

CENTER FOR CREATIVITY, INNOVATION, AND DISCOVERY

Code of Conduct Policy

Purpose

The Board of Directors of the Center for Creativity, Innovation, and Discovery has established this Code of Conduct policy to ensure the safety of students at school and to set standards of appropriate behavior of staff members toward students, colleagues, parents, and the school community. This policy also establishes requirements for annual training of staff on this policy and on state law and Utah State Board of Education (USBE) rule related to educators' proper conduct.

This policy meets the requirements of Utah Admin. Code R277-322. Local Education Agency Codes of Conduct, Utah Admin. Code R277-217. Educator Standards and LEA Reporting, and Utah Admin. Code R277-316. Professional Standards and Training for Non-Licensed Employees and Volunteers. The Code of Conduct described herein requires licensed and non-licensed staff members to report known violations of this policy and of the rules listed above to administrators and, when appropriate, the Utah Professional Practices Advisory Commission (UPPAC).

Definitions

Boundary Violation: As defined in Utah Admin. Code R277-210, boundary violation means crossing verbal, physical, emotional, and social lines that an educator must maintain in order to ensure structure, security, and predictability in an educational environment. A boundary violation may include the following, depending on circumstances:

- Isolated, one-on-one interactions with students out of the line of sight of others;
- Meeting individually with students in rooms with covered or blocked windows;
- Telling risqué jokes or using profanity in the presence of a student;
- Employing favoritism to a student;
- Inappropriate gift giving to individual students;
- Uninvited or inappropriate touching;
- Photographing individual students for a non-educational purpose or use;
- Engaging in inappropriate or unprofessional contact outside of educational program activities;
- Exchanging personal email, personal phone numbers, or personal social media addresses with a student for a non-educational purpose;
- Interacting privately with a student through social media, computer, or handheld devices;
- Discussing with a student inappropriate details about:
 - An educator's personal life or personal issues;
 - A student's personal life or personal issues;

- Discussing issues restricted under Subsection Utah Code §53E-9-203(1) without authorization. These issues include:
 - Political affiliations or political philosophies, except as provided under Utah Code §53G-10-202 or USBE rules;
 - Mental or psychological problems;
 - Sexual behavior, orientation, or attitudes;
 - Illegal, anti-social, self-incriminating, or demeaning behavior;
 - Critical appraisals of individuals with whom the student or family member has close family relationships;
 - Religious affiliations or beliefs;
 - Legally recognized privileged and analogous relationships, such as those with lawyers, medical personnel, or ministers; and,
 - Income, except as required by law.
- Boundary Violation does **not include**:
 - Offering praise, encouragement, or acknowledgement;
 - Offering rewards available to all who achieve;
 - Asking permission to touch for necessary purposes;
 - Giving pats on the back or shoulder;
 - Giving side hugs;
 - Giving handshakes or high fives;
 - Offering warmth and kindness;
 - Utilizing public social media alerts to groups of students and parents; or,
 - Contact permitted by an IEP or 504 plan.

Personal Identity Characteristics: as defined in Utah Code §53H-1-504,

Prohibited Discriminatory Practices, means an individual's race, color, ethnicity, sex, sexual orientation, national origin, religion, or gender identity.

Staff or Staff Member: As defined in Utah Admin. Code R277-210, staff or staff member means an employee, contractor, or volunteer with unsupervised access to students. Sexual Conduct: As defined in Utah Admin. Code R277-210, sexual conduct means any sexual contact or communication between a staff member and a student.

Sexual Abuse: As that term is defined in Utah Code §76-5-404.1.

Sexual Battery. As that term is defined in Utah Code §76-9-702.1;

Sexual Lewdness: As defined in Utah Admin. Code R277-322, sexual lewdness occurs when a staff member and student share any sexually explicit or lewd communication, image, or photograph.

Staff Requirement to Report

Per Utah Admin. Code R277-217, Educator Standards and LEA Reporting, and Utah Admin. Code R277-322, Local Education Agency (LEA Codes of Conduct), staff

members must report any suspected incidents of the following to the administration

and/or to the proper authorities:

- Physical abuse;
- Verbal abuse;
- Sexual abuse;
- Mental abuse;
- Child neglect;
- Suspicion of child abuse or bullying;
- Known violations of this policy;
- Known violations of the Utah Educator Standards;
- Known violations of the Professional Standards for Non-Licensed Employees.

General Prohibited Conduct by Staff Members

Per Utah Admin. Code R277-322. Local Education Agency (LEA Codes of Conduct), staff members may not subject students to any of the following:

- Boundary violations, as defined above;
- Physical abuse;
- Verbal abuse;
- Sexual abuse;
- Mental abuse;
- Touching a student in a way that makes a reasonably objective student feel uncomfortable;
- Participating in sexual conduct with a student;
- Participating in any inappropriate verbal or electronic communication with a student;
- Providing gifts, special favors, or preferential treatment to a student or group of students;
- Discriminating against a student on the basis of the student's personal identity characteristics;
- Using alcohol, tobacco, and illegal substances during work hours and on school property. (Note that this prohibition does not disallow an employee from leaving school grounds during a scheduled break and smoking a cigarette);
- Communicating with students individually on social media or through any electronic application, except through the school's email account.

Specific Prohibited Conduct by Staff Members

Per Utah Admin. Code R277-217. Educator Standards and LEA Reporting, and Utah Admin. Code R277-316. Professional Standards and Training for Non-Licensed Employees and Volunteers, staff members are strictly prohibited from engaging in the actions listed below or violating law and USBE rule as specified.

Prohibitions on Felony and Misdemeanor Convictions

Staff members may not:

- Be convicted of a felony;
- Be convicted of a misdemeanor offense that:
 - Adversely affects the educator's ability to perform an assigned duty and carry out the educator's responsibilities; or,
 - Adversely affects the well-being of students.

Prohibitions on Inappropriate Sexual Conduct and Boundary

Violations Staff members may not:

- Be convicted of, or engage in conduct of a sexual nature described in Utah Code §53E-6-603(2);
- Participate in sexual, physical, or emotional harassment toward any colleague or public school-age student;
- Engage in consensual sexual activity on school grounds, during contract hours, or while responsible for actively supervising students;
- Knowingly engage in sexually explicit conduct with a recent graduate from the educator's school;
- Engage in:
 - A single egregious instance of inappropriate contact, repetitive inappropriate contact, or a pattern of inappropriate contact in any communication, including written, verbal, or electronic, with a minor, student, colleague, or member of the community; or,
 - A single egregious instance or pattern of boundary violations with a student or minor.
- Solicit, encourage, or consummate an inappropriate relationship, whether written, verbal, or physical, with a student or minor;
- Accept an inappropriate gift from, or give an inappropriate gift to, a student;
- Be convicted of or commit a criminal offense involving a child, including physical abuse, cruelty, or exploitation of child;
- Use corporal punishment, excessive physical force, or inappropriate physical restraint, except as provided in Utah Code 53G-8-301(4).

Prohibitions on the Use of Drugs and Alcohol

Staff members may not:

- Provide alcohol or unauthorized drugs to a student or allow a student under the educator's supervision or control to consume or obtain alcohol or unauthorized drugs;
- Attend school or a school-related activity in an assigned employment-related capacity while possessing, using, or under the influence of alcohol or an illegal drug;
- Attend school or a school-related activity in an assigned employment-related capacity after intentionally exceeding the prescribed dosage of a

- prescription medication that may impair the educator;
- Possess or distribute an illegal drug or be convicted of any crime related to an illegal drug, including a prescription drug not specifically prescribed to the educator;
- Be convicted of an alcohol-related offense.

Prohibitions on the Use of Electronic Devices and Inappropriate

Material Staff members may not:

- Use or attempt to use an LEA computer or information system to access information that may be detrimental to students or inconsistent with the educator's role model responsibility;
- Knowingly possess, while at school or any school-related activity, any pornographic or indecent material in any form;
- Use school equipment to intentionally view, create, distribute, or store pornographic or indecent material in any form;
- Knowingly use, view, create, distribute, or store pornographic or indecent material involving children;
- Expose students to sensitive materials as defined in Utah Code §53G-10-103 or as determined by the staff member's LEA;
- Expose a student to materials that are inappropriate given the age and maturity of the student.

Prohibitions on Fire Arms

Staff members may not violate state laws regarding the possession of a firearm while on school property or at a school-sponsored activity.

Prohibitions on Discrimination or Interference with Rights

Staff members may not:

- Knowingly allow a student to violate the law or an LEA policy written consistent with state law concerning possession or access to a weapon;
- Interfere with or discourage a student's or colleague's exercise of constitutional, legal, or civil rights;
- Discriminate against, harass, exclude a student from participating in any program, deny or grant any benefit to a student, or encourage a student to develop a prejudice on the basis of:
 - Race;
 - Color;
 - Religious beliefs;
 - Sex;
 - National origin;
 - Marital status;

- Political belief or creed;
- Physical or mental condition;
- Family, social, or cultural background;
- Sexual orientation; or,
- Gender identification.
- Invite, suggest, or encourage a student to reconsider or change the student's sexual orientation or gender identity;
- Use the educator's position, through language, instruction, materials, or symbols, to actively endorse, promote, or disparage another person's:
 - Race;
 - Color;
 - Religious beliefs;
 - Sex;
 - National origin;
 - Marital status;
 - Political belief or creed;
 - Physical or mental condition;
 - Family, social, or cultural background;
 - Sexual orientation; or,
 - Gender identification.

Student Data Privacy and Confidentiality

- Knowingly or intentionally permit unauthorized collection, sharing, or use of student data;
- Knowingly violate student confidentiality unless revealing confidential information to an authorized person serves the best interest of the student and serves a lawful purpose.

Violations of Specific Laws and Rules

Staff are strictly prohibited from violating any of the following:

- Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act;
- Title 53E, Chapter 9, Student Privacy and Data Protection;
- Utah Admin. Rule R277-107, Educational Services Outside an Educator's Regular Employment;
- Utah Admin. Rule R277-120-5, Licensing of Materials Developed by Public Education Funds;
- Utah Code §53G-10-402 through §53G-10-403, Utah Admin. Code R277-474, School Instruction and Sex Education, or other Utah law regarding sex education; or,
- Cheat or engage in academic dishonesty, whether on behalf of a student, or in the educator's own educational pursuits as described in Utah Admin. Code

R277-217. Educator Standards and LEA Reporting.

Specific Required Conduct for Staff Members

Per Utah Admin. Code R277-217. Educator Standards and LEA Reporting. and Utah Admin. Code R277-316. Professional Standards and Training for Non-Licensed Employees and Volunteers. Staff members must comply with and/or take the actions listed below.

Compliance with Federal, State, and Local Laws

Staff members must comply with all federal, state, and local laws including: •

- Maintaining a professional educator and student relationship, including by: •
Treating a student with dignity and respect by promoting the health, safety and well-being of students; and,
- Maintaining appropriate physical, verbal, emotional and social boundaries. •
Taking prompt and appropriate action to stop, mitigate, and prevent harassment, inappropriate language or conduct, or discriminatory conduct toward a student or school employee that the educator knew or should have known may result in a hostile, intimidating, abusive, offensive, or oppressive environment; • Taking prompt and appropriate action to protect a student from any known condition detrimental to the student's physical health, mental health, safety, or learning.

Requirement to Report Child Abuse or Neglect

Per Utah Admin. Code R277-322 and Utah Code §80-2-602, the school explicitly requires staff members to report suspected child abuse or neglect to law enforcement or the Division of Child and Family Services in accordance with Utah Code §53E-6-701 and §80-2-602. Staff members are specifically required to:

- Report any suspicion of child abuse to the proper authorities per the school's Child Abuse and Neglect Reporting Policy;
- Annually read and sign all policies related to identifying, documenting, and reporting child abuse; and,
- For an employee or contractor, annually attend abuse prevention training required in Utah Code §53G-9-207.
- Report any suspicion of bullying to the administration per the school's Bullying Policy.

Requirement to Report Suicidal Ideation or Self-Harm

Staff members are required to take appropriate steps to notify a student's parents and refer a student to appropriate prevention services if a student threatens suicide or self-harm as required by Utah Code 53E-9-203(7) and Utah Code 53G-9-604(2);

Requirement for Truthful Representation

Staff members are required to provide truthful, accurate, and complete information and to cooperate in providing information to appropriate authorities related to the following: • Licensing, transfer, and employment applications or other documentation;

- Evaluations of the educator, other educators, or students;
 - Proceedings related to educator licensure, employment, or related benefits;
 - Student IEP plans and related special education documentation; •

Documentation reporting truthful, accurate, and complete information to an appropriate authority regarding known educator misconduct that could adversely impact performance of a professional responsibility, by another educator;

- Subject to the educator's constitutional rights against self-incrimination, fully cooperate with the Division of Child and Family Services, criminal or civil law enforcement and LEA investigations involving a student or employee of the educator's LEA by:

- Responding truthfully and promptly to lawful inquiries by law enforcement;
 - Providing relevant information within the educator's knowledge or possession; and,
 - Complying with lawful subpoenas, warrants, or other compulsory processes.
- Notify the Superintendent of Education at the time of application for licensure of:
 - Current investigations involving professional misconduct in another jurisdiction;
 - Prior licensing disciplinary action in another jurisdiction; and,
 - Past criminal convictions;
- Report an arrest, citation, charge or conviction to the educator's LEA in accordance with Utah Admin. Code R277-217-4;
- Conduct financial business with integrity by honestly accounting for all funds committed to the educator's charge, as school responsibilities require, consistent with LEA policy;
- Follow an LEA's fiscal policy for collecting money in connection with a school activity, accounting for all money collected, and not commingling LEA or school funds with personal funds as described in Utah Admin. Code R277-113;
- Demonstrate honesty and integrity by strictly adhering to all state and LEA instructions and protocols in managing and administering a standardized test to a student consistent with Utah Code §53E-4-312 and Utah Admin. Code R277-404; and,
- Use supplemental materials consistent with LEA policy as required by Utah Code §53G-4-402(26).

Requirement for the Appropriate Use of Electronic Communication with Students •

Appropriately use electronic devices for communication with students through the school's email account or an account approved by the administration which includes

more than one adult for group communication when students are involved.

Required Educator Reporting of Arrests, Citations, Charges, and Convictions

Staff members are required to report arrests, citations, charges, and convictions, as well as to appear at work unless directed otherwise.

- An educator who is arrested, cited, or charged with the following alleged offenses shall report the arrest, citation, or charge within 48 hours or as soon as possible to the licensed educator's district superintendent, charter school director, or the LEA's designee, or to the Executive Secretary if not employed:
 - Any matters involving an alleged sex offense;
 - Any matters involving an alleged drug-related offense;
 - Any matters involving an alleged alcohol-related offense;
 - Any matters involving an alleged offense against the person under Title 76, Chapter 5, Offenses Against the Person;
 - Any matters involving an alleged felony offense under Title 76, Chapter 6, Offenses Against Property;
 - Any matters involving an alleged crime of domestic violence under Title 77, Chapter 36, Cohabitant Abuse Procedures Act; and,
 - Any matters involving an alleged crime under federal law or the laws of another state comparable to the violations listed above.
- An educator shall report any conviction or plea in abeyance for a felony or misdemeanor offense to the educator's LEA, or the Executive Secretary of UPPAC if not employed, within 48 hours, or as soon as possible thereafter.
- An LEA director or designee shall report conviction, arrest, or offense information received from an educator to the Superintendent within 48 hours of receipt of information from an educator.
- An educator shall report for work following an arrest and provide notice to the licensed educator's employer unless directed not to report for work by the employer, consistent with LEA policy.

LEA Reporting of Misconduct to UPPAC

The school is required to report violations of educator conduct to UPPAC under the following circumstances:

- An LEA shall notify UPPAC if an educator is determined pursuant to a judicial or administrative proceeding, or internal LEA investigation, to have violated the educator standards described in Utah Admin. Code R277-217.
- A charter school director, or their respective designees, shall notify UPPAC and the educator of any allegation from a parent that an educator's conduct violated Utah Admin. Code R277-217 within 30 days of receiving the allegation.
- The Executive Secretary of UPPAC shall record an allegation received under Utah Admin. Code R277-217, but shall defer further investigation pending the LEA's determination of possible LEA discipline.

- For each allegation referred to UPPAC, an LEA will notify UPPAC of:
 - The findings of the LEA's internal investigation or administrative proceedings;
 - Criminal charges filed by a prosecuting agency;
 - The LEA's internal disciplinary action or decision not to act, and the evidence supporting the decision; and,
 - Any evidence that may be relevant if UPPAC chooses to investigate the matter.
- Upon submitting a notification under Utah Admin. Code R277-217, an LEA may make a recommendation to the Executive Secretary concerning whether an investigation by UPPAC would be appropriate under the circumstances, taking into account any employment action taken by the LEA, but the LEA's recommendation is not binding on UPPAC, which shall make its own independent determination consistent with Utah Admin. Code R277-211-3.

Administrative Requirements

The administration will ensure that this Code of Conduct policy is regularly reviewed by the Board of Directors and posted on the school's website. The administration will also provide annual training to staff regarding the policy, including staff member's responsibility to report and how to report the following:

- Known violations of the school's code of conduct policy; and,
- Known violations of the Utah Educator Standards contained in Utah Admin. Code R277-217.
- Known violations of the Professional Standards and Training for Non-Licensed Employees and Volunteers found in Utah Admin. Code R277-316.
- The administration will also ensure that staff members annually sign a statement acknowledging that the staff member has read and understands the school's Code of Conduct Policy, Utah Admin. Code R277-217. Educator Standards and LEA Reporting, Utah Admin. Code R277-316. Professional Standards and Training for Non-licensed Employees and Volunteers, and Utah Admin. Code R277-322. Codes of Conduct.

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