

REGULATION NUMBER: 4085-01	DATE OF ISSUE: 04/20/17
SUBJECT: MAINTAINING PROFESSIONAL STAFF/STUDENT BOUNDARIES	REVISIONS: 09/07/23
	PREPARING OFFICE: SUPERINTENDENT

I. PURPOSE

To help staff understand they are required to maintain appropriate, professional staff/student boundaries and appropriate relationships in their conduct with students; to protect students from sexual misconduct and abuse; and, to protect staff members from misunderstandings and false accusations.

II. PERSONNEL AFFECTED

All staff members.

III. DEFINITIONS

- A. The term "staff member" is defined to include all TPS employees, including without limitation all administrators, counselors, teachers, coaches and all classified support staff. For purposes of this policy, vendors providing instructional services to students, as well as all student teachers, interns and practicum students and volunteers in the schools are also included within the definition of "staff member."
- B. The term "immediately" is defined as reporting a situation that may constitute a violation of this policy, including without limitation an appearance of impropriety, within twenty-four hours of the first suspicion of the violation.
- C. A "boundary invasion" is defined as an act, omission, or pattern of behavior by a staff member that either abuses or compromises the staff/student professional relationship or has the potential to abuse or compromise the staff/ student professional relationship.

IV. GENERAL CONSIDERATIONS

Topeka Public Schools goal is to provide its students with a safe and supportive learning environment and to avoid sexual misconduct and abuse. The responsibility to protect students from sexual misconduct and abuse is shared by the Topeka School Board, Superintendent, administrators, teachers, other TPS employees, volunteers, parents, state agencies and law enforcement.

TPS has dedicated, professional staff members. It is important that proper boundaries between staff members and students are maintained at all times to ensure respect for the ethical and legal duties in the staff/student relationship and the essential duty of a staff member to serve as a role model to the student. In doing so, staff members will

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focus on professional job duties, promoting student achievement and professionalism in their conduct and interactions with students.

V. STAFF/STUDENT RELATIONSHIPS

- A. All staff are expected to maintain a professional, moral and ethical relationship with students. TPS encourages healthy relationships between students and staff members that promote student achievement and success. At the same time, clear and reasonable boundaries for interactions between students and staff members are necessary to protect students from abuse, sexual misconduct and protect staff members from misunderstandings and false accusations. All staff members are required to maintain a professional, moral, and ethical relationship in their conduct with students and shall be aware they are role models for students at all times, whether on or off school property, both during and outside of school hours.
- B. All staff members have a responsibility to provide an atmosphere conducive to learning through consistent and fairly applied discipline and the maintenance of professional physical and emotional boundaries with students. These boundaries shall be maintained regardless of the student's age, the perceived consensual nature of the relationship or activity, the location of the activity, or whether the staff member directly supervises the student.
- C. Personal contact between students and staff members must always be professional, non-sexual, appropriate to the circumstances, and unambiguous in meaning. Physical or emotional contact with students should be for the purpose of meeting a student's educational needs. Contact that is required as part of an educational or behavior plan should be communicated to the parents/guardians and school administration.
- D. Staff shall use good judgment in their relationships with students beyond their work responsibilities and/or outside the school setting and shall avoid excessive informal and social involvements with individual students. Staff members are expected to be sensitive to the appearance of impropriety in their conduct with students. Staff members are encouraged to discuss issues with the appropriate administrator whenever they are unsure whether particular conduct may constitute a violation of this policy.
- E. Examples of Unacceptable Conduct

Unless an educational purpose exists, examples of boundary invasions by staff members include, but are not limited to, the following:

1. Any type of inappropriate physical contact with a student or any other conduct that might be considered harassment under Policies 4065 and/or 8110;
2. Showing inappropriate images to a student, including pornography;
3. Dating a student, or discussing or planning a future romantic or sexual relationship with a student;
4. Making sexual advances toward a student;

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- 5. A flirtatious, romantic or sexual relationship with a student;**
- 6. Singling out a particular student or students for personal attention and friendship beyond the professional staff/student relationship without the knowledge and consent of the principal;**
- 7. Socializing where students are consuming alcohol, drugs or tobacco;**
- 8. Providing or offering to provide alcohol, drugs or tobacco to students;**
- 9. For non-guidance/counseling staff, excessively encouraging students to confide their personal or family problems and/or relationships. If a student initiates such discussions, staff members may talk with the student and then notify a building administrator to seek guidance on whether the case should be referred to appropriate guidance/counseling staff;**
- 10. Banter, allusions, jokes or innuendoes of a sexual nature with students;**
- 11. Asking a student to keep a secret;**
- 12. Disclosing personal, sexual, family, employment concerns, or other inappropriate private matters to one or more students;**
- 13. Maintaining personal contact with a student outside of school by telephone, text message, email, Instant Messenger, Internet chat rooms, social networking websites or letters (beyond homework or other legitimate school business) without the prior express permission of the student's parent/guardian;**
- 14. Socializing or spending time with students (including but not limited to activities such as going out for beverages, meals or movies, shopping, traveling and recreational activities) without the knowledge and consent of the parents or supervisors. Exceptions include:**
 - a. school-sponsored events;**
 - b. organized community activities; and/or**
 - c. family activities**
- 15. Giving a student a ride alone in a vehicle in a non-emergency situation without the knowledge and consent of parents and/or supervisors.**

F. Examples of the Appearance of Impropriety

The following activities are boundary invasions and can create an actual impropriety or the appearance of impropriety. Whenever possible, staff members should avoid these situations. If unavoidable, these activities must be pre-approved by the appropriate administrator. If not pre-approved, the staff member must immediately report the occurrence to the appropriate administrator.

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1. Being alone with an individual student out of the view of others or in an inaccessible location. Exceptions include:
 - a. school counselors providing professional counseling support services;
 - b. school nurse providing medical services to a student;
 - c. a teacher providing tutoring services;
 - i. Tutoring and mentoring offered during school or non-school hours must take place at the school or an off-site location approved by the principal or appropriate supervisor.
 - ii. When one-to-one tutoring takes place away from the school, written permission for the parent/guardian must be obtained.
 - d. a teacher providing services outlined in an IEP or behavior plan that provide for such conduct;
 - e. an athletic trainer providing medical treatment; or
 - f. district authorized home visits.
 2. Inviting or allowing individual students to visit the staff member's home without the prior knowledge and express permission of the parent/guardian;
 3. Inviting students for social contact off school grounds without the prior knowledge and express permission of the parent/guardian;
 4. Visiting a student's home in the absence of the student's parent/guardian or without the prior knowledge and express permission of the parent/guardian; and/or
 5. Social networking with students for non-educational purposes.
- G. For staff members whose children are students of TPS, this policy is not intended to violate or otherwise intrude upon the usual parent/child relationship. This policy is also not intended to prohibit staff members from serving in volunteer positions with community organizations (e.g., Boy or Girl Scouts, 4-H, youth groups, etc.) that provide services for students outside the school day.**
- H. Inappropriate Behavior Initiated by a Student**
- In the event that a student initiates inappropriate behavior toward a staff member, the staff member shall document the incident and report it to the principal, an administrator, counselor, or the lead supervisor. Other staff who become aware of such conduct should also report such conduct. If appropriate, the principal, administrator, counselor, or lead supervisor will intervene and speak with the student and the student's parent/guardian about the alleged inappropriate behavior.
- I. Electronic Communication**
1. Digital technology and social networking provide multiple ways for staff members to communicate appropriately with students and personalize learning. Electronic and online communications between staff members and students must be

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transparent, contemporaneously accessible to supervisors and parents/guardians, and professional in content and tone. Such communication must be professional, non-sexual, appropriate to the circumstances, and unambiguous in meaning. Staff members must restrict one-on-one electronic communications with individual students to accounts, systems, and platforms that are provided by and accessible to TPS or with the prior express permission of both the principal or supervisor and the parent/guardian.

2. As with in-person communications, staff members shall avoid appearances of impropriety and refrain from inappropriate electronic communications with students.
3. Parents are encouraged to have access to their children's social networking and digital communications and to supervise their children's use of these methods of communication.

VI. REPORTING VIOLATIONS

- A. Students and their parents/guardians are strongly encouraged to notify the principal, another administrator, the school counselor, or the General Director of Elementary or Secondary Education if they believe a staff member may be engaging in conduct that violates this Policy.
- B. Staff members shall immediately notify the principal, another school administrator, their immediate supervisor, or the General Director of Elementary or Secondary Education if they become aware of a situation that may constitute a violation of this Policy. This obligation is in addition to the statutory responsibility to report suspected abuse and neglect under Policy 8275.
- C. Any supervisor or administrator receiving a report under this provision shall immediately notify the General Director of Elementary or Secondary Education who shall notify the superintendent.
- D. If the circumstances give rise to a suspicion child abuse may have occurred, the staff member and/or administrator receiving the report shall immediately report the suspected abuse, as required by Policy 8275.
- E. Any person making a report under this regulation shall maintain the confidentiality of student information, except to the extent the information must be revealed in the reporting process or ensuing investigations. Failure to maintain confidentiality may impede official investigations, foster untrue rumors or violate privacy interests.
- F. Retaliation against students or staff members who report an improper staff/student relationship or participate in any related proceedings is prohibited and may result in disciplinary action.

VII. INVESTIGATION OF REPORTED VIOLATIONS

- A. Except to the extent they are modified in this regulation, investigations of allegations of improper staff/student relations shall follow the procedures for resolving complaints of

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Discriminatory Harassment found in policy 4060.

- B. Investigations of suspected sexual abuse or inappropriate behavior with a student shall be conducted as directed by the superintendent, in consultation with the school district attorney. All investigations shall be documented. The file with documentation should, to the extent possible, contain the following information:**
- 1. Copies of all relevant board policies in effect at the time of the incident;**
 - 2. Name(s) of the supervisor(s) of the staff member alleged to have engaged in the conduct;**
 - 3. Name(s) of any witnesses to the conduct;**
 - 4. A detailed description of the events alleged;**
 - 5. A list of staff training and/or resources available to staff at the time the conduct occurred.**
- C. Documentation of the investigation shall be forwarded to and maintained in the office of the school district attorney.**

VIII. CONFIDENTIALITY

Aside from required reporting to a school administrator, the Department of Children and Families or law enforcement, school staff shall maintain confidentiality of student information.

IX. DISCIPLINARY ACTION

A violation of this regulation by a staff member may result in disciplinary action up to and including dismissal. In the case of termination of employment for sexual misconduct or abuse, TPS will notify the Kansas State Department of Education as required by law.

X. RETALIATION

Retaliation against students or staff members who report an improper staff/student relationship or participate in any related proceedings is prohibited. Appropriate action will be taken against students or staff members who retaliate against any student or staff member who reports alleged harassment or participates in related proceedings.

XI. TRAINING AND DISSEMINATION OF MATERIALS

- A. Guidelines providing examples of the types of behavior that are appropriate and inappropriate shall be developed and disseminated to all staff members.**
- B. Training on staff/student relationships shall be included in ~~all~~ new teacher orientation sessions and available to ~~all~~ staff in professional development offerings on a regular basis.**
- C. A copy of the policy and regulation on Maintaining Professional Staff-Student Boundaries shall be posted on the district website and addressed in the student handbook.**

