

## **PREVENTION OF SEXUAL MISCONDUCT AND ABUSE POLICY**

### **Purpose**

This policy aims to establish the Career Academy of Utah's sexual misconduct and abuse policy per the State of Utah requirements, Utah Code §76-9-702.1; 76-5-401.1; 63G-7-301; as well as Utah Administrative Code Rules R277-322, R277-515, R277-401.

The Board is committed to providing the School's students with a safe and supportive learning environment and to protecting its students from sexual misconduct and abuse. The responsibility to protect students from sexual misconduct and abuse is shared by the Board, administrators, teachers, other employees, volunteers, parents, state agencies, and law enforcement.

The Board recognizes the importance of communication and interaction between students and adults in student achievement, successful learning, and instruction. At the same time, clear and reasonable boundaries for educator-student relationships are necessary to protect students from sexual misconduct and abuse and to protect adults from misunderstandings and false accusations.

This policy applies to administrators, employees, volunteers, vendors, and any other entity or individual providing instructional or other support services to students. In this policy, these individuals will be referred to as "adults".

### **References**

Title 62A, Chapter 4a, Part 4, Child Abuse or Neglect Reporting Requirements  
Utah Code Section 53E-6-701, Mandatory Reporting of Physical or Sexual Abuse of Students  
Utah Admin. Code R277-401, Child Abuse-Neglect Reporting by Education Personnel  
Utah Admin. Code R277-515, Utah Educator Professional Standards  
Utah Admin. Code R277-322, LEA Codes of Conduct  
Utah Code Section 63G-7-301, Waivers of Immunity  
Utah Code Section 76-5-401.1, Sexual Abuse of a Minor  
Utah Code Section 76-9-702.1, Sexual Battery

### **Sexual Misconduct and Abuse Prohibited**

Adults are prohibited from engaging in sexual misconduct and abuse of students, which includes dating; making sexual advances; seeking romantic or sexual relationships; having conversations of a sexual nature not related to the adult's professional responsibilities; and sexual contact.

### **In-Person Communication and Interaction**

Personal contact between adults and students must be nonsexual, appropriate to the circumstances, and unambiguous in meaning. Adults should avoid the appearance of impropriety in their interactions with students. Behaviors that can create an appearance of impropriety include, but are not limited to:

- Conducting ongoing, private conversations with individual students that are unrelated to academics, school activities, or the well-being of students and that take place in locations inaccessible to others;
- Inviting a student or students for home visits;
- Visiting the homes of students;
- Inviting students for social contact off school grounds without the permission or knowledge of parents/guardians; and
- Transporting students in personal vehicles without the parents or supervisors.

Employees and volunteers should respect boundaries consistent with their roles as educators, mentors, and caregivers. Violations of these boundaries include:

- Physical contact with a student that could be reasonably interpreted as constituting sexual harassment;
- Showing pornography to a student;
- Unnecessarily invading a student's personal privacy;
- Singling out a particular student or group of students for personal attention and friendship beyond the bounds of an appropriate educator/mentor-student relationship;
- Conversation of a sexual nature with students not related to the employee's professional responsibilities; and
- A flirtatious, romantic, or sexual relationship with a student.

### **Electronic Communication**

Digital technology and social networking provide multiple means for educators and other employees to communicate appropriately with students and personalize learning. Such communication between adults and students must be transparent, accessible to supervisors and parents/guardians, nonsexual, appropriate to the circumstances, unambiguous in meaning, and professional in content and tone.

As with in-person communications, educators and volunteers should avoid appearances of impropriety and refrain from inappropriate electronic communications with students. Factors to consider in determining whether an electronic communication is inappropriate include, but are not limited to:

- The subject, content, purpose, authorization, timing, and frequency of the communication;
- Whether there was an attempt to conceal the communication from supervisors and/or parents/guardians;
- Whether the communication could be reasonably interpreted as soliciting sexual contact or a romantic relationship; and
- Whether the communication was sexually explicit.

Adults must restrict one-on-one, electronic communications with individual students to accounts, systems, and platforms that are provided by and accessible to the Board.

If an adult does not have access to a Board-approved communication account, system, or platform and there is a time-sensitive or emergency, School-related matter that must be communicated to students, the adult may use a personal communication account, system, or personal social media to communicate this information. The adult must note the date, time, and nature of the contact and make this information available to a supervisor.

Parents/guardians are encouraged to have access to their children's social networking and digital communications and to supervise their children's use of these methods of communication.

### **Reporting of Violations**

Adults are required to report any case of suspected sexual misconduct or abuse to their supervisor, who shall report such information to the Career Academy of Utah. This requirement is in addition to the requirements for reporting cases of suspected child abuse or neglect under any mandatory reporting laws.

In addition, adults are required to report suspected violations of this policy regarding in-person and electronic communications with students to their supervisor, who shall report such information to the Career Academy of Utah.

### **Training**

The Board will provide training for employees and volunteers on the prevention of misconduct and abuse. Information about this policy will also be disseminated to employees, volunteers, students and parents.

### **Investigation and Consequences for Violations**

The Board's designee and authorities as appropriate, shall investigate all reports of suspected violations of this policy. Inadvertent and innocuous violations of this policy may provide opportunities for additional counseling and

training but further discipline up to and including termination may be appropriate in any circumstance. Appropriate formal disciplinary procedures will follow violations of this policy when the substance of the conduct or communication in question is found to be inappropriate, flirtatious, romantic, or sexual.

Signature: \_\_\_\_\_

Name: Todd Bingham

Title: Chairman of the Board