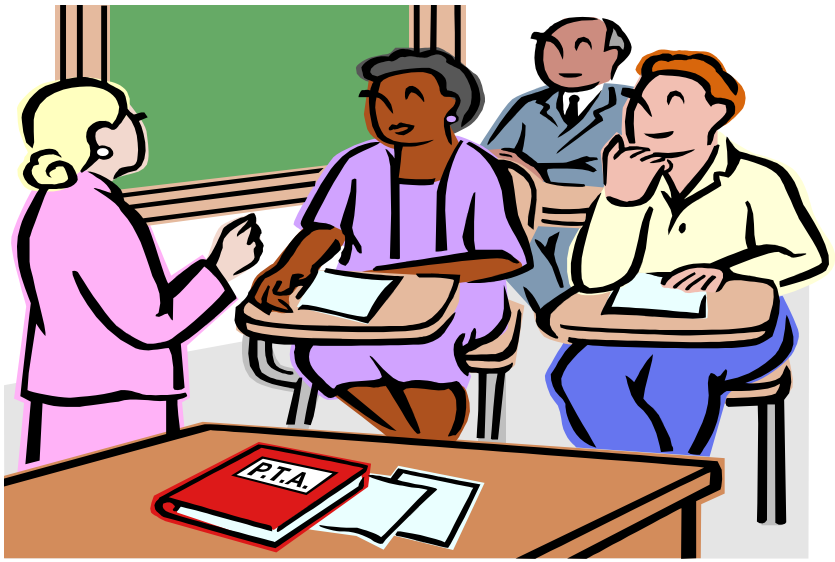
WHAT LICENSED EDUCATORS SHOULD KNOW

Professional Standards for Educators



UTAH EDUCATOR STANDARDS

RULE 277-515

You are responsible for familiarizing themselves with professional ethics (R277-515-3(2))

→ "I didn't know," "Everyone else was doing it," or "The administration was fine with it" are not good excuses.

THERE ARE CURRENTLY 84

OPEN UPPAC CASES

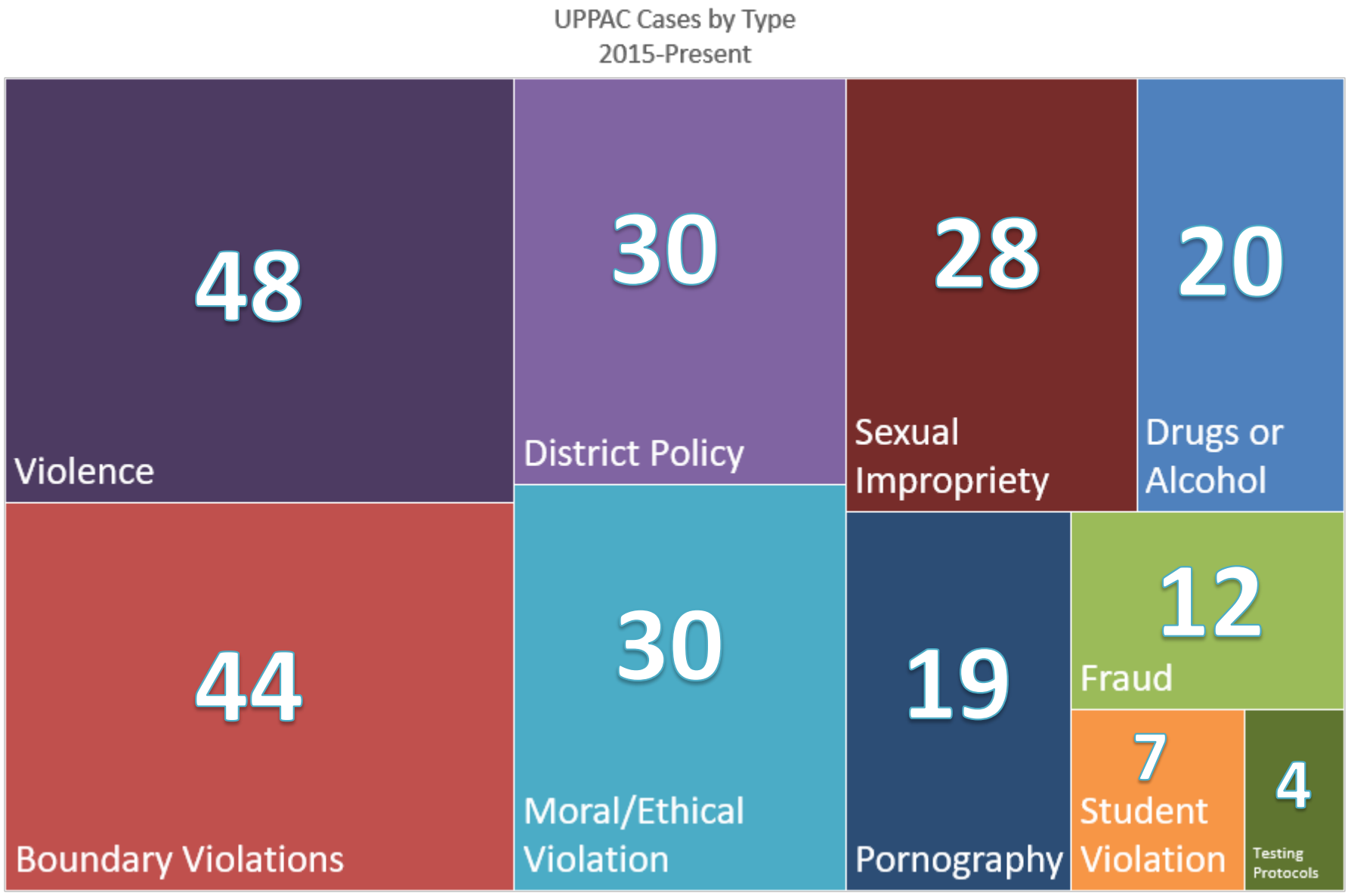
19 NEW CASES THIS YEAR…

But.. the good news…

Over the last 9 years, less than 2/10 of 1% of licensed educators were reported to the state for misconduct.

Most teachers are great!

Types of Offenses 2015-Present



TOP TEN UPPAC OFFENDERS

1. Soliciting, encouraging, or consummating an inappropriate relationship, written, verbal, or physical with a student or minor (R277-515-3(4)(n))

→ FB friends?

→ Texts?

→ Twitter?

→ Emails?

→ Phone calls?

ALARMING FACT!

CURRENTLY 10% OF THE CASES UPPAC IS INVESTIGATING INVOLVE SEXUAL MISCONDUCT WITH A STUDENT.

AN ADDITIONAL 14% INVOLVE BOUNDARY VIOLATIONS.

This is 24% 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.

HOW IS THIS HAPPENING, CONT.

- **Students view adults differently than in the past:**
  - Students are using first names for adults, as they would their peers more than they have in the past
  - Students feel more comfortable talking to adults than they did in the past

HOW IS THIS HAPPENING, CONT.

- **Communicating with students (W/O PARENTAL INVOLVEMENT) is easier:**
  - TEXT messaging
  - Facebook
  - Twitter
  - Before school, during lunch, after school

Some facebook stats

- Worldwide, there are over 1.94 billion monthly active as of 2017.
- 864 million people log onto Facebook daily (DAU), which represents a 19% increase year over year (Source: Facebook as 10/28/14)
- Average time spent per Facebook visit is 20 minutes. (Source: Infodocket)
- Five new profiles are created every second. (Source: ALL Facebook 2012)
- Facebook users are 53% female and 47% male. (Source: Emarketer)
- Highest traffic occurs mid-week between 1 to 3 pm. (Source: Bit.ly blog)
- On Thursdays and Fridays, engagement is 18% higher. (Source: Bit.ly blog)
- 50% of 18-24 year-olds go on Facebook when they wake up. (Source: The Social Skinny)

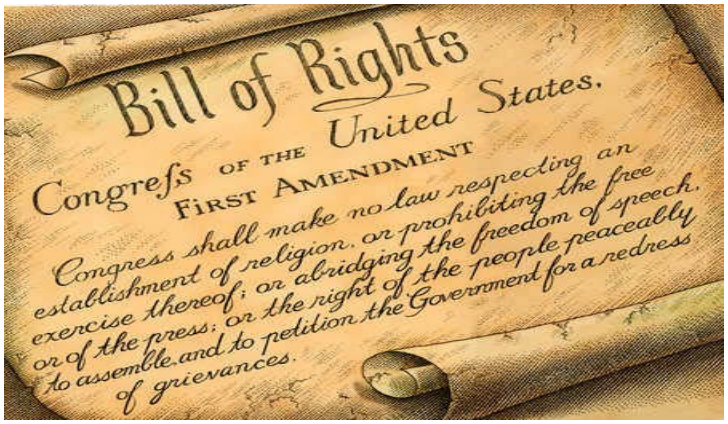
The Good—how social media can enhance your profession

What are ways you could use social media in your classroom?

The bad AND THE UGLY—how SOCIAL MEDIA CAN DESTROY YOUR CAREER

1. Boundary Blunders

2. First Amendment Fiascos



Germ Bag

facebook
so not looking forward to another year at Cohasset Schools

First amendment take-home

- ***It's not illegal or uncommon for employers to check Facebook, Twitter, MySpace, and other public social media pages.***

- ***If it's not a matter of public concern, your First Amendment rights do not protect you from termination if you say or do something your employer finds unprofessional.***

- 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."

Some CELL PHONE stats

- 90% of 11-17 year olds own some kind of cell phone.
- 56% of 8-12 year olds and 25% of kids under 8 own a cell phone.
- More than 50% of all teen phones are smartphones.
- Boys between 13-17 send on average 2500 texts a month. Girls this age send 4000 texts a month.
- 75% of teens sleep with their phones.
- 65% of teens have sent text messages in the very early hours of the morning.

(Lane, 2012)

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

- Real life examples of texts/IMs that have been received by UPPAC:

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)
- “Love you”
- “I guess you’ll just have to wait until June…”
- “You should meet me in my room after the play.”

BEST PRACTICES FOR TEXTING

DON’T DO IT!

If you must, Texting Policy Considerations

- You should include the way you handle text messages between you and students, if you do text at all, in your class disclosure.
- Let your students know that text messages, while convenient, are not confidential. Consider including all parents on all texts you make to your class.
- Consider not allowing “incoming” texts from students, only blast texts from you about class content.
- If students send a text regarding non-school related issues, let them know it is not appropriate.
- 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.

Texting Policy Considerations

- DO send messages only to teams or clubs or groups of students—or copy messages to supervisors and/or parents.
- Do interact appropriately and professionally at all times.
- 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.
- Do NOT communicate about personal issues--the student's or the teacher's.
- Follow local school and District Policy
- Do NOT delete or forward a text picture from a student in a compromising position—clothed or unclothed. Instead, report to an administrator and/or law enforcement. If the student is a minor, forwarding the text could be considered distributing child pornography, a potential felony.

Social media rule of thumb

If you always follow this rule of thumb when using social media, you'll be safe:

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.

What can you do about it, cont.

C. 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.

Boundary Violation
R277-515-2(1)

- Isolated, one-on-one interactions
- Meeting in rooms with covered or blocked windows
- Telling risqué jokes
- Favoritism
- Giving gifts to individual students
- Educator initiated frontal hugging or uninvited touching
- Photographing individual students
- Contact outside of class
- Exchanging personal email/phone numbers
- Discussing personal life or personal issues

Boundary Violation - ok R277-515-2(1)

- 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
- Warmth and kindness
- Contact permitted by an IEP or 504 plan

What can you do about it, cont.

F. 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.

And Back to the Top Ten Offenses…

2. Felony or misdemeanor conviction(s) ***which adversely affects*** the teacher's ability to perform assigned duties and carry out the responsibilities of the profession, ***including role model responsibilities***. (R277-515-3(2)(a))

→You are required by law TO REPORT ARREST TO **DISTRICT** WHICH WILL THEN REPORT TO USOE **WITHIN 48 HOURS OF ARREST**

What would I be required to report? R277-516-3

- Upon Arrest, Report:
  - Sex offenses
  - Drug-related offenses
  - Alcohol related offenses
  - Offenses against the person
  - Any felony offense
  - Domestic violence

. All other crimes upon conviction, plea in abeyance, or diversion agreement (Except traffic)

3. Resolving disciplinary problems professionally and in a manner that does not result in a hostile, intimidating, abusive, offensive, or oppressive learning environment. (R277-515-4(2)(b)(i) and (ii)).

Keep Your Cool

Physical Altercations with Students When can you restrain/grab a student?

- A teacher may use "reasonable and necessary physical restraint or force in self-defense," 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 disruptive; or
- (d) to protect property from being damaged, *when physical safety is at risk*." (Utah Code §53G-8-302)

4. Prescription drug use and alcohol on school grounds (R277-515-3(4)(e), (g), (h), and (i))

Teachers MAY NOT:

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

5. Gifts, bonuses, incentives—to take or not to take? (R277-515-3(D)(3)(a)-(g))

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

6. Testing protocol violations (R277-515-4(2)(v)(A))

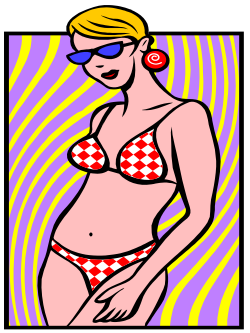
7. Inappropriate images on school computers and pornography (R277-515-4(2)(vi) and (vii)

RULE OF THUMB FOR TEACHERS: NEVER, EVER, EVER, EVER, EVER, EVER, EVER LOOK AT INAPPROPRIATE IMAGES ON SCHOOL COMPUTERS

What constitute “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)



8. Financial Improprieties (R277-515-5(A)(4) and (B)(2).

- It is NOT okay for teachers to submit reimbursements for personal expenditures.
- It is NOT okay to sign off on reimbursements for personal expenditures.
- It is NOT okay for teachers to “borrow” all year long classroom materials, like the television or DVD player.
- It is NOT okay for teachers to be handling large sums of money, especially cash when there is no system in place to accurately account for that money
- It is NOT okay for teachers to deposit funds collected from students into a personal and/or private account, even if the teacher then writes a check to the school for that amount.

Financial No-no's

- Depositing checks for student projects sold at a school fundraiser in teacher's personal account.
- Creating a student fine account without authorization.
- 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.

9. Failure to report child abuse (R277-515-3(4)(l))

WHAT'S WRONG WITH THIS SCENARIO?

Mrs. Copper is a brand new principal at Predatory High School. Before her career as an educator, she was with the police department for 20 years. Her first week on the job, she gets a phone call from parents concerned about a suspected inappropriate and possibly sexual relationship between a teacher's aid and their son Jimmy, who is 17 years old. Jimmy's best friend also reports to the principal that same day that he thinks Jimmy is having an affair with the aid. As a former cop, Mrs. Copper feels she has a handle on child abuse investigations, so she calls the aid into the office and asks, "Are you having a sexual relationship with Jimmy?" The aid responds, "Of course not!" The principal closes the case, thinking to herself, Jimmy IS 17; even if something IS going on, it's probably consensual.

Reporting 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 53A-6-502)

10. BE NICE TO STUDENT, COLLEAGUES, PARENTS, AND COMMUNITY MEMBERS

Resolve grievances with students, colleagues, school community members, and parents professionally, with civility, and in accordance with school district/charter school policies

AND

Maintain a professional and appropriate relationship and demeanor with students, colleagues and school community members and parents

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

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.”

Example of Poor Communication: Teacher Email to Parent

Here is an example of an unprofessional letter sent by one teacher to a 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?”

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

BE NICE

11. BONUS ITEM

FERPA
UTAH FERPA
Privacy Laws

When do you need consent to discuss an issue with students? (Utah Code Ann. §53E-9-203)

1. Politics
2. Mental or Psychological Problems
3. Sexual Behavior, Orientation, Attitudes
4. Illegal, Anti-social, self-incriminating, or demeaning behavior
5. Critical Appraisals of Student Families
6. Religion
7. Privileged Relationships
8. Income, Except as required by law

Not All Cases Come to UPPAC

- These violations are rarely a one-time occurrence.
- These problems result from a series of bad decisions.

THE END

Please feel free to contact us with questions:

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