

UPPAC NEWS

A BI-ANNUAL NEWSLETTER FROM THE UTAH PROFESSIONAL
PRACTICES ADVISORY COMMISSION

Sexual Harassment in Schools: What Educators Should Know

The “Me Too” movement has prompted nationwide conversations about sexual harassment. This has prompted many women and men to come forward and share their stories of harassment in the workplace. This article is intended to help educators understand what sexual harassment is and how to avoid it in the workplace.

There are numerous federal, state, and local regulations that prohibit sexual harassment in public schools. Title VII of the Civil Rights Act of 1964 prohibits employment discrimination that is based on a person’s sex, which includes conduct that is severe or pervasive enough to cause an abusive or hostile work environment. Title IX of the 1972 Federal Education Amendments also prohibits discrimination on the basis of sex in any “education program or activity.” On May 6, 2020, the U.S. Department of Education (DOE) issued its Title IX Final Rule, which becomes effective on August 14, 2020. The Final Rule defines “Sexual harassment,” as prohibiting three types of sexual harassment: (1) any instance of quid pro quo harassment by a school’s employee; (2) any unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it denies a person equal educational access; and (3) any instance of sexual assault, dating violence, domestic violence, or stalking as defined in the Violence Against Women Act.

The Utah Educator Standards are even broader in scope, providing that an educator may not “participate in sexual, physical, or emotional harassment towards any colleague or public-age student,” or, “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.” R277-217-2(4)-(5).

In addition to this state-level Educator Standard, each LEA has its own employee code of conduct and harassment policies. Be sure you are familiar with your LEA’s specific policies as it may contain additional information about what constitutes harassment at your school.

What is Sexual Harassment?

Sexual Harassment is any behavior that is unwelcome, offensive, or demeaning that is sexual, sex-based, or gender-based in nature. Sexual Harassment can be directed at either men or women. Sexual Harassment can take many forms including unwanted touching, lewd or inappropriate comments or jokes, insults, gestures, or requests for sexual favors or dates.

Below are real-life examples of educator harassment that have come before UPPAC:

COMMISSION CHANGES

Dawn Davies, who served two three-year terms as a community representative on the Commission, has recently come to an end of her time of serving on the Commission. UPPAC thanks Dawn for her dedicated service and passion for speaking up for Utah students. UPPAC is excited to welcome a new community representative, Terri Francis, who was nominated by the Utah PTA.

An educator:

- Telling a co-worker that she looks good “coming and going.”
- Discussing a co-worker’s breast augmentation and telling her that he prefers them “natural.”
- Constantly complimenting a co-worker’s physical appearance, including telling her that she looks good in her jeans.
- Placing his hand on a co-worker’s butt during a group photo.
- Sharing the details of his sex-life with a co-worker.
- Calling a co-worker “sexy” and “hot.”
- Sending texts to a co-worker containing sexual innuendo.

Avoiding Sexual Harassment

There are several things you can do to avoid engaging in harassing behavior. Avoid getting into your colleague’s personal space. Compliment a coworker on her skill set rather than her appearance. Ask yourself whether you would engage in the same behavior if your colleague were of a different sex, or if you were in front of your supervisor. Ask yourself whether you would want your wife/husband/partner or child to be on the receiving end of similar behavior in their workplace. If the answer to any of these questions is “no,” it may be better to avoid the behavior.

Often when a case comes to UPPAC, the educator that engaged in the harassing behavior explains that he or she was only kidding or did not know that the conduct was unwelcome. Even if you think you are just being friendly or joking around, you must consider how your behavior is being perceived by others. Some colleagues may be too uncomfortable to tell you to stop your behavior, even if they want you to. This is especially true if you are in a supervisory position. Be aware that your colleagues may be uncomfortable with physical touch (hugs, pats, rubs on the back), comments on their personal appearance, questions about their sex life, or sexually oriented jokes.

If you feel that a co-worker’s conduct is creating an uncomfortable or abusive environment for you or your colleagues in the workplace, voice your concern to your colleague or alert your supervisor. Everyone deserves to work in a discrimination and harassment free environment.

UPPAC EDUCATOR DISCIPLINE **A Summary of Utah State Board of Education Licensing Actions** **from January to July 2020**

Surrender

UPPAC Case No. 19-1626

In March 2019, UPPAC received allegations that an educator violated the Utah Educator Standards by engaging in student-teacher boundary violations. The educator permanently surrendered his license during the pendency of the UPPAC investigation.

Revocation

UPPAC Case No. 19-1601

An educator sent nude images and sexually explicit video to a student at her school. The educator also

engaged in sexual conduct with the student on his 18th birthday. The educator pled guilty to Dealing in Materials Harmful to a Minor, a third-degree felony. The educator’s license was permanently revoked.

UPPAC Case No. 18-1510

An educator pled guilty in federal court to Production of Child Pornography and was sentenced to 180 months in federal prison. The educator also pled guilty to one count of Aggravated Sexual Abuse of a Child, a first-degree

felony. The educator's license was permanently revoked.

UPPAC Case No. 19-1613

An educator had a sexual relationship with a 12th grade student in the same school district who played on her husband's basketball team. While there is evidence to suggest that the relationship began when the student was 17, both the educator and the student deny that the sexual relationship began until the student was 18. The educator's license was permanently revoked.

UPPAC Case No. 18-1482

An educator was charged in five criminal cases with 15 total counts of Aggravated Sexual Abuse of a Child, all first-degree felonies. A total of 32 victims alleged abuse by him over a period of about 30 years, although not all resulted in criminal charges. The educator entered no-contest pleas to four counts of Aggravated Sexual Abuse of a Child, first-degree felonies and sentenced to four consecutive terms of 15 years to life in prison. The educator's license was permanently revoked.

Suspension

UPPAC Case No. 19-1654

An educator engaged in multiple boundary violations with a player on the high school basketball team, including one-on-one interactions through text and social media, spending time alone together outside of approved school activities, and providing life advice to the student. The student's parents had previously asked that the student's coaches to refrain from discussing anything but basketball with their daughter. The educator's license was suspended for no less than three years.

UPPAC Case No. 19-1725

An educator was working as a substitute teacher. When students had finished their work early, she suggested that they share what they were thankful for. One student responded that he was thankful for his upcoming adoption by his two dads. The educator responded by asking, "Why would you be happy about that?" She also asked the student if he was going to be gay when he got older. The educator spoke to other students and told them that they should not "go gay." She told the principal that she felt she needed to correct the children's views on the issue. The educator's license was suspended for no less than one year.

UPPAC Case No. 19-1639

An educator went to school with alcohol on his breath. The District asked him to take a drug test. The educator refused, stating that marijuana would be in his system. He stated that he had been drinking the night before and forgot to brush his teeth that morning but was not impaired at school. The educator resigned his position and did not submit to drug testing. The educator was also charged with two counts of Retail Theft, both class B misdemeanors, which occurred in September 2018 and April 2019. In both cases the educator stole Lego sets from Target. He pled guilty to the first charge, and the second was dismissed. The educator's license was suspended for no less than one year.

UPPAC Case No. 19-1649

An educator engaged in numerous acts of unprofessional conduct by asking students to spank another student, taping two students' mouths shut for talking, pretending to spank another student with a yardstick, and placing scrunchies around two students' necks. The educator's misconduct continued after his case was

sent to UPPAC for investigation. The educator's license was suspended for no less than one year.

UPPAC Case No. 19-1685

An educator violated the following District policies: 1) violation of fundraising policy in 2013; 2) violation of District fee policy in 2015; 3) failure to follow state travel policy in 2015; and 4) violation of procurement policies in the 2018-2019 school year. He also left students unattended and failed to follow directives to arrange a substitute and account for leave. The educator's license was suspended for no less than one year.

UPPAC Case No. 20-1729

An educator accessed sexually explicit images on his school-issued computer while he was in his classroom. A forensic examination found seven sexually explicit images on his computer. He also deleted his browsing history and browser cache in violation of district policy. The educator's license was suspended for no less than two years.

UPPAC Case No. 19-1589

In December 2018, during an argument with his wife about their relationship, an educator made threats to harm his wife and school administrators while holding an airsoft pistol. As a result of this conduct, the educator entered a guilty plea in abeyance to aggravated assault, a class A misdemeanor. The educator's license was suspended for no less than two years.

UPPAC case no. 19-1616

An educator yelled and swore at students on numerous occasions after losing his temper. These incidents included the use of the 'F' word. The educator also hit a student sitting on the floor with a door several times. The educator defaulted on

the UPPAC complaint. The educator's license was suspended for no less than three years.

UPPAC Case No. 19-1642

An educator used the "F" word during an argument with a student. Upon investigation, the educator's administrator found that the educator's appearance was disheveled, and he had a hard time holding a coherent conversation. The educator admitted to using meth and marijuana the day before. The educator submitted to a drug test and tested positive for both meth and marijuana. The educator's license was suspended for no less than one year.

UPPAC Case No. 19-1696

A special education teacher forged approximately eight signatures on five different IEPs. These signatures included those of teachers, a speech language pathologist, and parents. The educator's license was suspended for no less than 30 months.

UPPAC Case No. 19-1707

An educator assisted a female student extensively during her final two years in high school. This student spent time in his classroom nearly daily and stayed after school, sometimes as late as 7 p.m. Initially the student's parents, who were aware of the extensive time the student spent with the educator and believed that their daughter would not have graduated but for his assistance. However, they became concerned about his intentions after the student moved in with the educator and his wife a few months after graduation. The educator and the student had emailed frequently, usually about school matters, and the emails were always signed "143," which meant "Love." The educator also gave the student \$800 during her last five months of school, paid her dental bills, provided her with lunch on dozens of occasions, and

purchased a yearbook for her. The educator's license was suspended for no less than one year.

UPPAC Case No. 20-1731

Struggling with classroom management, an educator frequently yelled at students and blew a whistle. He slammed a book on a desk and a chair on the floor to get students' attention. He also made remarks to students to "stop being lovebirds" or that they could be a disgrace to their family for not sitting in a "lady-like" manner. The educator admitted to "horsing around" with a student, picking him up, and setting him aside; the student, however, perceived the educator as dropping him. The educator also resorted to physically blocking his doorway with his body to prevent students from leaving, and he locked his classroom door in violation of school policy. The educator's license was suspended for no less than one year.

UPPAC Case No. 19-1618

An educator was acting strangely and smelled like alcohol while at work. The educator denied that she had been drinking but could give no reason for her odd behavior and smell of alcohol, and she refused to take an alcohol test. In addition, the educator failed to disclose two previous DUI charges to her district on her employment application. The educator's license was suspended for no less than three years.

UPPAC Case No. 19-1658

Several women reported that an educator was making inappropriate comments to them at work and through text messages. The women stated that comments included compliments and suggestive statements. The educator's license was suspended for no less than six months.

Reprimand

UPPAC Case No. 19-1687

An educator pled guilty to wrongful appropriation, a class C misdemeanor. The educator previously received a letter of warning from UPPAC in 2018 after she entered a plea in abeyance for retail theft, a class B misdemeanor. The educator received a reprimand.

UPPAC Case No. 19-1620

A female Lyft driver claimed an educator grabbed her breast on his ride home. The educator denied grabbing her breast, and stated he only touched her shoulder and arm. The educator was initially charged with Sexual Battery, a class A misdemeanor, but later pled guilty to Simple Assault, a class B misdemeanor. The educator received a reprimand.

UPPAC Case No. 19-1653

An educator became aware that his wife, a teacher in his District, was having a sexual relationship with an 18-year-old student on his basketball team. The educator did not immediately notify the District of his wife's misconduct but eventually informed a co-worker. The educator stated that he did not report it because his wife threatened to leave him and/or commit suicide. The educator also sent unprofessional emails to the student's stepfather. The educator received a reprimand.

UPPAC Case No. 19-1698

An educator developed a unique and somewhat familial relationship with a student who attended the grade school at which she worked. Her principals and many colleagues frequently called on her to help with this student even in the years after she was his classroom teacher. In some dealings

with this misbehaving student, the educator used excessive physical restraint. The educator received a reprimand.

UPPAC Case No. 19-1617

An educator left her firearm in a student restroom. A student later turned it in to school officials. The educator had a concealed-carry permit. The educator received a reprimand.

UPPAC Case No. 19-1633

An educator participated in a non-school sponsored charity football tournament on school property without following appropriate District policies, received remuneration for coaching beyond his stipends, and created a spreadsheet which he submitted to the school financial secretary of his work hours that contained false information. The educator received a reprimand.

UPPAC Case No. 19-1643

During a field trip to a national park, park rangers were playing a game with an educator's students. One student screamed in the ear of a blindfolded student. The educator grabbed the student by the hoodie and pulled him out of the game area. While she was talking to that student, another student approached the blindfolded student, and the educator grabbed that student by the hair and pulled her out of the game area. While this incident was being investigated, an incident that occurred the previous day was reported, in which the educator pulled a resisting student by the wrist, causing pain and redness to the student's arm and wrist. The educator was previously warned by her principal not to grab students, after an incident in 2017 in which the educator pulled another student by the hoodie. The educator received a reprimand.

UPPAC Case No. 20-1735

An educator was close with a family of students and their mother. The educator gave one of the students rides to sports games and showed favoritism towards the students. The educator's behavior continued despite directives to stop. The educator received a reprimand.

Letter of Warning

UPPAC Case No. 19-1598

An educator left instructions for a substitute teacher in her high school class to show YouTube materials, which included discussion and depiction of prostitution, nudity, and oral sex. The educator failed to adequately screen the materials and was less than forthright with her district during their investigation. The educator received a letter of warning.

UPPAC Case No. 19-1651

An educator made a flippant comment in class telling students not to slit their wrists in his classroom because he didn't want to have to clean up the mess. The educator was also known to use profanity at times. The educator received a letter of warning.

UPPAC Case No. 19-1704

An educator exchanged text messages with a student over a period of several days. The student initiated the messages after getting the educator's number from another student. While the student relayed issues of concern, the educator communicated with school administration about concerns with the student, although not all of the concerns were documented. The educator received a letter of warning.

UPPAC Case No. 19-1653

An educator violated LEA policies on financial issues, including holding fundraisers without approval, collecting school funds into a personal VENMO account, and failing to maintain adequate records regarding fundraisers. The educator received a letter of warning.

UPPAC Case No. 19-1608

An educator approached an autistic student who had a cot to lie down on as an academic accommodation. The educator argued with the student about getting up and going to class. The student did not want to cooperate. The educator lifted up the cot so that the student fell out of it, although it is disputed how the student landed. The student claims he hit his face, but the educator claims he landed in a seated position. The educator received a letter of warning.

UPPAC Case No. 19-1624

An educator coached a 9th grade boys' basketball team. He felt his team lacked toughness and as a way to demonstrate the concept he asked for a volunteer to kick him in the groin, something he has done in boy scout events, school demonstrations, and self-defense seminars as a karate instructor. One boy eventually volunteered and kicked the educator in the groin. The educator received a letter of warning.

UPPAC Case No. 19-1630

An educator went to use the faculty restroom but found a student inside changing clothes. The educator yelled at the student who insisted she had permission from her mother, another teacher, to change clothes there. The educator followed the student down the hall yelling at her. The educator then yelled at the student's mother, asserting the

student was sassy and rude for using the adult restroom. The educator received a letter of warning.

UPPAC Case No. 19-1713

An educator who had previously been accused of grabbing students in frustration allegedly grabbed a student by the collar of the student's hoodie after the student made a derogatory remark. The educator allegedly pulled the student towards him by the collar. There were different accounts of what happened, and the educator denied grabbing the student, but the district's investigation found the claims to be supported. The educator received a letter of warning.

UPPAC Case No. 19-1610

An educator threw a marker at a student twice who was misbehaving. The educator also allegedly fake hit students and threatened to beat students when they did something wrong. The educator received a letter of warning.

UPPAC Case No. 19-1640

A part time music teacher reacted to a kindergarten student misbehaving and touching other students by swatting the student on the student's bottom and telling the student to stop the behavior, which caused the student to cry. The educator was trying to get the student's attention, but not cause pain. The educator received a letter of warning.

UPPAC Case No. 19-1646

An educator boasted to two co-workers about recreational use of marijuana on the weekends. Some of these conversations occurred in the presence of students. The educator was asked to submit to a drug test; but admitted a problem with marijuana and resigned his position instead of testing. The educator received a letter of warning.

UPPAC Case No. 19-1586

An educator used physical force with a second-grade special education student on two occasions. On the first occasion, she grabbed the student's arm and wrist to forcibly take some lip balm that belonged to another student. On the second occasion, she forcibly moved the student into a timeout booth when she perceived the student to be a safety risk to his peers. The educator received a letter of warning.

UPPAC Case No. 19-1652

An educator that was a history teacher and wrestling coach placed two students from his wrestling team in choke holds during history class in a playful manner. Both students reported they were simply messing around. The educator received a letter of warning.

UPPACE Case No. 20-EH4

An educator forcibly dragged a misbehaving student to a buddy room. The student was not physically injured. UPPAC held an expedited hearing with the educator and discussed her response, including how she is handling the situation going forward. There have been no further issues, even with the student in her class. The educator received a letter of warning.

UPPAC Case No. 19-1661

An educator grabbed a student who was hiding under a table and dragged the student out to the hall. The educator's actions left red marks on the student's arms. The educator received a letter of warning.

UPPAC Case No. 19-1664

An educator violated RISE testing protocols by giving a student hints on how to answer a math

question on the test. The educator received a letter of warning.

UPPAC Case No. 19-1676

An educator was talking with a student who made a remark that he didn't want to do or think anything. The educator flippantly responded that maybe the student should just kill himself. The student did not take the educator seriously, but other students heard the comment. The educator immediately corrected herself after a student commented and felt great remorse for her comments. The educator received a letter of warning.

UPPAC Case No. 20-1749

An educator took a trip to California where she used recreational marijuana. Upon her return, her car was pulled over and she was charged with possession after returning with drugs and paraphernalia. She was given a plea in abeyance to the court charge. The educator received a letter of warning.

UPPAC Case No. 19-1699

An educator took a ball away from a misbehaving student. The student became upset and started to push other students. The educator grabbed the student by the wrist and pulled him away to a different area. The student was not injured. The educator was charged with Child Abuse by district police and entered a no contest plea in abeyance to a Class C Misdemeanor Disorderly Conduct. The educator received a letter of warning.

Letter of Admonishment

UPPAC Case No. 19-1671

During an exchange with a student an educator threw a pencil at the student, accidentally hitting

the student in the back of the head. The student's mother claimed the student got a bump on his head. The educator received a letter of admonishment.

UPPAC Case No. 19-1611

An educator, who had a previous warning for inappropriate language from his LEA, threw a dry erase marker at a dozing student, that missed. The educator approached the student, shook his shoulder, and lightly slapped the student on the face to wake him. The educator called the student an asshole. The educator was terminated and charged with child abuse, although the charges were dismissed because there was no injury. The educator received a letter of admonishment.

Letter of Education¹

UPPAC Case No. 19-1621

An educator taught a history of music class. The educator discussed inappropriate topics with the class including blackface and Michael Jackson's drug use and boy problems. The educator also showed his class unapproved videos showing blackface and Michael Jackson grabbing his crotch. The educator received a letter of education.

UPPAC Case No. 19-1628

On two separate occasions an educator threw items against the wall out of frustration with students; a plastic trash can in August 2018, and a computer mouse in May 2019. No students were injured, and no property was damaged. The educator received a letter of education.

UPPAC Case No. 19-1710

An educator had a student who was flicking another student with a rubber band. The educator encouraged other students to hold the misbehaving student in place while one student flicked the student back with the rubber band. The student was not injured but was embarrassed by his punishment. The educator received a letter of education.

UPPAC Case No. 20-1728

An educator was dealing with a particularly difficult student. She approached the student to calm him down when the student kicked her. After further interaction, the student spit in the educator's face. The educator struck the student's face without leaving a mark. The educator immediately reported the issue to her administrator and has created a plan for dealing with such situations. The educator received a letter of education.

UPPAC Case No. 20-EH5

An educator posted unprofessional, profane comments on social media after a distant acquaintance posted some incendiary comments about Muslims. The educator received a letter of education with a training component on freedom of speech in public schools.

UPPAC Case No. 19-1695

An educator was looking through photos on his phone to show one to a student. One of the photos he came across was either one of the educator naked, as the student reported, or of the educator shirtless, as the teacher asserts. The educator showed the investigator a photo that matched his story. The educator received a letter of

¹ The Board recently eliminated the use of letters of admonishment. The Board now may issue a letter of

education if there is no violation of the educator standards, but an educator has come close to an ethical line.

education to caution him about the need to screen media before exposing a student to it.

Flag

UPPAC Case No. 19-1715

An educator without a license was 21 years old and recently returned to teach at the high school he attended. The educator sent inappropriate snapchat messages to a student he had been friends with on social media since attending the school. The messages were flirtatious and also included a picture of himself (mid-section only) in boxer shorts. There were no allegations of physical contact between the educator and the student. The

educator's licensing account was flagged for three years.

UPPAC Case No. 19-1646

An educator is alleged to have used an illegal drug (marijuana), provided alcohol and marijuana to minors, engaged in unprofessional communications with school community members, and issued threats to school community members. One witness stated that the educator used marijuana on his lunch break and returned to school to teach his afternoon classes. The educator received a permanent flag on his licensing account and was permanently barred from teaching or volunteering in Utah public schools.

QUESTIONS? PLEASE CONTACT US

Our UPPAC team is available if you need to report an ethical violation, have questions about the ethics of a situation, or if you would like us to provide training to your LEA regarding the educator standards. Please email UPPAC at uppac@schools.utah.gov or call (801) 538-7835.