or school publications in which commercial advertising is allowed to advertise

and promote the activity. Utah Admin. Rules R277-107-3(5) (July 9, 2018)

Advertising—

An employee may purchase advertising space to advertise an activity or service, whether or not sponsored by schools in the District or by the District, in a publication that accepts paid or community advertising. A paid advertisement in a school publication may identify the activity, participants, and leaders or service providers by name, provide non-school contact information, and provide details of the employee's employment experience and qualifications. An employee may post or distribute posters or brochures advertising an employee's private services only in the same manner as could be done by a member of the general public under District policy. Unless the activity is sponsored by the District, the paid advertisement in a school publication shall state clearly and distinctly that the activity is NOT sponsored by the school or District. Neither the name of the school nor the District shall be used in the advertisement except as it relates to the employee's employment history or, if school facilities will be used under the District public civic center use policy. If the employee's name is used in an advertisement sent to the employee's students or posted, distributed, or otherwise made available in the employee's school, the advertisement shall state that the activity is not school-sponsored.

Utah Admin. Rules R277-107-4 (July 9, 2018)

Copies of Contracts Provided to District—

The educator must provide to the principal at the school where he or she is employed a signed copy of all contracts between him or her and a sponsor of a private, but public-education related activity. The District will maintain a copy of these contracts in the employee's personnel file. Such contracts must be signed by the employee and must include the following acknowledgments: that the parties understand that the activity is not sponsored by the school or District; that the employee's responsibilities to the activity sponsor are outside the scope of and unrelated to any public duties or responsibilities the employee may have as an employee of the District; and that the employee agrees to comply with laws and rules of the State of Utah and District policies regarding advertising and employee participation.

Utah Admin. Rules R277-107-6 (July 9, 2018)