

Policy Type: Operational Policy

Title: Employee Code of Conduct and Professional Boundaries Policy

Effective: As listed below

I. Purpose and Philosophy

The Board of Directors of **Custom Class Charter School** (“Custom Class” or the “School”) is committed to establishing and maintaining clear, appropriate, and professional standards of conduct between staff members and students. These standards—often referred to as **professional boundaries**—are essential to fostering a safe, respectful, nondisruptive, and effective learning environment.

Because Custom Class serves students primarily through online instruction, with additional in-person interactions at Family Service Centers and school-sponsored activities, this policy applies **across all learning environments**, including virtual platforms, digital communications, and in-person settings, both during and outside of school hours.

II. Definitions

A. Boundary Violation

A “boundary violation” means crossing verbal, physical, emotional, or social lines that staff members must maintain to ensure structure, security, predictability, and student safety in an educational environment.

Depending on the circumstances, a boundary violation **may include**, but is not limited to:

1. Isolated, one-on-one interactions with a student out of the line of sight or without appropriate oversight;
2. Meeting with a student in rooms or virtual spaces where supervision or transparency is intentionally limited;

3. Telling risqué, sexualized, or inappropriate jokes to or in the presence of a student;
4. Showing favoritism toward a particular student;
5. Giving gifts to individual students outside of a school-approved context;
6. Staff-initiated frontal hugging or other uninvited physical contact;
7. Photographing or recording an individual student for non-educational purposes;
8. Engaging in inappropriate or unprofessional contact outside of educational program activities;
9. Exchanging personal phone numbers, emails, or direct messages with a student for non-educational purposes;
10. Interacting privately with a student through social media, gaming platforms, or personal messaging apps; or
11. Discussing an employee's personal life, relationships, or personal problems with a student.

A boundary violation **does not include**:

1. Offering praise, encouragement, or acknowledgment;
2. Offering rewards or recognition available to all who meet established criteria;
3. Asking permission to touch for necessary or appropriate purposes;
4. A brief pat on the back or shoulder;
5. A side hug;
6. A handshake or high five;
7. Demonstrations of warmth, kindness, and support that are age-appropriate and professional;
8. Use of public or group-based digital communications involving students and parents; or
9. Contact or accommodations expressly permitted by an IEP, Section 504 plan, or documented school plan.

B. Grooming

“Grooming” means befriending or establishing an emotional connection with a child or the child’s family for the purpose of lowering inhibitions in preparation for emotional, physical, or sexual abuse.

C. Sexual Conduct

“Sexual conduct” includes any sexual contact, communication, or interaction between a staff member and a student, including but not limited to:

1. **Sexual Abuse**, as defined in Utah Code § 76-5-404.1, including touching of intimate areas or taking indecent liberties with a student for purposes of sexual arousal or harm;
 2. **Sexual Battery**, as defined in Utah Code § 76-9-702.1; or
 3. Sharing or soliciting sexually explicit, lewd, or suggestive communications, images, or recordings.
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D. Staff Member

“Staff member” means any employee, contractor, or individual working on behalf of Custom Class. Volunteers with unsupervised access to students are considered staff members for purposes of this policy.

E. Student

“Student” means any individual under the age of 18, or any individual over the age of 18 who is still enrolled in a public secondary school.

III. Policy

Staff members shall act in a manner that reflects their position of authority, trust, and influence over students.

A. Professional Boundaries

Staff members shall recognize and maintain appropriate professional boundaries in all interactions with students and shall avoid conduct that could reasonably be interpreted as a boundary violation, grooming behavior, or creating an appearance of impropriety.

B. Abuse Prohibited

A staff member shall not subject a student to any form of abuse, including but not limited to:

1. Physical abuse;
2. Verbal abuse;
3. Sexual abuse; or
4. Mental or emotional abuse.

C. Physical Contact

A staff member shall not touch a student in a manner that would cause a reasonably objective student to feel uncomfortable.

D. Sexual Misconduct

A staff member shall not engage in sexual conduct toward or sexual relations with a student, including but not limited to:

1. Viewing, sharing, or allowing access to pornographic or sexually explicit material;
2. Sexual battery; or
3. Sexual assault.

E. Communications

All staff communications with students—verbal, written, electronic, or digital—must be professional, school-related, transparent, and free from boundary violations.

F. Gifts and Favoritism

A staff member shall not provide gifts, special favors, or preferential treatment to individual students or select groups of students outside of approved school practices.

G. Non-Discrimination

A staff member shall not discriminate against a student on the basis of sex, religion, race, color, national origin, disability, gender identity, sexual orientation, or any other protected class.

H. Electronic Communication and Social Media

Staff use of electronic devices and social media to communicate with students must:

- Comply with Custom Class policies;
- Relate to educational activities;
- Be professional in tone and content; and
- Comply with FERPA and student data privacy laws.

I. Substances

A staff member shall not use or be under the influence of alcohol or illegal substances during work hours, on school property, or at school-sponsored events. Tobacco products and electronic cigarettes are prohibited on school property and during school-sponsored activities when acting in an employment capacity.

J. Cooperation

Staff members shall cooperate fully with any investigation related to alleged violations of this policy.

K. Familial Relationships

Custom Class recognizes that familial relationships between a staff member and a student may warrant limited exceptions to certain provisions of this policy, provided that appropriate safeguards and disclosures are in place.

L. Consent

Conduct prohibited by this policy is considered a violation **regardless of whether the student consented**.

M. Health and Welfare

1. School personnel may:

- (a) provide information and observations to a student's parent about that student, including observations and concerns in the following areas:
 - (i) progress;
 - (ii) health and wellness;
 - (iii) social interactions;
 - (iv) behavior; or
 - (v) topics consistent with Subsection 53E-9-203(6);
- (b) communicate information and observations between school personnel regarding a child;
- (c) refer students to other appropriate school personnel and agents, consistent with local school board or charter school policy, including referrals and communication with a school counselor or other mental health professionals working within the school system;
- (d) consult or use appropriate health care professionals in the event of an emergency while the student is at school, consistent with the student emergency information provided at student enrollment;
- (e) exercise their authority relating to the placement within the school or readmission of a child who may be or has been suspended or expelled for a violation of Section 53G-8-205; and
- (f) complete a behavioral health evaluation form if requested by a student's parent to provide information to a licensed physician or physician assistant.

2. School personnel shall:

- (a) report suspected child abuse consistent with Section 80-2-602;
- (b) comply with applicable state and local health department laws, rules, and policies; and
- (c) conduct evaluations and assessments consistent with the Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq., and its subsequent amendments.

3. Except as provided in Subsection (1), Subsection (5), school personnel may not:

- (a) recommend to a parent that a child take or continue to take a psychotropic medication;

- (b) require that a student take or continue to take a psychotropic medication as a condition for attending school;
 - (c) recommend that a parent seek or use a type of psychiatric or psychological treatment for a child;
 - (d) conduct a psychiatric or behavioral health evaluation or mental health screening, test, evaluation, or assessment of a child, except where this Subsection (4)(d) conflicts with the Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq., and its subsequent amendments; or
 - (e) make a child abuse or neglect report to authorities, including the Division of Child and Family Services, solely or primarily on the basis that a parent refuses to consent to:
 - (i) a psychiatric, psychological, or behavioral treatment for a child, including the administration of a psychotropic medication to a child; or
 - (ii) a psychiatric or behavioral health evaluation of a child.
4. Notwithstanding Subsection (3)(e), school personnel may make a report that would otherwise be prohibited under Subsection (3)(e) if failure to take the action described under Subsection (3)(e) would present a serious, imminent risk to the child's safety or the safety of others.
5. Notwithstanding Subsection (3), a school counselor or other mental health professional acting in accordance with Title 58, Chapter 60, Mental Health Professional Practice Act, or licensed through the state board, working within the school system may:
- (a) recommend, but not require, a psychiatric or behavioral health evaluation of a child;
 - (b) recommend, but not require, psychiatric, psychological, or behavioral treatment for a child;
 - (c) conduct a psychiatric or behavioral health evaluation or mental health screening, test, evaluation, or assessment of a child in accordance with Section 53E-9-203; and
 - (d) provide to a parent, upon the specific request of the parent, a list of three or more health care professionals or providers, including licensed physicians, physician assistants, psychologists, or other health specialists.
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IV. Reporting

A. Duty to Report

A staff member who has reason to believe this policy has been violated shall immediately report the conduct to an appropriate supervisor or school administrator. If the allegation involves an administrator, the report shall be made to that administrator's supervisor or the Board Chair.

B. Mandatory Abuse Reporting

In addition to obligations under Utah's mandatory reporting laws:

1. Any staff member who reasonably believes a student has been physically or sexually abused by a school staff member shall immediately report the belief and all relevant information to school administration;
2. School administration shall promptly notify appropriate governing authorities and regulatory bodies, including the Utah Professional Practices Advisory Commission when applicable; and
3. Individuals who make reports in good faith are immune from civil or criminal liability as provided by law.

C. Bullying Reports

Staff members with knowledge of suspected bullying shall report the conduct in compliance with the School's Bullying and Hazing Policy.

D. Failure to Report

Failure to report suspected misconduct as required by this policy is itself a violation of this policy and may result in disciplinary action.

V. Training

A. Initial Training

Within **10 days of beginning employment**, each staff member shall receive training on this policy and acknowledge in writing that they have received, reviewed, and understand it.

B. Ongoing Training

Staff members employed at the time of adoption or revision of this policy shall receive training and acknowledge understanding as directed by administration.

VI. Violations

A staff member found to be in violation of this policy will be subject to disciplinary action, up to and including termination, and may be referred to law enforcement or regulatory agencies when required.

Certification

The undersigned officers and/or Board of Directors of Custom Class Charter School certify that this Employee Code of Conduct and Professional Boundaries Policy was duly adopted as of the date below

Signature:

Matthew J. Middione – Board Chair

Signature:

Douglas Reed – Board Vice Chair

Effective Date: As listed above

Revised Date:

References:

Utah Code §§ 62A-4a-403; 53E-6-701; 63G-7-301; 76-5-401.1; 76-9-702.1

Utah Admin. Code R277-401; R277-515; R277-322