Policy Number: 412
Policy Section: 400 – Staff Policies
Effective Date: July 27, 2020
Revision Date: November 19, 2026

Policy 412 — Code of Conduct / Appropriate Behavior Policy

REFERENCES

Utah Code §§ 53E-6-701, 63G-7-301, 80-2-602, 76-5-404.1, 76-9-702.1, and 53G-9-207; Utah Admin. Rules R277-210, R277-217, R277-322, R277-401, and R277-123; Family Educational Rights and Privacy Act (FERPA); other applicable federal and state laws.

I. Purpose and Philosophy

The Governing Board of DaVinci Academy is committed to establishing and maintaining appropriate standards of conduct between staff members and students and in the use of DaVinci property and public funds. These standards of conduct are also known as professional boundaries. Staff members shall maintain professional and appropriate demeanor and relationships with students, both during and outside of school hours, as well as on and off campus, that foster an effective, non-disruptive, and safe learning environment.

This policy applies to employees and, as specified herein other contractors/vendors with significant access to students. DaVinci shall implement a code of conduct no less stringent than the applicable Utah State Board of Education model code. Additional duties imposed by law, educator standards, contracts, or other DaVinci policies remain in effect.

II. Definitions

a. “Boundary violation” means crossing verbal, physical, emotional, or social lines with a student or minor that staff must maintain to ensure structure, security, and predictability in an educational environment; the term shall be interpreted consistently with Utah Administrative Rule R277-210. Examples that may constitute a boundary violation depending on the circumstances include: isolated one-on-one interactions outside others’ line of sight; meetings behind covered windows; risqué jokes or profanity in a student’s presence; favoritism; inappropriate individual gifts; uninvited or inappropriate touching; noneducational student photographs; inappropriate outside-program contact; exchanging personal contact details for noneducational purposes; private social media interactions; and discussing inappropriate details of staff or student personal lives or restricted matters without authorization.

Appropriate praise, available-to-all rewards, permission-based necessary contact, age-appropriate gestures such as high fives, warmth and kindness, public group notices, and contact authorized by an IEP or Section 504 plan generally are not boundary violations solely by their nature; circumstances, student comfort, and other applicable safety rules still govern.

b. "Grooming" means befriending and establishing an emotional connection with a child or child's family to lower the child's inhibitions for emotional, physical, or sexual abuse.

c. "Sexual conduct" means an interaction between a staff member and a student that is sexual in nature, including sexual abuse under Utah Code § 76-5-404.1, sexual battery under § 76-9-702.1, or sharing sexually explicit or lewd communications, images, or photographs.

d. "Staff member" means an employee, contractor, or vendor with significant access to students. DaVinci may impose related conduct obligations on other persons serving students through contract, long term volunteer agreement, or other applicable policy.

e. "Student" includes a minor enrolled at DaVinci and an individual age 18 or older who remains enrolled in public secondary education. Where state rule applies protections to a "student or minor," the broader rule controls.

f. "Fraud" includes forgery, fraudulent records, theft or misuse of funds, deceptive financial practices, bribery, and other dishonest handling of public funds or school property.

g. "Retaliation" means intimidation, threats, coercion, harassment, adverse employment actions, or other speech or conduct that would discourage a reasonable person from reporting a concern or participating in an investigation.

h. "Substantiated" means an allegation established through an investigation or hearing by a preponderance of competent evidence, consistent with R277-322.

III. General Staff Conduct

Staff members shall act in a way that acknowledges and reflects their inherent positions of authority and influence over students and/or property.

a. Staff members shall recognize and maintain appropriate personal boundaries in teaching, supervising, and interacting with students and shall avoid boundary violations, including conduct that could reasonably be considered grooming or create an appearance of impropriety.

b. A staff member may not subject a student to physical, verbal, sexual, or mental abuse.

c. A staff member shall not touch a student in a way that would make a reasonably objective student uncomfortable. Physical contact must be appropriate to the student's age, needs, safety, disability accommodations, and circumstances; emergency interventions and restraint are governed by applicable law and DaVinci policy.

d. A staff member shall not engage in sexual conduct toward or sexual relations with a student. Prohibited conduct includes viewing or sharing pornography or sexually explicit content with a student, sexual battery, sexual assault, and any sexually explicit or lewd communication or image. Conduct prohibited by this policy remains prohibited regardless of purported student consent.

e. Staff communications with students, whether verbal or electronic, shall be professional and shall avoid boundary violations.

f. Staff members shall not provide inappropriate gifts, special favors, or preferential treatment to individual students. Classroom recognition and rewards offered pursuant to equitable educational criteria and school-authorized student assistance are permitted.

g. Staff members shall not unlawfully discriminate against or harass students and shall treat students with dignity and respect. Staff shall take prompt and appropriate action in response to known or reasonably apparent student harassment or discriminatory conduct, as applicable to their role.

h. Electronic devices and social media used to communicate with students shall comply with DaVinci policy, remain professional and school-related, and comply with FERPA. School-approved channels shall be used for school-related student communication unless an administrator authorizes an exception; communications shall be maintained in accordance with records-retention rules and applicable policy.

i. Staff members shall not use or be under the influence of alcohol or illegal drugs while on duty or participating in a school-sponsored activity; shall not use prescription medication in a way that impairs judgment or professional performance while on duty or at a school-sponsored activity; and shall comply with applicable tobacco, nicotine, and vaping restrictions on school property and at school activities.

j. Staff shall cooperate in lawful investigations as provided in Section 5 of this policy.

k. DaVinci recognizes that familial relationships between a staff member and a student may justify limited, context-specific exceptions to ordinary boundary expectations, but do not excuse abuse, prohibited sexual conduct, or applicable reporting obligations.

l. Staff shall report suspected fraudulent activity, including forgery, fraudulent records, deceptive business practices, bribery, and dishonesty concerning money or the handling of money.

m. Staff shall safeguard student and employee records and other confidential information, access it only for legitimate duties, and avoid unauthorized disclosure or use of personal accounts or devices inconsistent with applicable law and DaVinci policy.

n. While on school property, acting within the scope of employment, or in circumstances reasonably perceived to be school-sponsored, staff shall not invite, suggest, or encourage a student to reconsider or change the student's sexual orientation or gender identity, as prohibited by R277-322.

o. Staff may not plan, organize, promote, encourage, or participate in an unauthorized activity during the school day that disrupts instructional time or encourages or results in nonattendance from scheduled classroom instruction.

p. Staff shall act professionally while on school property or during contracted time and shall comply with all applicable federal, state, and local laws.

IV. Reporting Responsibilities

a. A staff member who knows or reasonably suspects a violation of this code of conduct shall promptly report the concern to an appropriate building administrator or the Executive Director. If the allegation involves that person, the report may be made to the person's supervisor or the Board President; reports also may be submitted through the designated education hotline.

b. Any staff member who knows or reasonably suspects child abuse or neglect shall immediately report to the Division of Child and Family Services or law enforcement in accordance with Utah Code §§ 80-2-602 and 53E-6-701 and R277-401. Informing an administrator or using a school hotline does NOT satisfy that personal legal duty. Staff shall not attempt to prove or independently investigate the suspected abuse before reporting.

c. A staff member who has reasonable cause to believe that a student has been physically or sexually abused by school staff shall also immediately notify the appropriate school or LEA administrator as required by § 53E-6-701. Administrators shall promptly make all required reports to the Utah State Board of Education/UPPAC and other authorities; the internal process shall not delay the direct report required in subsection (b).

d. A staff member with knowledge of suspected bullying, cyberbullying, hazing, abusive conduct, or retaliation shall notify the appropriate building administrator in accordance with Board Policy 108 and applicable law.

e. Staff shall report suspected financial misconduct and misuse of school property through an administrator, the Executive Director, the Board President when appropriate, or another authorized reporting channel.

f. Failure to make a required report may result in disciplinary action and, where applicable, licensure or legal consequences. No employee shall be directed to delay a mandatory report pending approval from school administration.

V. Investigation, Good-Faith Reporting and Non-Retaliation

a. Subject to constitutional protections against self-incrimination and other applicable rights, staff members shall fully cooperate with lawful investigations by DaVinci, law enforcement, DCFS, UPPAC, or the Utah State Board of Education, including truthful and prompt responses, relevant information, and compliance with lawful process.

b. DaVinci prohibits retaliation against an individual who in good faith reports a suspected violation of this policy, school policy, Board rule, or law, or participates in an investigation. Retaliation may result in discipline up to and including termination, licensure referral, or other lawful remedies.

c. A staff member may not knowingly make a false report. Knowingly false, malicious, or frivolous reports may result in discipline, but an unsubstantiated report made in good faith shall not, merely for that reason, be treated as misconduct.

d. DaVinci shall investigate reports fairly, consistent with due process and applicable student/employee privacy protections; coordinate with outside investigators when required; and preserve relevant records under applicable retention and legal-hold duties.

e. No school agreement may prohibit reports required by law or restrict lawful reporting of student safety concerns or inappropriate school conduct to law enforcement, the governing board, USBE, or UPPAC, consistent with R277-322.

VI. Training and Acknowledgement

a. Within 10 days after beginning employment or covered service, each staff member shall receive training on this policy and sign an acknowledgment of having read and understood it. Where practicable, training and acknowledgment shall occur before unsupervised access to students.

b. DaVinci shall provide required code-of-conduct training and collect written acknowledgments for covered staff, including covered contractors, and shall ensure annual abuse-prevention training required by Utah Code § 53G-9-207 and other applicable rules.

c. DaVinci shall annually notify employees of their legal obligation to report suspected child abuse or neglect and explain both direct reporting obligations and internal reporting and hotline procedures.

d. Administration shall maintain training and signed acknowledgment records sufficient to support required annual compliance assurances.

VII. Violations and Consequences

A staff member found in violation of this policy will be subject to disciplinary action.

Depending on the nature and severity of the violation, action may include corrective instruction, warning, restriction of student access, suspension, termination or discontinuation of services, reporting to licensing authorities, referral to law enforcement or child protection agencies, and any other lawful measure. Discipline shall be consistent with applicable contracts, employment law, due process, and DaVinci policies.

VIII. Administrative Responsibilities

a. DaVinci and each school shall prominently post this code of conduct on the applicable websites and update the postings within 90 days after adopting or revising the policy.

b. DaVinci shall provide a readily accessible local education hotline or a link to the USBE public education hotline on the LEA and school home pages, in accordance with R277-123-7; provide the required notice if using the USBE hotline; and promote reporting options during staff training.

c. DaVinci shall maintain a separate board-adopted policy or procedure for handling education hotline complaints consistent with R277-123-7, including response, documentation, privacy, investigation, and required referrals and updates.

d. Administration shall submit annual assurances regarding code-of-conduct training, acknowledgment, website posting, and hotline promotion, as required by R277-322.

e. Administration shall maintain and annually submit aggregate information on substantiated code-of-conduct complaints, violation categories, and outcomes as required by the Executive Director.

f. Administration shall ensure required external notifications and reports are not impeded by confidentiality, settlement, employment, or other agreements.

IX. Related Policies

This policy shall be read alongside Board Policy 108 (Bullying, Cyber-Bullying, Hazing, Abusive Conduct, and Retaliation), Board Policy 421 (Personal Relationships), the Employee Handbook, child-abuse reporting procedures, student privacy and technology policies, emergency safety intervention rules, and applicable financial/conflict-of-interest policies. If legal requirements differ from this policy, applicable law controls.

Appendix A – Staff Member Acknowledgement

DaVinci Academy Code of Conduct / Appropriate Behavior Policy — Policy 412

I acknowledge that I have received or been provided access to Policy 412, have read and understand the code of conduct, and have completed the required training. I understand my duty to maintain professional boundaries, to report suspected violations, and to make a direct report to DCFS or law enforcement when required by Utah law. I understand that notifying a school administrator does not replace my legal duty to report suspected child abuse or neglect.

Staff Member Name: _____

Position / Role: _____

School / Program: _____

Training Date: _____ Trained By: _____

Staff Signature: _____ Date: _____