Duchesne County School District

Policy Committee Recommendations

Date: August 2019

Current Policy Statement (Proposed deletions from current policy highlighted in red.)	USBA Model Policy	Policy Proposal (Additions from our current policy highlighted in blue.)
	<u>USBE MODEL</u> LEA CODE OF CONDUCT/	DCSD CODE OF CONDUCT/
	APPROPRIATE BEHAVIOR POLICY	APPROPRIATE BEHAVIOR POLICY
	1. PURPOSE AND PHILOSOPHY The [GOVERNING BOARD of	1. PURPOSE AND PHILOSOPHY
	<u>LEA]</u> is committed to establishing and maintaining appropriate standards of	The Duchesne County School District is committed to establishing and maintaining
	conduct between staff members and students. These standards of conduct are also	appropriate standards of conduct between staff members and students. These
	known as professional boundaries. Staff members shall maintain professional and	standards of conduct are also known as professional boundaries. Staff members
	appropriate demeanor and relationships with students, both during and outside of	shall maintain professional and appropriate demeanor and relationships with students,
	school hours, as well as both on and off campus, that foster an effective, non-disruptive and safe learning environment.	both during and outside of school hours, as well as both on and off campus, that foster an effective, non-disruptive and safe learning environment.
	2. DEFINITIONS	2.DEFINITIONS
	a) "Boundary violation" means crossing verbal, physical, emotional, or social lines that	a. "Boundary violation" means crossing verbal, physical, emotional,

staff must maintain in order to	or social lines that
ensure structure, security, and	staff must maintain
predictability in an educational	in order to ensure
environment.	structure, security,
	and predictability in
 A "boundary violation" may 	an educational
include the following,	environment.
depending on the	
circumstances:	i. A "boundary violation" may
(1) isolated, one-on-one	include the following,
interactions with a student out	depending on the
of the line of sight of others;	circumstances:
(2) meeting with a student in	1. isolated, one-on-one
rooms with covered or blocked	interactions with a student
windows;	out of the line of sight of
(3) telling risqué jokes to, or in the	others;
presence of a student;	2. meeting with a student in
(4) employing favoritism to a	rooms with covered or
student;	blocked windows;
(5) giving gifts to individual	3. telling risqué jokes to, or in
students;	the presence of a student;
(6) staff member initiated frontal	4. employing favoritism to a
hugging or other uninvited	student;
touching;	5. giving gifts to individual
(7) photographing an individual	students;
student for a non-educational	6. staff member initiated frontal
purpose or use;	hugging or other uninvited
(8) engaging in inappropriate or	touching;
unprofessional contact outside	7. photographing an individual
of educational program	student for a non-educational
activities;	purpose or use;
(9) exchanging personal email or	8. engaging in inappropriate or
phone numbers with a student	unprofessional contact
for a non-educational purpose	outside of educational
or use;	program activities;
(10) interacting privately with a	9. exchanging personal email or
student through social media,	phone numbers with a
computer, or handheld	student for a non-educational
devices; and	purpose or use;
(11) discussing an employee's	10. interacting privately with a
personal life or personal issues	student through social media,
with a student.	computer, or handheld
with a stadent.	devices; and

l ii		11. discussing an employee's
	include:	personal life or personal
(1	L) offering praise,	issues with a student.
	encouragement, or	
	denno medginerit;	i. "Boundary violation" does not
(2	offering rewards available to	include:
	all who achieve;	1. offering praise,
(3	asking permission to touch for	encouragement, or
	necessary purposes;	acknowledgment;
(4	 giving a pat on the back or a 	2. offering rewards available to
	shoulder;	all who achieve;
(5	giving a side hug;	3. asking permission to touch for
(6	b) giving a handshake or high	necessary purposes;
	five;	4. giving a pat on the back or a
(7	 offering warmth and kindness; 	shoulder;
3)	utilizing public social media	5. giving a side hug;
	alerts to groups of students	6. giving a handshake or high
	and parents; or	five;
(9) contact permitted by an IEP or	7. offering warmth and
	504 plan.	kindness;
		8. utilizing public social media
b		alerts to groups of students
	and establishing an emotional	and parents; or
	connection with a child or a	9. contact permitted by an IEP
	child's family to lower the	or 504 plan.
	child's inhibitions for	
	emotional, physical, or sexual	b. "Grooming" means
	abuse.	befriending and establishing
	<i>"</i>	an emotional connection with
C)	-	a child or a child's family to
	sexual contact or	lower the child's inhibitions
	communication between a	for emotional, physical, or
	staff member and a student	sexual abuse.
	including but not limited to:	
		c. "Sexual conduct" includes any
i)		sexual contact or
	criminal conduct described in	communication between a
	Utah Code Ann. §76-5-404.1(2)	staff member and a student
	and includes, regardless of the	including but not limited to:
	gender of any participant:	: "Convol obvoo" moore the
(1		i. "Sexual abuse" means the
	pubic area, or genitalia of a	criminal conduct described in
	student;	Utah Code Ann. §76-5-
		404.1(2) and includes,

		1	
(2)	touching the breast of a female		regardless of the gender of
	student; or		any participant:
(3)	otherwise taking indecent	1.	touching the anus, buttocks,
	liberties with a student;		pubic area, or genitalia of a
(4)	with the intent to:		student;
(a)	cause substantial emotional or	2.	touching the breast of a
• •	bodily pain; or		female student; or
(b)	arouse or gratify the sexual	3.	otherwise taking indecent
(-)	desire of any individual.		liberties with a student;
		4	with the intent to:
ii)	"Sexual battery" means the	a.	cause substantial emotional
,	criminal conduct described in	u.	or bodily pain; or
	Utah Code Ann. §76-9-702.1	h	arouse or gratify the sexual
	and includes intentionally	υ.	
	touching, whether or not		desire of any individual.
		ii.	"Sexual battery" means the
	buttocks, or any part of the		criminal conduct described in
	genitals of a student, or the		Utah Code Ann. §76-9-702.1
	-		
	breast of a female student, and		and includes intentionally
	the actor's conduct is under		touching, whether or not
	circumstances the actor knows		through clothing, the anus,
	or should know will likely		buttocks, or any part of the
	cause affront or alarm to the		genitals of a student, or the
	student touched; or		breast of a female student,
			and the actor's conduct is
111)	A staff member and student		under circumstances the actor
	sharing any sexually explicit or		knows or should know will
	lewd communication, image,		likely cause affront or alarm
	or photograph.		to the student touched; or
	<i>"</i>		
d)		ii.	A staff member and student
	employee, contractor, or		sharing any sexually explicit or
	volunteer with unsupervised		lewd communication, image,
	access to students.		or photograph.
	<i>"</i>		
e)	"Student" means a child under	d.	"Staff member" means an
	the age of 18 or over the age		employee, contractor, or
	of 18 if still enrolled in a public		volunteer with unsupervised
	secondary school.		access to students.
3	POLICY		"Ctudant" maana a shild
5.		e.	"Student" means a child
Sta	aff members shall act in a		under the age of 18 or over
	way that acknowledges and		
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	reflects their inherent	the age of 18 if still enrolled in
	positions of authority and	a public secondary school.
	influence over students.	
		3. POLICY
	a) Staff members shall recognize	
	and maintain appropriate	Staff members shall act in a
	personal boundaries in	way that acknowledges and reflects their inherent
	teaching, supervising and	positions of authority and
	interacting with students and	influence over students.
	shall avoid boundary violations	initiaence over stadents.
	including behavior that could	a. Staff members shall recognize
	reasonably be considered	and maintain appropriate
	grooming or lead to even an	personal boundaries in
	appearance of impropriety.	teaching, supervising and
	A staff member may not	interacting with students and
	b) A staff member may not	shall avoid boundary
	subject a student to any form	violations including behavior
	of abuse including but not limited to:	that could reasonably be
		considered grooming or lead
) physical abuse; i) verbal abuse;	to even an appearance of
	ii) sexual abuse; or	impropriety.
	v) mental abuse.	b. A staff member may not
) A staff member shall not touch	subject a student to any form
	a student in a way that makes	of abuse including but not
	a reasonably objective student	limited to:
	feel uncomfortable.	i. physical abuse;
		i. verbal abuse;
	l) A staff member shall not	i. sexual abuse; or
	engage in any sexual conduct	v. mental abuse.
	toward or sexual relations with	a staff sources to the test
	a student including but not	c. A staff member shall not
	limited to:	touch a student in a way that
) viewing with a student, or	makes a reasonably objective
	allowing a student to view,	student feel uncomfortable.
	pornography or any other	d. A staff member shall not
	sexually explicit or	engage in any sexual conduct
	inappropriate images or	toward or sexual relations
	content, whether video, audio,	with a student including but
	print, text, or other format;	not limited to:
	i) sexual battery; or	i. viewing with a student, or
	ii) sexual assault.	allowing a student to view,
		anowing a stadent to view,

2	Staff member communications		nornography or any other
e)	Staff member communications with students, whether verbal or electronic, shall be professional and avoid boundary violations.		pornography or any other sexually explicit or inappropriate images or content, whether video, audio, print, text, or other format;
f)	A staff member shall not provide gifts, special favors, or preferential treatment to a	ii. ii.	sexual battery; or sexual assault.
	student or group of students.	e.	Staff member communications with
g)	A staff member shall not discriminate against a student on the basis of sex, religion <u>,</u> national origin, gender		students, whether verbal or electronic, shall be professional and avoid boundary violations.
1. 1	identity, sexual orientation, or any other prohibited class.	f.	A staff member shall not provide gifts, special favors,
h)	Staff member use of electronic devices and social media to communicate with students		or preferential treatment to a student or group of students.
	must comply with [LEA] policy, be professional, pertain to school activities or classes, and comply with the Family Educational Rights and Privacy Act.	g.	A staff member shall not discriminate against a student on the basis of sex, religion, national origin, gender identity, sexual orientation, or any other prohibited class.
i)	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. Additionally, a staff member may not use any form of tobacco or electronic cigarettes on school property	h.	Staff member use of electronic devices and social media to communicate with students must comply with Duchesne County School District policy, be professional, pertain to school activities or classes, and comply with the Family Educational Rights and Privacy Act.
	or at school sponsored activities in an employment capacity.	i.	A staff member may not use or be under the influence of alcohol or illegal substances during work hours on school

j)	A staff member shall cooperate in any investigation concerning allegations of actions, conduct, or communications that if proven, would violate this policy.		property or at school sponsored events while acting as a staff member. Additionally, a staff member may not use any form of tobacco or electronic cigarettes on school property or at school sponsored
k)	[LEA] recognizes that familial relationships between a staff member and a student may		activities in an employment capacity.
	provide for exceptions to	j.	A staff member shall
1	certain provisions of this	٦.	cooperate in any investigation
1	policy.		concerning allegations of
1	· ·		actions, conduct, or
I)	Conduct prohibited by this		communications that if
1	policy is considered a violation		proven, would violate this
1	of this policy regardless of		policy.
1	whether the student may have		· ·
1	consented.	k.	Duchesne County School
1			District recognizes that
4.	REPORTING		familial relationships between
~`	A staff mambax whether		a staff member and a student
a)	A staff member who has		may provide for exceptions to
1	reason to believe there has		certain provisions of this
1	been a violation of this policy		policy.
1	shall immediately report such	ļ ,	
1	conduct to an appropriate	Ι.	Conduct prohibited by this
1	supervisor or school administrator. If a staff		policy is considered a
1			violation of this policy
1	member has reason to believe		regardless of whether the
1	a school administrator has		student may have consented.
1	violated this policy, the staff	_	DEDODTING
1	member shall immediately	4.	REPORTING
1	report the conduct to the	a.	A staff member who has
1	administrator's supervisor.		reason to believe there has
b)	In addition to the obligation to		been a violation of this policy
~,	report suspected child abuse		shall immediately report such
1	or neglect to law enforcement		conduct to an appropriate
1	or the Division of Child and		supervisor or school
1	Family Services under Utah		administrator. If a staff
1	Code Ann. §62A-4a-403:		member has reason to believe
1			a school administrator has
1		1	

i)	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, or to [LEA Administration];	b.	violated this policy, the staff member shall immediately report the conduct to the administrator's supervisor. 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-
ii)	cause to believe that a student may have been physically or sexually abused by a school staff member shall immediately inform the [LEA	i.	4a-403: 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
iii)	<u>Administration</u>] of the reported abuse; and if the staff member suspected to have abused a student holds a professional educator license issued by the Utah State Board of Education, the [LEA <u>Administration</u>] shall immediately report that	ii.	information to the school administrator, or to DCSD Administration; a school administrator who has received a report or who otherwise has reasonable cause to believe that a student may have been
iv)	civil or criminal liability that might otherwise arise by reason of that report.	ii.	physically or sexually abused by a school staff member shall immediately inform the DCSD Administration of the reported abuse; and if the staff member suspected to have abused a student holds a professional educator license issued by the Utah State Board of Education, the DCSD Administration shall
c)	A staff member who has knowledge of suspected incidents of bullying shall immediately notify the		immediately report that information to the Utah

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	student's building administrator in compliance with <u>[LEA Bullying Policy].</u>	۷.	Professional Practices Advisory Commission; a person who makes a report
d)	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.		under this subsection in good faith shall be immune from civil or criminal liability that might otherwise arise by reason of that report.
5.	TRAINING	C.	A staff member who has knowledge of suspected incidents of bullying shall
a)	Within 10 days of beginning employment with [LEA] a staff member shall receive training regarding this policy and shall acknowledge in writing having received training and understanding the policy.	d.	immediately notify the student's building administrator in compliance with DCSD Bullying Policy. Failing to report suspected misconduct as required herein is a violation of this policy, the
b)	Staff members employed by [LEA] at the time of initial adoption of this policy shall receive training regarding this		Utah Educator Standards, and in some instances, state law, and may result in disciplinary.
	policy prior to the first day of	5.	TRAINING
6.	the 2019-2020 school year on which students will be in attendance and shall acknowledge in writing having received training and understanding the policy.	a.	Within 10 days of beginning employment with DCSD a staff member shall receive training regarding this policy and shall acknowledge in writing having received training and understanding
	taff member found in violation		the policy.
	of this policy will be subject to disciplinary action.	b.	Staff members employed by DCSD at the time of initial adoption of this policy shall
	FERENCES le 62A, Chapter 4a, Part 4, Child Abuse or Neglect Reporting Requirements		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

Name:
Position:
Date of Training:
Trained by:
I received training
about the
requirements of
Duchesne County
School District Code
of Conduct Policy. 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 the Code of
	Conduct, I will report
	my suspicions to my
	supervisor, building
	administrator, or
	DCSD administrator.
	Signature of Staff
	Member

	Date