

1 **EDUCATION ETHICS CODE**

2 2000 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: Eli H. Anderson**

5 AN ACT RELATING TO EDUCATORS; MODIFYING THE PUBLIC OFFICERS' AND
6 EMPLOYEES' ETHICS ACT AS RELATED TO ACTIVITIES FOR STUDENTS ORGANIZED
7 BY AN EDUCATOR; AND PROVIDING FOR LOCAL SCHOOL BOARDS TO ADOPT
8 DISCLOSURE POLICIES.

9 This act affects sections of Utah Code Annotated 1953 as follows:

10 AMENDS:

11 **67-16-4**, as last amended by Chapter 92, Laws of Utah 1998

12 *Be it enacted by the Legislature of the state of Utah:*

13 Section 1. Section **67-16-4** is amended to read:

14 **67-16-4. Improperly disclosing or using private, controlled, or protected information**
15 **-- Using position to secure privileges or exemptions -- Accepting employment which would**
16 **impair independence of judgment or ethical performance.**

17 (1) It is an offense for a public officer, public employee, or legislator, under circumstances
18 not amounting to a violation of Section 63-56-72 or 76-8-105, to:

19 ~~[(1)]~~ (a) accept employment or engage in any business or professional activity that he
20 might reasonably expect would require or induce him to improperly disclose controlled
21 information that he has gained by reason of his official position;

22 ~~[(2)]~~ (b) disclose or improperly use controlled, private, or protected information acquired
23 by reason of his official position or in the course of official duties in order to further substantially
24 the officer's or employee's personal economic interest or to secure special privileges or exemptions
25 for himself or others;

26 ~~[(3)]~~ (c) use or attempt to use his official position to:

27 ~~[(a)]~~ (i) further substantially the officer's or employee's personal economic interest; or

28 [(b)] (ii) secure special privileges or exemptions for himself or others;
29 [(4)] (d) accept other employment that he might expect would impair his independence of
30 judgment in the performance of his public duties; or
31 [(5)] (e) accept other employment that he might expect would interfere with the ethical
32 performance of his public duties.
33 (2) (a) It is not a violation of Subsection (1) for an educator to organize an activity
34 unrelated to his employment for his students whether or not the educator receives something of
35 value.
36 (b) Subsection (1) does not apply to activities organized by educators for individuals who:
37 (i) are not subject to the educator's supervision;
38 (ii) have not been subject to the educator's supervision within one year; and
39 (iii) are not anticipated to be subject to the educator's supervision within one year.
40 (c) Local school boards may adopt disclosure policies for an activity referred to in
41 Subsection (2)(a), which may include a provision for disclosing the value of the educator's
42 compensation.

Legislative Review Note
as of 1-20-00 2:57 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel