



NEBO SCHOOL DISTRICT BOARD OF EDUCATION POLICIES AND PROCEDURES

SECTION: G – Personnel
POLICY TITLE: Employee-Student Standards of Conduct
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1. PURPOSE AND PHILOSOPHY

- 1.1. The Board of Education of Nebo School District is committed to establishing and maintaining appropriate standards of conduct between employees and students. These standards of conduct are also known as professional boundaries, and are referred to as such in this policy. Adherence to professional boundaries serves several purposes, including the fostering of mutual respect, the recognition of educational authority, the enhancement of learning, and the prevention of sexual grooming of students.
- 1.2. This policy is intended to protect students and employees by educating them on appropriate professional boundaries and thereby protect against potential legal and other consequences. Consistent with UTAH CODE ANN. § 63G-7-301(3), it also establishes a professional standard of care for preventing sexual conduct between an employee and a student and the sharing between an employee and student of any sexually explicit or lewd communication, image, or photograph. Accordingly, the Board hereby implements this policy to establish and define the professional boundaries by which Employees must abide.

2. DEFINITIONS

- 2.1 “**Boundary Invasion**” means the entrance by an employee into a student’s personal space and personal life. It includes physical touching and emotional closeness. Some boundary invasions are necessary and appropriate in a school setting, such as physical contact between coaches and students during an athletic practice, or the discussion of sensitive topics between a school counselor and a student during an approved counseling session. However, many other boundary invasions are inappropriate, especially when a pattern of such contacts takes the form of a “special” or “secret” relationship. Boundary invasions are further defined in Section 3 below.
- 2.2 “**Employee**” means any adult, who is not also a K-12 student, employed by Nebo School District.
- 2.3 “**Good and Sufficient Cause**” has the same definition as set forth in the applicable Employee Handbook.
- 2.4 “**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. Grooming is more fully defined in Section 3.

- 2.5** “Sexual conduct” includes any sexual contact or communication between an employee and a student including but not limited to sexual abuse and sexual battery.
- 2.5.1** “Sexual abuse” means the criminal conduct described in Utah Code Ann. §76-5-404.1(2).
- 2.5.2** “Sexual battery” means the criminal conduct described in Utah Code Ann. §76-9-702.1
- 2.5.3** Sexual conduct includes the sharing between a staff member and student of any sexually explicit or lewd communication, image, or photograph.
- 2.6** “**Student**” means a child under eighteen (18) years of age or any K-12 student enrolled in school, in or out of Nebo School District.

3. INAPPROPRIATE BOUNDARY INVASIONS

- 3.1** Boundary Invasions may be deemed appropriate under certain circumstances for educational, health, safety, emergency, or other legitimate reasons. Some boundary invasions may be construed as innocent, singular occurrences due to an employee’s inexperience or momentary poor judgment. However, there are many situations in which boundary invasions are inappropriate. Accordingly, all boundary invasions will be assessed upon examination of the totality of the circumstances.
- 3.2** Grooming occurs when an adult targets a child and invades the child’s personal boundaries by engaging in increasingly invasive boundary invasions, blurring the line between appropriate and inappropriate contact, ultimately leading to emotional, physical, or sexual abuse of the child. Such boundary invasions may include physical contact that seems harmless or verbal comments designed to flatter and ingratiate the child. The conduct becomes increasingly invasive so that over time physical contact and inappropriate remarks begin to seem normal. The perpetrator thus progressively breaks down the child’s normal personal boundaries to more easily engage in sexual conduct or other abuse. Because even seemingly appropriate boundary invasions may lead to grooming, all boundary invasions are suspect regardless of their intent, and inappropriate boundary invasions will not be tolerated in an employee’s conduct with children.
- 3.3** The following activities set forth in this Section 3 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.
- 3.4** Inappropriate boundary invasions may constitute good and sufficient cause as determined by the employee’s supervisors, thus subjecting the offending employee to disciplinary action, up to and including employment termination.
- 3.5** **Communication**
- 3.5.1** Private communication with a student via an employee’s personal phone, email, blog, or social media, including texting, chatting, and the friending of a student. Electronic communications between employees and students should be conducted only for school-related purposes and in accordance with Nebo School District Policy GBHB, *Information and Communication Technology/Social Networking*.
- 3.5.2** Talking to a student about the employee’s personal problems or other problems that would normally be discussed among adults (e.g., marital difficulties).

- 3.5.3** 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:
- 3.5.3.1** Political affiliations;
 - 3.5.3.2** Political 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;
 - 3.5.3.3** Mental or psychological problems of the student or student’s family;
 - 3.5.3.4** Sex behavior or attitudes;
 - 3.5.3.5** Illegal, anti-social, self-incriminating, or demeaning behavior;
 - 3.5.3.6** Criminal appraisals of others with whom the student has a close family relationship;
 - 3.5.3.7** Legally recognized privileged relationships, such as with attorneys, doctors, or ministers;
 - 3.5.3.8** Religious practices, affiliations, or beliefs of the student or parents; or
 - 3.5.3.9** Income, other than as required by law to determine program eligibility.
- 3.5.4** Discussions between an employee and student on any of the topics listed in subsection 3.5.3 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.

3.6 **Travel**

- 3.6.1** Transporting a student in a personal vehicle without permission from parents and/or supervisors, unless such transportation is necessary in the event of a health or safety emergency, or other legitimate extenuating circumstance.
- 3.6.2** Allowing a student to drive an employee’s personal vehicle.
- 3.6.3** Inviting a student to travel, or going somewhere alone or away from protective adults.
- 3.6.4** Going to a student’s home.
- 3.6.5** Inviting a student to the employee’s home.

3.7 **Personal Interactions**

- 3.7.1** Taking an undue interest in a student (i.e., creating a “special friendship” or “special relationship”).
- 3.7.2** Giving gifts or money to a student.
- 3.7.3** Engaging in “peer-like” behavior with students.
- 3.7.4** Inviting a student to come to the classroom at non-class times.
- 3.7.5** Giving a student special privileges.
- 3.7.6** Getting a student out of class to visit the employee.
- 3.7.7** Keeping secrets with a student.

- 3.7.8 Allowing a student to get away with inappropriate behavior.
- 3.7.9 Initiating or extending contact with a student beyond the school day.
- 3.7.10 Spending time alone with a student in any area where the view or access is obstructed.
- 3.7.11 Invading a student's privacy.
- 3.7.12 Physical contact that makes a reasonably objective student feel uncomfortable.

4. 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:

- 4.1 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.
- 4.2 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.
- 4.3 Hot-tubbing or playing inappropriate party games with students.
- 4.4 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.
- 4.5 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.
- 4.6 Telling sexual jokes or stories in the presence of students.
- 4.7 Talking about sexual topics outside a classroom setting and approved curriculum.
- 4.8 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.
- 4.9 Physical contact of a sexual or romantic nature.

5. DUTY TO REPORT

- 5.1. Employees who have reason to believe there has been a violation of this policy shall immediately report such conduct to an appropriate school administrator or supervisor. If an employee has reason to believe a school administrator has violated this policy, the employee shall immediately report the conduct to the administrator's supervisor.
- 5.2. Employees who have reason to believe that a child has been subjected to abuse as outlined in Nebo School District Policy JHFA, *Child Abuse or Neglect*, shall immediately notify the nearest peace officer, law enforcement agency, or office of the Division of Child and Family Services.

6. VIOLATION

Any employee found in violation of this policy will be subject to disciplinary action. Disciplinary action may include, but is not limited to, suspension, termination, verbal or written warnings/reprimands, or alternate employment placement. In imposing such discipline, all facts and circumstances of the incident(s) shall be taken into account.

EXHIBITS

None

REFERENCES

20 U.S.C. §1232(h); 34 C.F.R. Part 98
UTAH CODE ANN. § 53E-9-202 through 204
UTAH CODE ANN. § 53G-11-501, et seq.
UTAH CODE ANN. §62A-4a-401, et seq.
UTAH CODE ANN. § 63G-7-301
UTAH ADMIN. CODE, R277-210 through 216
UTAH ADMIN. CODE, R277-515
UTAH ADMIN. CODE. R277-517
Nebo School District Certified Employee Handbook
Nebo School District Classified Employee Handbook
Nebo School District Management Team Handbook
Nebo School District Policy GBHB, *Information and Communication Technology / Social Networking*
Nebo School District Policy GCPD, *Employee Discipline, Administrative Leave, and Orderly Termination*
Nebo School District Policy JHFA, *Child Abuse or Neglect*

FORMS

None

HISTORY

Revised 11 September 2019 – Updated consistent with HB391 (2019) and model USBE policy; made technical changes.
Adopted 13 February 2013.
