



The Utah Educator Standards:
Professional Ethics for Utah
School Counselors

R277-217

Why do we have Educator Standards?

- - To establish statewide ethical standards for educators;
- - Establish reporting requirements for educators and LEAs; and
- - To recognize that educators are professionals that share common professional standards, expectations, and role model responsibilities.



Who investigates educator misconduct?

As with other professions there is a commission designated to investigate allegations of teacher misconduct.

Utah State Bar

- Oversees licensure and investigations for lawyers

Utah Professional Practices Advisory Commission

- Oversees the investigation of licensed teachers and makes disciplinary recommendations to the Utah the State Board of Education

Utah Division of Occupation and Professional Licensing (DOPL)

- Oversees licensure and investigations for dozens of professions in Utah



UPPAC

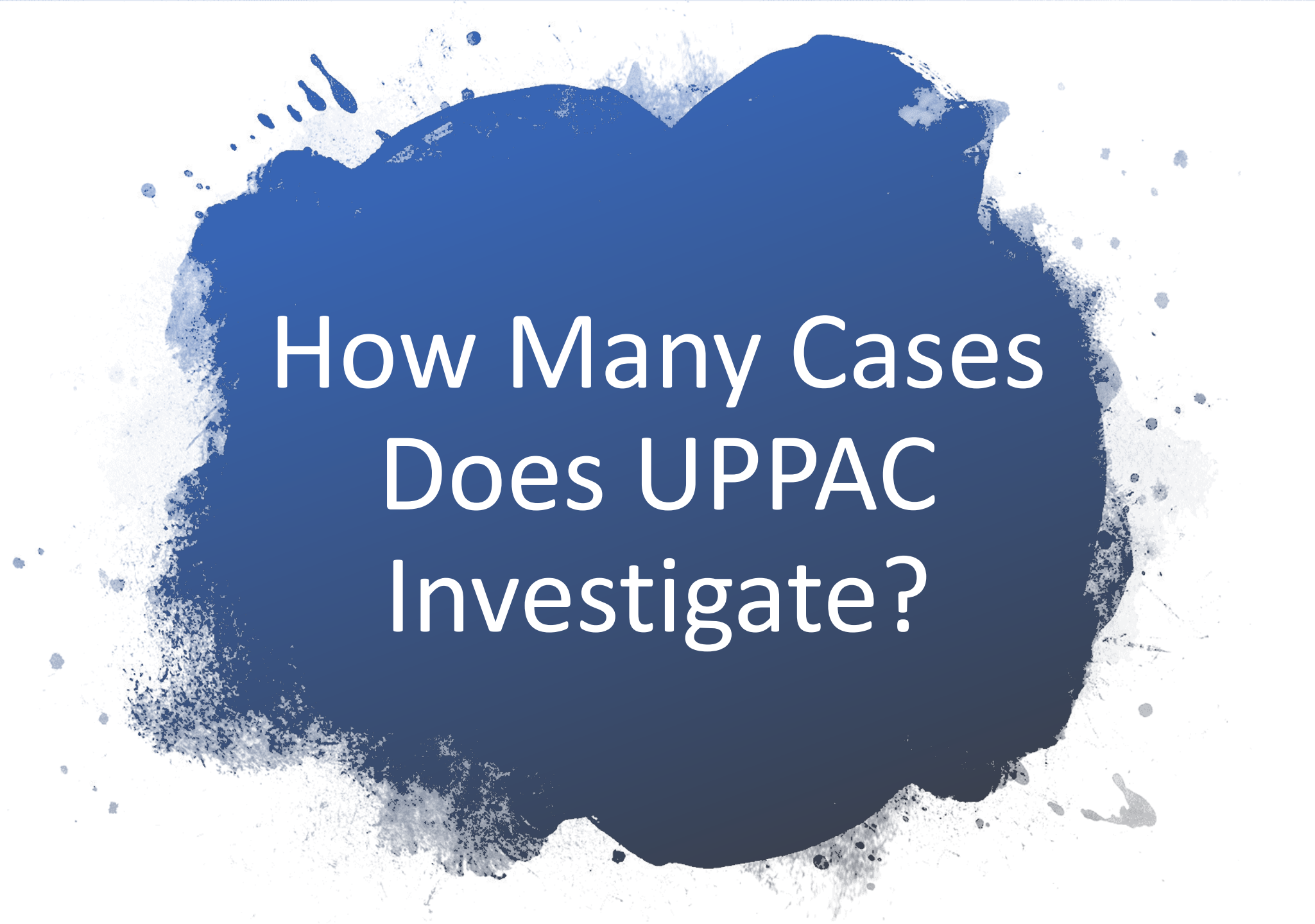
Utah Code 53E-6-502

- 11 Members:
 - 6 classroom educators
 - 3 other educators (principals, superintendents, etc.)
 - 2 community members



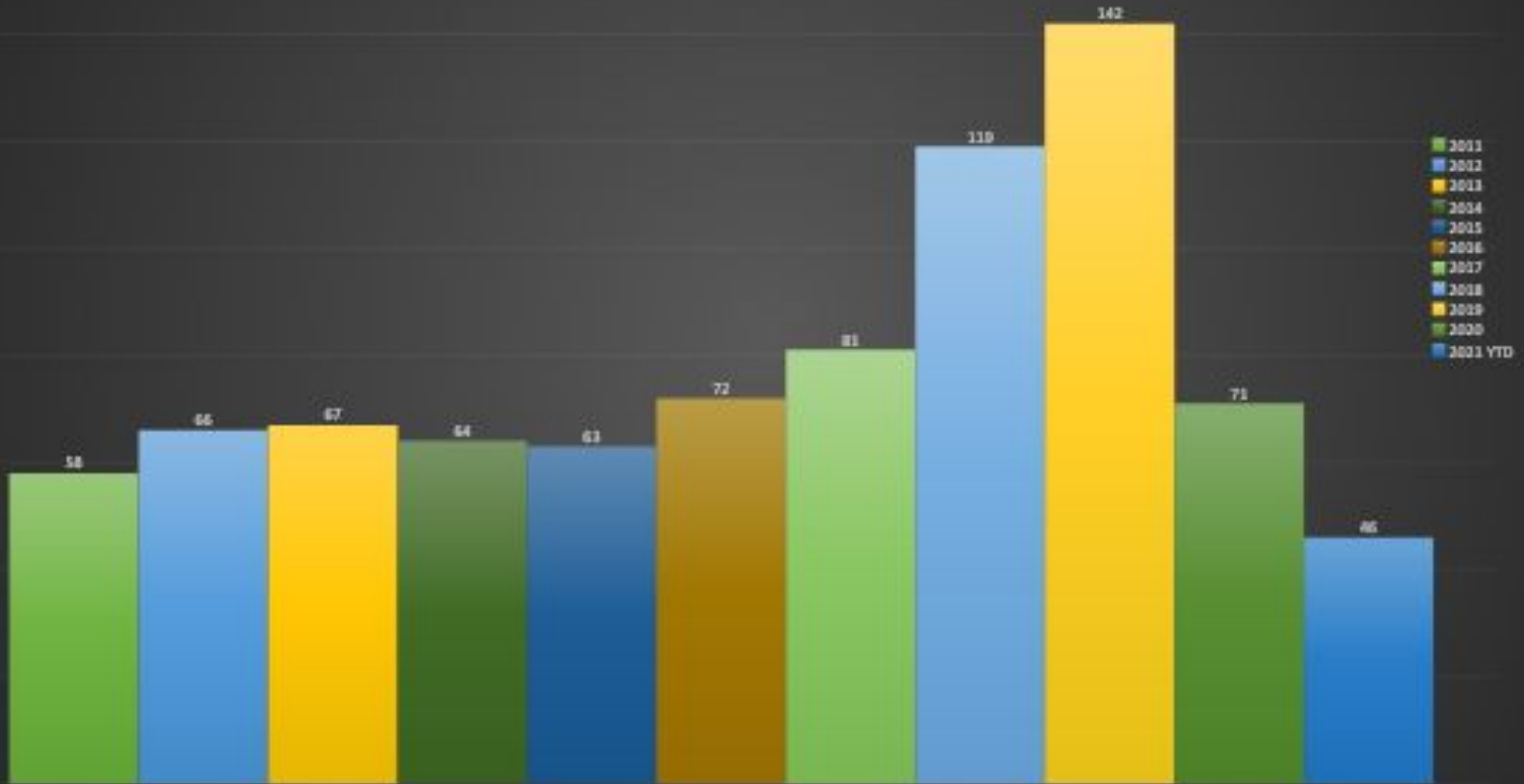
Curious to learn more
about how UPPAC works?

- <https://schools.utah.gov/policy/uppac>
 - Guide to UPPAC
 - Guide to UPPAC Background Check Process
 - Guide to UPPAC Expedited Hearing Process
 - Guide to UPPAC Hearing Process
 - Guide to UPPAC Reinstatement Hearing Process



How Many Cases
Does UPPAC
Investigate?

UPPAC New Cases OVER THE LAST DECADE





THERE ARE
CURRENTLY
80
OPEN UPPAC
CASES

Richmond County teacher arrested for allegedly selling marijuana

Teacher arrested after she waited to have sex with a student in a candlelit room, authorities say

Teachers in Atlanta cheating scandal hear verdicts

UPDATED ON: APRIL 2, 2015 / 7:03 AM / CBS/AP



Ashford High teacher facing felony charge for allegedly stealing from school

Past system audits reveal other irregularities

Teacher, 36, is arrested after stealing Oxycodone and Adderall out of colleagues' purses



Yorba Linda Middle School Teacher Arrested for Abusing a Former Student



Daniel Methe

North Carolina elementary school teacher threatened to 'shoot up' school, police say

Kristen Thompson was arrested after she abruptly resigned last week.

What Types of Cases Does UPPAC Handle?

UPPAC Cases by Type 2015-Present

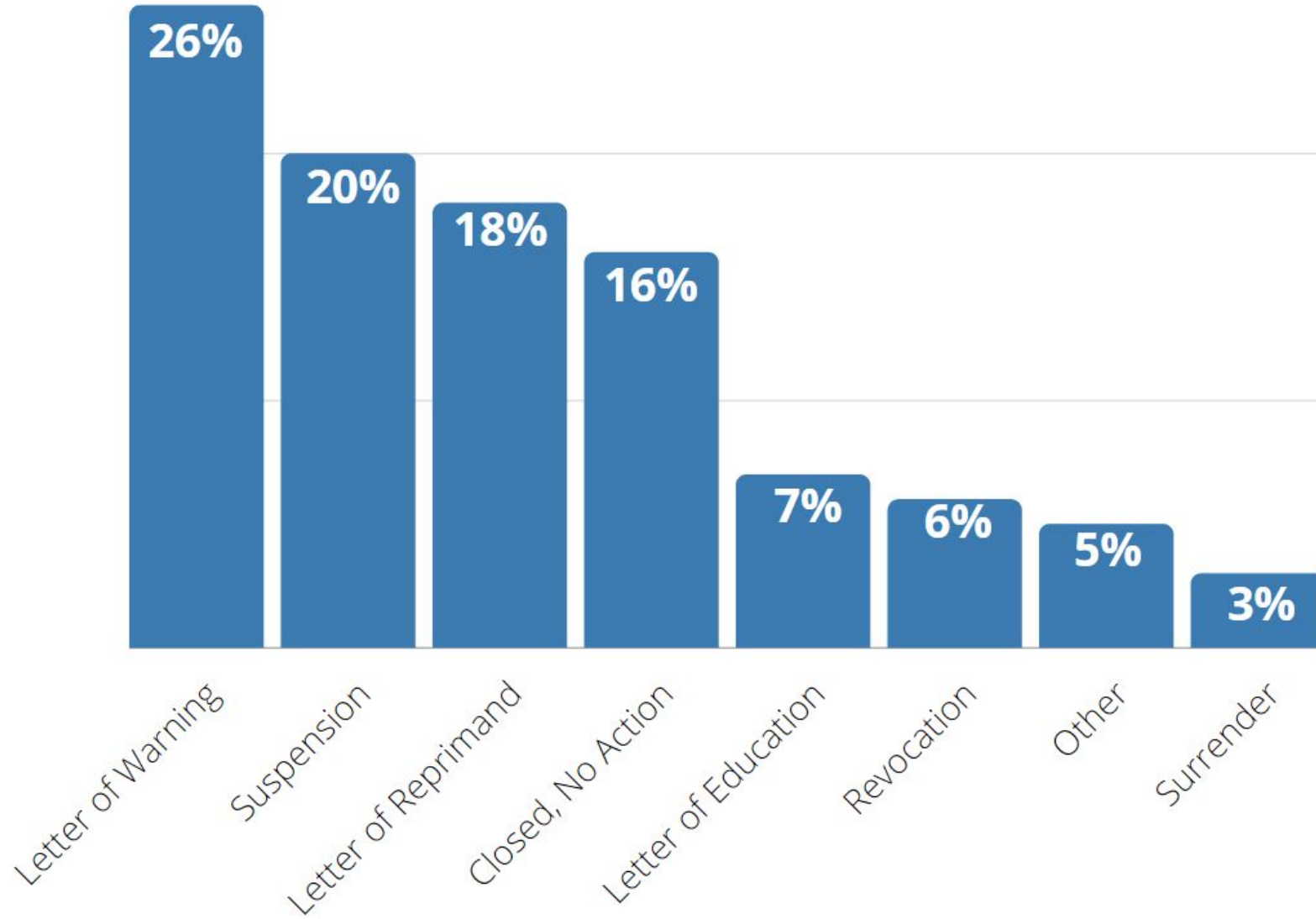


- Drugs or Alcohol 34
- Boundary Violations 121
- Doc/\$ Mismanagement 24
- Misc. Ethical Violations 38
- Student Violations 29
- Pornography 22
- Sexual Harassment 12
- Sexual Misconduct 29
- Testing Protocol Violations 15
- Violence and Discipline 98
- Misc- Employment/Insub. 41

UPPAC ACTIONS

- Letter of Education
 - (cautions educator against conduct that could lead to a violation of the of the Educator Standards)
- Letter of Warning
 - (sent to educator for minor misconduct)
- Reprimand
 - (imposed for conduct that was longer term or more seriously unethical; NASDTEC notified; flagged on CACTUS.)
- Suspension
 - (invalidation of educator’s license for a period of time; NASDTEC notified; flagged on CACTUS.)
- Revocation
 - (permanent invalidation of educator’s license; NASDTEC notified; flagged on CACTUS.)

UPPAC Case Final Outcomes, Jan. 2017 - Mar. 2021



Total Cases: 393



The Utah Educator Standards & Common Ethical Violations

Boundary Violations R277-217-2(5)-(7)

An educator may not:

- Engage in a single egregious instance or 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;
- 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.



What is a Boundary Violation? R277-210-2(6)

A "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.



Just let me check you out... I mean, check out your chest...
check out your test... Let me grade your quiz.

Types of Boundary Violations

R277-215-2(6)(
b)

- Isolated, one-on-one interactions
- Meeting in rooms with covered or blocked windows
- Telling risqué jokes
- Favoritism
- Inappropriate gift giving to individual students
- Uninvited or inappropriate touching
- Photographing students for non-educational use
- Inappropriate or unprofessional contact outside educational program activities
- Exchanging personal email/phone numbers for non-educational purpose
- Interacting privately with a student through social media, computer, or handheld devices
- Sharing inappropriate details about the student or teacher's personal life

Appropriate Interactions R277-512-2(6) (c)



Offering praise, encouragement, or acknowledgement



Rewards available to all



Asking permission to touch for necessary purposes



Pats on the back or shoulder, side hugs, handshakes, high fives



Offering Warmth and kindness



Contact permitted by an IEP or 504 plan



ABOUT 8% OF THE CASES
UPPAC HAS HANDLED SINCE
2015 INVOLVE SEXUAL
MISCONDUCT

AN ADDITIONAL 32% INVOLVE
BOUNDARY VIOLATIONS.

That is 40% of our cases

HOW IS THIS HAPPENING???*

*NOTE: These are not researched based conclusions, just one investigator's observations.

◆ The teacher-student relationship is evolving:

- Teachers are trying to be **friends**, not just friendly, with their students.
 - This is the teacher who finds the company of teenagers socially fulfilling.
- Teachers are trying to be **therapists** to their students.
 - This is the teacher who feels badly turning away a student who just needs to talk.
- Teachers are trying to be **saviors** to their students.
 - This is the teacher who feels like he/she is the ONLY person who can make a difference in the student's life.

Kids and Technology



- 42% of children 8 and younger have their own tablet devices (Source: Common Sense Media, 2017)
- 45% of kids have their own cell phone service plan between 10-12 years old (Source: Nielsen Media, 2017)
- Among kids 6-12, 81% of kids text messaged, which was their top mobile activity (Source: Nielsen, Q4 2016)
- 95% of teenagers have access to a smart phone (Source: Pew Research Center, 2018)

Students and Social Media

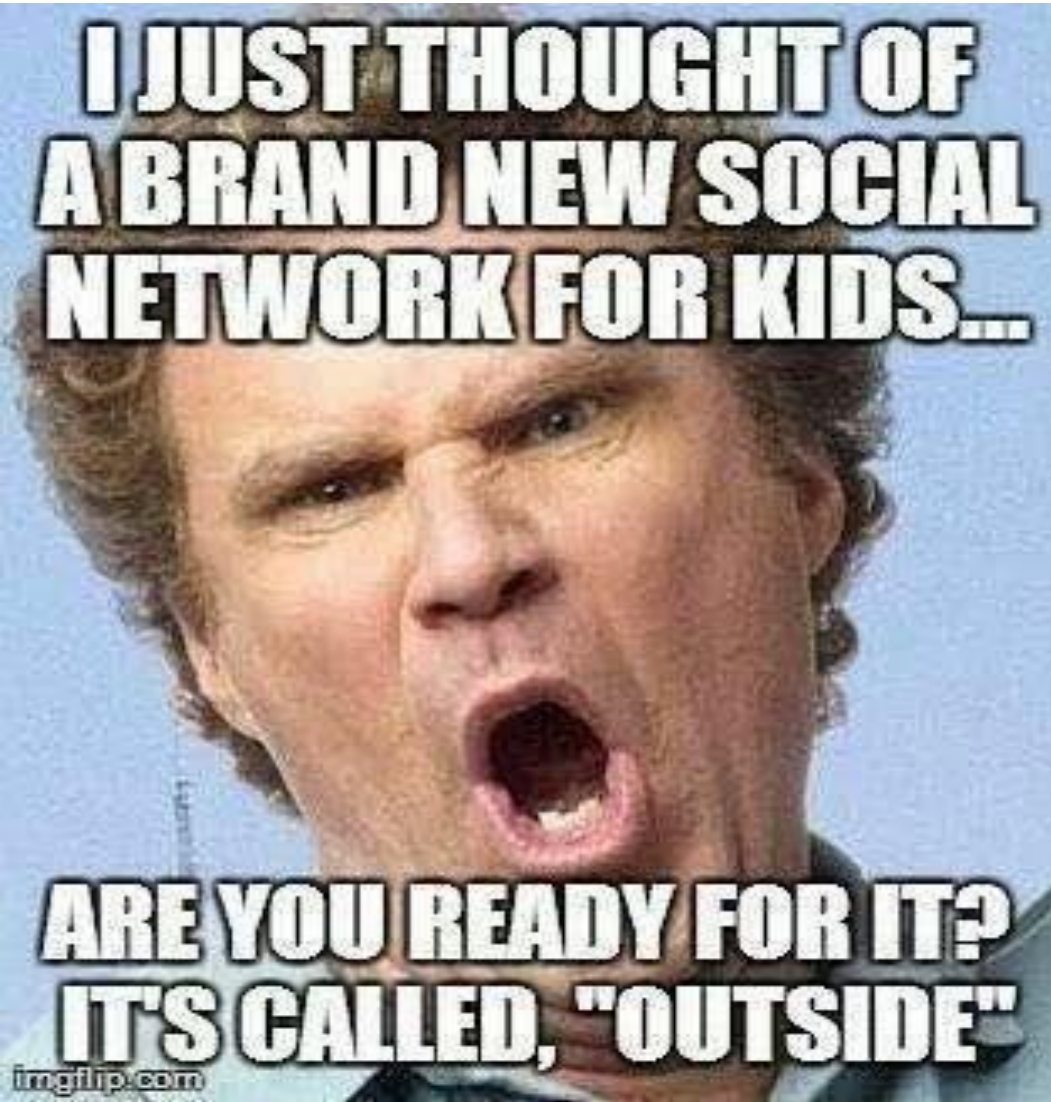
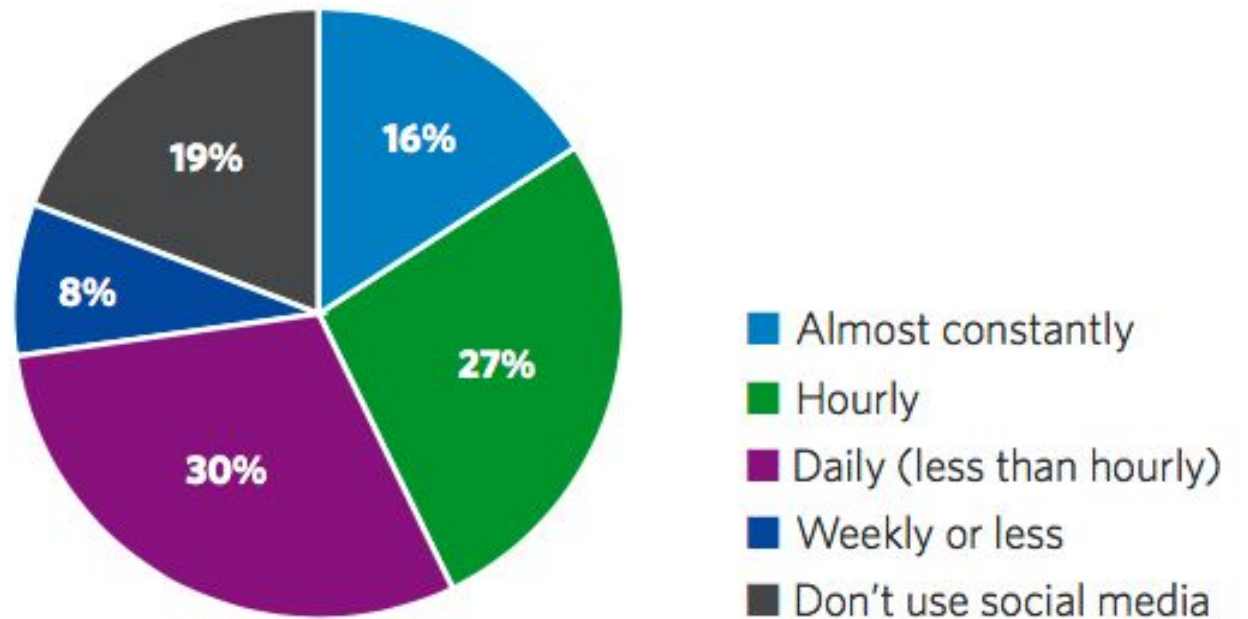


FIGURE 1. Frequency of Social Media Use, 2018

Among all 13- to 17-year-olds, percent who check social media:



Social Media Use

Teens overwhelmingly choose Snapchat as their main social media site.

Percent of teens who say they use each social media site the most:



41%
Snapchat



22%
Instagram

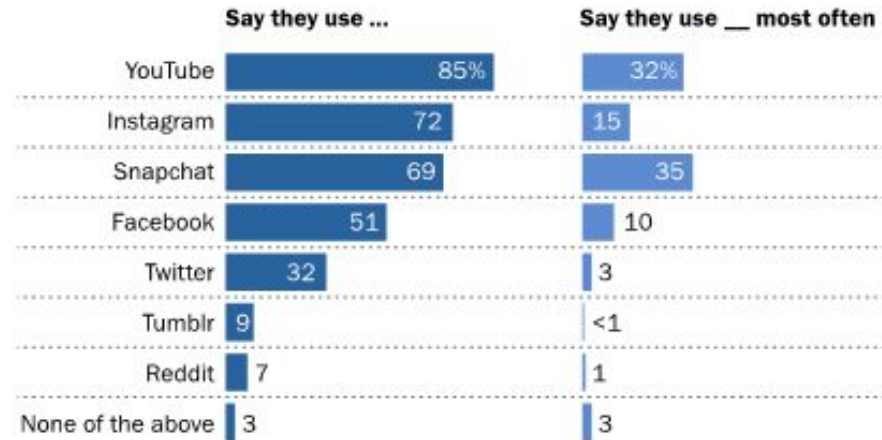


15%
Facebook

Source: Commonsense.org

YouTube, Instagram and Snapchat are the most popular online platforms among teens

% of U.S. teens who ...



Note: Figures in first column add to more than 100% because multiple responses were allowed. Question about most-used site was asked only of respondents who use multiple sites; results have been recalculated to include those who use only one site. Respondents who did not give an answer are not shown.

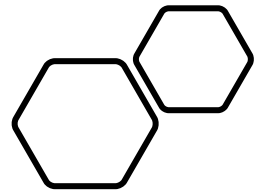
Source: Survey conducted March 7-April 10, 2018.

"Teens, Social Media & Technology 2018"

PEW RESEARCH CENTER



The Good: What are ways you could use social media with your students?



NAVIGATING SOCIAL MEDIA PITFALLS



Consider this ^{former} school administrator:



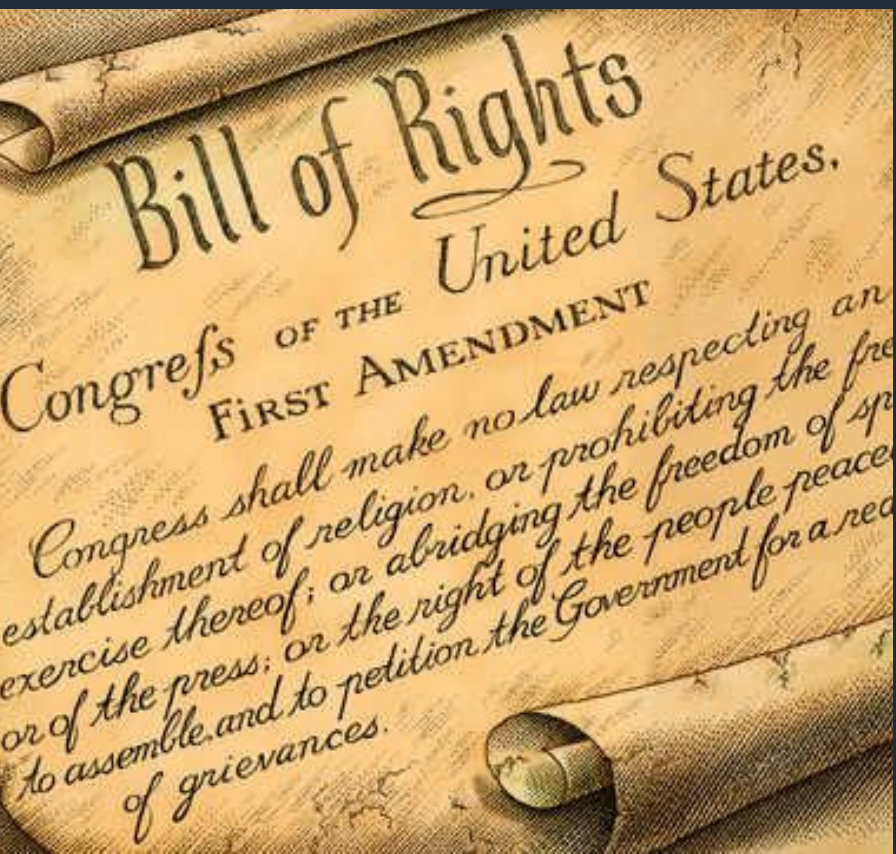
Parents are “so arrogant and snobby.”
After getting sick: “Now I remember why I stopped teaching! Kids... they are all germ bags!”

Social media rule of thumb

Never do or say anything online or through text that you wouldn't want plastered on the front page of the Salt Lake Tribune.

Unless it's truly private and password protected, it's public.

The Limits of Free Speech in the Classroom



Teachers have the right to Free Speech, which means Speech Made as a PRIVATE citizen on a matter of PUBLIC CONCERN

- This right does NOT apply to speech made in the classroom or in your role as an educator
- This right does NOT apply to speech made outside the classroom that has a substantially adverse impact on the functioning of your school or your effectiveness as a teacher
 - Tooele School District Policy 4011E15 and F14: “The District may determine not to renew [or terminate] a contract for any of the following reasons:... Failure to exercise good judgment and prudence in the employee’s personal life that impairs the employee’s professional effectiveness or which fails to respect the cultural values and standards of the community in which the employee practices.”

Boundary Violations and Text Messages or IM

Texting and instant messaging are often used to break down boundaries—most sexual cases that come to UPPAC begin with texting



EXAMPLES OF TEXT TEACHER-STUDENT TEXT/FB MESSAGES

- “I know I’m not supposed to have favorites, but whatever, you’re totally my favorite.”
- “You looked cute in that pink shirt today.”
- Selfie of topless male teacher (demonstrating that he was totally out of shape)
- “Have you ever been skinny dipping?”
- “You should meet me in my room after the play.”
- “I guess you’ll just have to wait until June...”
- “Love you”
- “Do you know what sexting is?”



BEST PRACTICES FOR TEXTING

DON'T DO IT!

Texting Policy Consideration

S

- ❖ Follow local school and District Policy
- ❖ Keep private and professional accounts separate
- ❖ Send messages only to teams or clubs or groups of students—or copy messages to supervisors and/or parents.
- ❖ Consider not allowing “incoming” texts from students, only blast texts from you about class content.
- ❖ Include the way you handle text messages between you and students, if you do text at all, in your class disclosure
- ❖ Interact appropriately and professionally at all times- Do NOT communicate about personal issues--the student’s or the teacher’s.
- ❖ Do NOT send confidential or sensitive information about grades, IEP meetings, disciplinary issues using media that can be easily hacked, re-sent or accessed by others.
- ❖ Inappropriate communications with students in any electronic or other format may be grounds for termination and loss of your educator license.
- ❖ Any use of a district-owned phone is subject to search by the district.

Ethical Scenario: Discussion

Mr. Brass is the junior high band teacher. He is very popular with students, who like to call him “Brass.” Mr. Brass often group texts his students about band-related matters. He often includes funny emojis and sayings.

One of his students, “Marissa,” often stays in Mr. Brass’ classroom after school until her mom picks her up. Recently, she has begun texting Mr. Brass. At first, the exchanges were about band “what time are we meeting on Saturday?”; sometimes they are unrelated to school activities (e.g. Mr. Brass asked Marissa how her brother is doing on his mission, or how she and her mother are getting along).

Recently, Marissa has started to text Mr. Brass about her more personal feelings. “I feel like I have no one to talk to, my boyfriend and I aren’t getting along.”

Discussion Questions:

- What possible issues/concerns might this scenario raise?
- How could this situation become a violation of the law, LEA policy, or Utah Educator Standards?
- What are some potential negative consequences for the teacher, the student, or the school community?
- What response/action will result in a positive outcome in this case?

What you can do about it

RECOGNIZE WHETHER YOUR INTERACTIONS COMPLY WITH THE LAW:

Appropriate questions:

- How's your day? How'd you do on that test you were worried about? Did your basketball team win last night?

Inappropriate questions:

- Are you still fighting with your mom? Are you taking your medication to help you focus on tests better? Did you really start a fight with the team captain? How'd it feel to hit him?

Also inappropriate: revealing personal information about yourself, your marriage, your dates, your personal frustrations with administrators, etc.

What can you do about it, cont.

REPORT!!!

- If you suspect a teacher of inappropriate activities or relationships with a student, no matter how minor it initially seems, **REPORT TO YOUR ADMINISTRATOR.**
- Report to law enforcement if you suspect the relationship is physical or that the relationship goes beyond the investigative resources of the school.
- Report to UPPAC.

Failure to Report Child Abuse

Utah Code provides that “any person” who has reason to believe a child has been subject to abuse or neglect, or observes a child being subjected to abuse or neglect, SHALL immediately report to law enforcement or DCFS. (UCA 62A-4a-403)

Utah Code also provides that educators MUST report suspected abuse perpetrated by a School Employee (UCA 53E-6-701)

Threats of Suicide

- If a school employee, agent, or school resource officer believes a student is at-risk of attempting suicide, physical self-harm, or harming others, the school employee, agent, or school resource officer may intervene and ask a student questions regarding the student's suicidal thoughts...for the purposes of:
 - (i) referring the student to appropriate prevention services; and
 - (ii) informing the student's parent.

ARRESTS: Felonies and Misdemeanors

R277-217-2(1)-(2)

Under the Utah Educator Standards, an educator may not:

- be convicted of any 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.
-
- **YOU ARE REQUIRED TO REPORT CERTAIN ARRESTS, CITATIONS, AND CHARGES TO YOUR DISTRICT OR LEA WITHIN 48 HOURS**

What am I required to report?

R277-217-4

- Upon Arrest, Citation, or Charge, Report:
 - Sex offenses
 - Drug-related offenses
 - Alcohol related offenses
 - Offenses against the person
 - Any felony offense
 - Domestic violence
- Report to your LEA within 48 hours if you are employed; to UPPAC if you are not
- All other crimes are reported upon conviction or plea in abeyance (Except traffic)



F E R P A

**Family Educational
Rights & Privacy Act**

FERPA

~~(Figure out Everybody's
Religion and Politics Act)~~

FERPA (Family Educational Rights and Privacy Act)

Prohibited without written parental consent:

- Political affiliations
- Mental or psychological problems
- Illegal or self-incriminating behavior
- Sexual behavior, orientation, or attitudes
- Religious affiliations or beliefs
- Critical appraisals of individuals with whom the student or family member has close family relationships

Inappropriate Discipline

- An educator may not use corporal punishment, excessive force, or inappropriate physical restraint, R277-217-2(9)



- An educator shall maintain a professional educator/student relationship by treating a student with dignity and respect by promoting the health, safety, and well-being of students and maintaining verbal, emotional, and social boundaries, R277-217-3(2)

What NOT to do



When can you
restrain/grab a
student?

Utah Code

§53G-8-302

- A teacher may use “reasonable and necessary physical restraint or force in self-defense,” or to:
- (a) obtain possession of a weapon or other dangerous object in the possession . . . of a child;
- (b) to protect the child or another person from physical injury;
- (c) to remove from a situation a child who is violent; or
- (d) to protect property from being damaged, *when physical safety is at risk.*”

Dealing With Frustrating Situations

What are some ways you can respond to difficult students or situations without resorting to inappropriate discipline?

Example Scenario:

An elementary teacher is reading to her students in circle time. A student named Jill begins yelling that she doesn't want to read and disrupts the lesson. The teacher tells Jill to be quiet, but she refuses. The teacher asks Jill to sit outside for a few minutes. Jill refuses and continues to yell. The teacher again asks Jill to be quiet, she again says no.



Prescription drug and Alcohol Use

R277-217-2(10)-(12)

Teachers MAY NOT:

- Come to school under ANY influence of alcohol or an illegal drug. Even a whiff of alcohol on the breath is inappropriate.
- Abuse prescription drugs. Use illegal drugs.
- Provide alcohol, illicit drugs, and/or non-prescribed prescription drugs to students. Ever. Under any circumstances.



Gifts, bonuses, incentives—to take or not to take? R277-217-3, R277-107-7

To take:

- nominal appropriate personal gifts for birthdays, holidays, and teacher appreciation occasions
- donations from students, parents, and businesses specifically and strictly to benefit students



Not to take:

- bonuses or incentives from vendors, potential vendors, or gifts from parents of students, or students where there might be the appearance of a conflict of interest
- gifts from students that would suggest or further an inappropriate relationship
- gifts from colleagues that are inappropriate or further the appearance of impropriety

Other Financial No-no's

- Commingling school funds and personal funds
- Submitting false requests for reimbursement to school
- Using the school email to send parents information about personal music lesson business.
- Telling parents athletes are required to attend a summer clinic hosted by third party for whom the teacher works.
- “borrowing” classroom materials all year long for personal use





Testing Protocol Violations (R277-217-3(14))

“An educator shall 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...”

Inappropriate
images on
school
computers and
pornography
R277-217-2(16)
-(17)

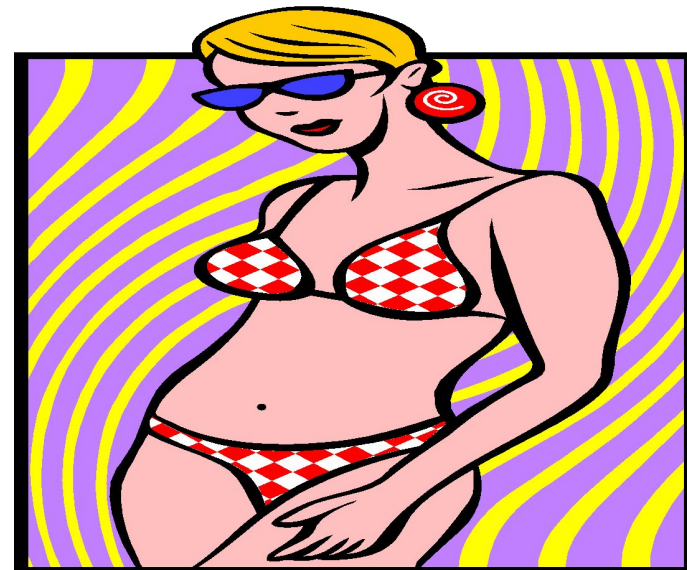
**NEVER, EVER, EVER, EVER, EVER, EVER,
EVER LOOK AT INAPPROPRIATE IMAGES
ON SCHOOL COMPUTERS OR ON SCHOOL
GROUNDS**



What constitutes “inappropriate images?”

- While debatable, Sports Illustrated Swimsuit issue and Victoria Secret swimsuit sales are sites to avoid, just to be safe.
- In Utah law, it is a crime to “access pornographic or indecent material on school property when the person willfully or knowingly creates, views, or otherwise gains access to pornographic or indecent material while present on school property. . .”

(Utah Code §76-10-1235)



BE NICE TO STUDENT, COLLEAGUES, PARENTS, AND COMMUNITY MEMBERS, R277-217-2(5)

“An educator may not engage in a single egregious or pattern of inappropriate contact in any communication, including written, verbal, or electronic, with a minor, student, colleague, or member of the community” and

Shall treat a student “with dignity and respect by promoting the health, safety, and well-being of students.”

THIS MEANS TREAT STUDENTS, COLLEAGUES, PARENTS, AND OTHERS WITH RESPECT



Example of Poor Communication: Teacher Email to Parent

To Parent:

“your student behaved like a complete idiot today in PE- he had the balls to throw dodge balls at me, the first one brushed me on the head but the second one he threw at me full speed and hit me smack dab in the face. WTF?”

- Teacher

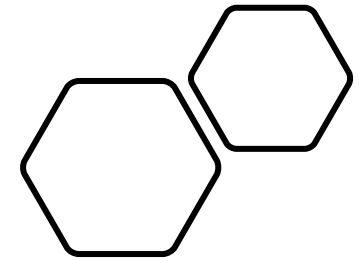
UPPAC “mean” teacher statements/acts

- Refusing to allow kindergartners to use the bathroom causing some to wet themselves.
- Forcing first graders to sit outside for hours if they mis-behaved.
- Telling other teachers, in the presence of the class, “These kids are never going to learn anything.”
- Throwing away pictures student colored if the coloring is outside the lines
- Swearing at students
- Throwing objects, like erasers and markers, at students

Bullying/harassment laws apply to teachers, too.

Utah law defines harassment as: “repeatedly communicating to another individual, in an objectively demeaning or disparaging manner, statements that contribute to a hostile learning or work environment for the individual.”





BE NICE

THE END

Please feel free to contact
us with questions:

Ben Rasmussen
UPPAC Exec. Secretary
(801) 538-7835

[ben.rasmussen@schools.
utah.gov](mailto:ben.rasmussen@schools.utah.gov)

