

# **Employee Code of Conduct**

## **I. Purpose**

Excelsior Academy is committed to maintaining a safe, respectful, and professional school environment for students, staff, and families. This Employee Code of Conduct establishes the standards of behavior expected of all Excelsior Academy staff in their interactions with students, families, colleagues, and the community.

This policy is adopted in compliance with Utah Administrative Rule R277-322, Local Education Agency (LEA) Codes of Conduct, which requires each local education agency to adopt a code of conduct or appropriate behavior policy applicable to its staff. Excelsior Academy's policy may not be less stringent than the model code of conduct created by the Superintendent under R277-322-3(1), and incorporates each of the minimum elements required by R277-322-3(3).

## **II. Definitions**

For purposes of this policy:

- A. "Boundary violation" means conduct by a staff member that crosses appropriate verbal, physical, emotional, or social boundaries with a student or minor and is inconsistent with the staff member's professional role or responsibility to maintain a safe, structured, and predictable educational environment. A boundary violation may include inappropriate one-on-one contact, favoritism, gifts, unprofessional personal communication, inappropriate touching, private electronic or social media communication, discussing inappropriate personal matters, photographing an individual student for a non-education purpose, grooming, or other conduct that creates an inappropriate personal relationship or appearance of impropriety with a student.
- B. "Mental abuse" means a pattern of sustained or repetitive acts, or inappropriate statements, directed at a student that cause fear, lower self-esteem, or are intended to manipulate or control the student's behavior. Examples may include intimidation, threats of harm, destruction of property, insults, arbitrary or unpredictable inconsistency, and denial that a prior abusive incident occurred. Appropriate statements or actions taken in the ordinary course of imposing discipline for student misconduct, consistent with EA Policy 3A.01.13 (Discipline Policy), do not constitute mental abuse.
- C. "Neglect" means a staff member's failure to exercise the degree of care toward a student that a reasonable person would exercise under similar circumstances, resulting in harm or a substantial risk of harm to the student.

- D. “Personal identity characteristics” means an individual’s race, color, ethnicity, sex, sexual orientation, national origin, religion, or gender identity, consistent with Utah Code § 53B-1-118.
- E. “Physical abuse” means non-accidental physical contact with a student that causes, or could reasonably be expected to cause, physical injury.
- F. “Sexual conduct” means any sexual contact or communication between a staff member and a student, including sexual abuse as defined in Utah Code § 76-5-404.1, sexual battery as defined in Utah Code § 76-9-702.1, or a staff member and student sharing a sexually explicit or lewd communication, image, or photograph.
- G. “Staff” or “staff member” means an employee, contractor, or volunteer who has unsupervised access to students. For purposes of the training, reporting, and acknowledgment requirements of this policy, Excelsior Academy applies this Code of Conduct to all employees regardless of their level of student access, consistent with the Employee Handbook.
- H. “Student” means a child under the age of 18 or an individual over the age of 18 who is still enrolled in a public secondary school.
- I. “Verbal abuse” means repeatedly communicating with a student in an objectively demeaning or disparaging manner that creates a hostile, intimidating, abusive, offensive, or oppressive learning environment.

### **III. Application**

This policy applies to all Excelsior Academy employees, including licensed and non-licensed staff, and to contractors and volunteers with unsupervised access to students. Staff are expected to comply with this policy at all times while on school property, while engaged in school-sponsored or school-related activities, and while interacting with students or families in any setting where the staff member’s role at Excelsior Academy is a factor in the interaction.

This policy supplements, and does not replace, the Excelsior Academy Employee Handbook, EA Policy 3A.01.008 (Bullying, Cyberbullying, Harassment, Hazing, and Retaliation Policy), EA Policy 3A.03.08 (Criminal Background Checks), EA Policy 3A.01.13 (Discipline Policy), and other applicable Excelsior Academy policies. Where this policy and the Employee Handbook address the same conduct, this policy governs. The Employee Handbook may provide additional examples, procedures, or implementation guidance, but may not authorize conduct that is prohibited by this policy. Where this policy and another Excelsior Academy policy address the same conduct, the more specific or more stringent standard governs.

### **IV. Standards of Conduct Toward Students**

A staff member shall:

- A. Avoid boundary violations, as defined in Section II.C of this policy, with students, and avoid conduct that could reasonably be considered grooming or that creates an appearance of impropriety.
- B. Not subject a student to physical abuse, verbal abuse, sexual abuse, or mental abuse, as those terms are defined in this policy.
- C. Not touch a student in a way that would make a reasonably objective student feel uncomfortable.
- D. Not engage in sexual conduct with a student, as defined in this policy.
- E. Communicate with students in a manner that is professional, appropriate to an educational setting, and consistent with Excelsior Academy's communication standards. A staff member may not:
  - a. discuss with a student topics of human sexuality, except for staff specifically designated by administration and using school-approved curriculum;
  - b. discuss with a student topics that are crude, offensive, or that violate generally accepted community standards of decency;
  - c. instruct a student to keep secret from the student's parent or guardian anything that occurs in the classroom, at the school, or in a conversation with a staff member; or
  - d. communicate privately with a student through personal social media, personal email, a personal phone number, or any other channel outside of Excelsior Academy's approved communication systems, except as permitted under Excelsior Academy's Educational Social Networking (ESN) provisions.
- F. Not provide gifts, special favors, or preferential treatment to a student or group of students that crosses a boundary violation.
- G. Not discriminate against a student on the basis of the student's personal identity characteristics, as defined in this policy.
- H. Use electronic devices and social media for communication with students only as permitted under this policy, the Employee Handbook's Social Media and Online Forums section, and any applicable Excelsior Academy technology use agreement. A teacher may not "Friend" or otherwise connect with a current student on personal social media, and may communicate with students through an Educational Social Networking (ESN) site only with the express written permission of the School Director.
- I. Not possess, use, or be under the influence of alcohol or illegal substances during work hours on school property or at school sponsored events. Additionally, a staff member may not use any form of tobacco or electronic cigarettes on school property or at school sponsored activities in an employment capacity.

Conduct prohibited by this policy is a violation regardless of whether a student appears to have consented to the conduct.

## **V. Reporting Obligations**

- A. A staff member shall immediately report suspected child abuse or neglect to the Division of Child and Family Services or law enforcement as required by Utah Code § 80-2-602. A staff member shall also immediately notify school administration of any suspected incident of physical abuse, verbal abuse, sexual abuse, mental abuse, or neglect involving a student. Reporting to school administration does not replace the staff member's individual legal duty to report suspected child abuse or neglect to the proper authorities.
- B. A staff member shall report any suspicion of bullying, cyberbullying, harassment, hazing, or retaliation to school administration, consistent with EA Policy 3A.01.008.
- C. A staff member shall report to the School Director or designee any known violation of this Code of Conduct by another staff member, and any known violation of the Utah Educator Standards described in Utah Administrative Rule R277-217, as soon as reasonably possible.
- D. A staff member who is cited, arrested, charged, or convicted of an offense described in EA Policy 3A.03.08 (Criminal Background Checks) shall report the incident in accordance with the timeline and procedures of that policy.
- E. Reports may be made to the staff member's supervisor, the School Director, the Executive Director, the Human Resources Department, or, where applicable, the Safe UT Crisis Line. If the alleged violation involves the School Director, the report shall be made to the Executive Director or Board Chair, as appropriate. Retaliation against a staff member for making a good-faith report under this section is prohibited and may itself result in disciplinary action.
- F. A staff member shall cooperate in any investigation concerning alleged actions, conduct, or communications that, if substantiated, would violate this policy.

## **VI. Required Annual Training and Acknowledgment**

- A. Excelsior Academy shall provide annual training to staff regarding this policy.
- B. New employees, contractors, and volunteers subject to this policy shall receive training regarding this policy within 10 days of beginning service or before being given unsupervised access to students, whichever occurs first.
- C. Each employee or contractor shall annually attend abuse prevention training as required under Utah Code § 53G-9-207.
- D. Each staff member shall annually read and sign a statement acknowledging that they have read and understand this Code of Conduct. Signed acknowledgments shall be maintained in the staff member's personnel file.

## **VII. Additional Standards of Professional Conduct**

In addition to the minimum standards required by Rule R277-322, Excelsior Academy staff shall observe the following standards of professional conduct:

- A. **Political Neutrality in the Classroom.** Staff may not use the classroom to promote a personal political agenda or bias of any kind. Staff may not discuss school staffing, employment matters, or conflicts with administration in the classroom or in the presence of students.
- B. **Public Communications.** Staff may not use Excelsior Academy email distribution lists outside of the Excelsior Academy email system. Communication to an individual class of parents must pertain directly to class instruction and student needs; communication to the school as a whole must be approved by administration in advance. All parent email addresses must be blind carbon copied (BCC) to protect family privacy.
- C. **Confidentiality.** Staff shall safeguard confidential student, family, and personnel information consistent with FERPA, applicable Utah student data privacy law, and the Confidential Information section of the Employee Handbook. Confidential information shall be disclosed only on a need-to-know basis.
- D. **Supervision of Students.** Staff may not allow isolated, one-on-one, or small-group interactions with students outside the line of sight of others, consistent with Section II.C of this policy and the Employee Handbook's Safe School Environment section, unless the interaction is necessary for counseling, discipline, student safety, health, special education, Section 504 services, an investigation, or another legitimate school purpose. Any such interaction must be conducted professionally and with reasonable safeguards, such as an observable location, an unobstructed window, an unlocked door when appropriate, notice to another staff member, documentation, or parent notification when required. Extracurricular activities, after-school programs, and special instruction sessions may not be conducted by only one adult unless approved by administration and reasonable safeguards are in place.
- E. **Locker Rooms and Changing Areas.** A staff member may not be alone in a locker room, restroom, or other dressing area with a single student or small group of students without another adult of the same sex present, consistent with the Employee Handbook.
- F. **Transportation of Students.** A staff member may not transport a student in a personal vehicle unless the school has the parent or legal guardian's consent for an official school activity, or the staff member is in a personal carpool arrangement with another family that has been disclosed to the School Director, consistent with the Employee Handbook's Safe School Environment section.

- G. Weapons and Violence. Staff may not possess, use, or threaten to use a weapon on Excelsior Academy property or while conducting school business, consistent with the Employee Handbook's Violence and Weapons section.

### **VIII. Enforcement and Disciplinary Action**

- A. A violation of this Code of Conduct may result in disciplinary action up to and including termination of employment, consistent with the at-will nature of employment described in the Employee Handbook.
- B. Where a violation involves a licensed educator, Excelsior Academy shall report the violation to the Utah State Board of Education / Utah Professional Practices Advisory Commission (UPPAC) as required under applicable law and Utah Administrative Rule R277-217.
- C. Nothing in this policy creates an expectation that any specific disciplinary procedure or sequence must be followed before adverse employment action is taken, consistent with the Employee Handbook's Corrective Action or Discipline section.

### **IX. Posting and Administration**

- A. Excelsior Academy shall post this Code of Conduct on the school's website, consistent with Utah Admin. Rule R277-322-3(4).
- B. The School Director, or designee, is responsible for administering this policy, including coordinating annual training, collecting annual signed acknowledgments, and maintaining records of compliance.