



# SCHOOL BOARD ACTION REPORT

**DATE:** June 18, 2020  
**FROM:** Denise Juneau, Superintendent  
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**For Introduction:** August 26, 2020  
**For Action:** September 9, 2020

## 1. TITLE

Amend Board Policy No. 5253, Maintaining Professional Staff/Student Boundaries

## 2. PURPOSE

The purpose of this motion is to revise and update Board Policy No. 5253 to align with the 2019 revisions to the Washington State School Directors' Association ("WSSDA") model policy and to ensure the policy is updated to reflect the ever increasing prevalence of online social interactions, which has only accelerated during the current pandemic.

## 3. RECOMMENDED MOTION

I move that the School Board amend Board Policy No. 5253, Maintaining Professional Staff/Student Boundaries, as attached to the Board Action Report.

## 4. BACKGROUND INFORMATION

- a. **Background** This Board Action Report amends Board Policy No. 5253, Maintaining Professional Staff/Student Boundaries, to align with the 2019 updates to the model WSSDA policy and ensure the policy reflects the increasing frequency of online social interactions that affect both staff and students. A Superintendent Procedure to implement the policy will be created immediately following Board approval of this policy.

Here is a more specific breakdown of the proposed revisions, along with their rationale:

- **Clarify that the scope of the policy includes staff, volunteers, and contracted service providers**—Volunteers and contracted service providers can have nearly the same number of opportunities to violate the policy as school employees, due to their frequent interactions with students. The policy should be clear that its provisions also apply to them. Similar revisions were made to the WSSDA policy.

- **Remove reference to “moral and ethical” standards as expected standards to incorporate in interaction with students. Instead, add language stating that professional boundaries must be consistent with the legal and ethical duty of care that District employees have for students**—these language changes are more consistent with the WSSDA policy and make clear that the legal and ethical duty of care that staff have for students is a part of, not an addition to, their professional obligations to maintain appropriate boundaries.
  - **Revise the description of when District staff may intrude on a student’s physical and emotional boundaries so that it is only allowable when there is a “legitimate educational or school business purpose connected to the staff’s job, or an emergency situation”**—This language more closely reflects the updated WSSDA policy and restricts the circumstances under which boundary intrusion is appropriate. The prior language was overly broad and its description of allowable boundary intrusions was not confined only to an educational or school business connected to the staff’s job.
  - **Adding language to address pre-existing relationships between staff and students**—This issue is unaddressed in the current policy, but the new WSSDA policy does address it. The revisions recognize that pre-existing relationships between staff and students may exist, due to family friends, or children who may be friends with other students, etc., but requires staff to avoid appearances of impropriety while also reporting these pre-existing relationships to their supervisor or building administrator so they can be addressed on a case specific basis that will ensure appropriate boundaries are maintained. Specific protocols on how these cases should be handled will be addressed in the Superintendent Procedure.
  - **Clarifying the language regarding electronic communication to be clear that it is only permissible when it serves a clear “legitimate educational or school business purpose connected to the staff’s job, or an emergency situation”**—This is the same standard used by WSSDA and in other revisions to this policy proposed herein.
  - **Clarifying that prohibited electronic communications include “friending” or “following” students or accepting a “follow” or “friend” request from students on private social media**—This explicit prohibition is in the WSSDA model policy and helps protect students from the increasing possibility of boundary intrusions that could occur on social media platforms. We are proposing to limit the prohibition to private social media accounts, since it’s possible that staff have public social media accounts that do not require the staff’s confirmation to allow the student to follow them. For example, if a staff has a public Instagram account where they post pictures of their paintings for the public to view online, a student could follow that account without the staff knowing or granting permission. However, if the staff’s account was private, they would see that the student was requesting to follow them and would have to confirm it. We will need to explicitly address this through training.
- b. Alternatives** Not adopt the policy changes. This will mean continued lack of clarity on whom exactly the policy applies to; a vague description of exceptions to boundary intrusions that staff could infer are appropriate when they in fact are not; a lack of protection for students on social media platforms; and a continued lack of consideration for staff and students with pre-existing relationships. This is not recommended, as the revisions proposed herein ensure that the District’s policy is more closely aligned with the WSSDA model policy.

- c. **Research:** Research included a thorough review of the updated WSSDA model policy and comparing it with the District’s current policy. In addition to comparing the two documents, various District stakeholders were consulted to receive their feedback on proposed revisions.

**5. FISCAL IMPACT/REVENUE SOURCE**

There is no anticipated fiscal impact of this action.

Expenditure:  One-time  Annual  Multi-Year  N/A

Revenue:  One-time  Annual  Multi-Year  N/A

**6. COMMUNITY ENGAGEMENT**

With guidance from the District’s Community Engagement tool, this action was determined to merit the following tier of community engagement:

Tier 1: Inform

**Tier 2: Consult/Involve**

Tier 3: Collaborate

Human Resources spent a significant amount of time over the last year receiving feedback and input from various stakeholders. The following stakeholders were engaged during the revision process:

- Risk Management
- 2019 Title IX Task Force (including 3 students on the TF)
- Legal Counsel
- Athletics
- Student Support Services
- Labor & Employee Relations

Feedback from members of the 2019 Title IX Task Force, which membership includes three students, individuals from law enforcement, King County Prosecuting Attorney’s Office, Harborview Abuse & Trauma Center, sexual assault/sexual violence victim advocates, and affinity-group based community organizations, focused their recommendations on providing clarity on behaviors that would constitute boundary violations. Those specific recommendations will be incorporated into any necessary revisions to the corresponding Superintendent Procedure upon approval of the policy amendments. We will continue to consult the Title IX Task Force and other groups, including students, as we write a new Superintendent Procedure (one does not currently exist). Labor partners will also need to be consulted, as it may constitute a change in working condition.

The District will post these policy changes on the district web site and will update the training materials for new hires to include this new policy. We will also provide training to existing staff on this new policy. Training materials will be developed upon final approval of this policy and revisions to the Superintendent Procedure.

**7. EQUITY ANALYSIS**

The proposed policy revisions will enhance protections for all students against the possibility of inappropriate boundary invasions. These enhancements will be especially protective of students where boundary violators disproportionately target students who may be more vulnerable due to a student's protected class or group.

**8. STUDENT BENEFIT**

The revised policy will better protect students because it limits acceptable boundary invasions only to those that are related to a legitimate educational or school business purpose connected to the staff's job, or an emergency situation. It also protects students from inappropriate boundary violations that could occur on social media platforms by describing specific prohibitions on online interactions between students and staff. Lastly, clarifying that the policy applies to volunteers and contracted service providers, in addition to District employees, ensures that provisions of the policy apply to a broader population.

**9. WHY BOARD ACTION IS NECESSARY**

- Amount of contract initial value or contract amendment exceeds \$250,000 (Policy No. 6220)
- Amount of grant exceeds \$250,000 in a single fiscal year (Policy No. 6114)
- Adopting, amending, or repealing a Board policy**
- Formally accepting the completion of a public works project and closing out the contract
- Legal requirement for the School Board to take action on this matter
- Board Policy No. \_\_\_\_\_, [TITLE], provides the Board shall approve this item
- Other: \_\_\_\_\_

**10. POLICY IMPLICATION**

This motion would amend Board No. Policy 5253, Maintaining Professional Staff/Student Boundaries, as described above.

**11. BOARD COMMITTEE RECOMMENDATION**


This motion was discussed at the Audit and Finance Committee on August 17, 2020. The Committee reviewed the motion and moved the item forward for consideration by the full Board.

## **12. TIMELINE FOR IMPLEMENTATION**

Upon approval of this motion, the amended policies will take immediate effect and will be posted on the Board's website. Staff will continue to work on updating orientation materials related to this policy and a Superintendent Procedure will be developed to guide policy implementation.

## **13. ATTACHMENTS**

- REVISED Board Policy No. 5253, Maintaining Professional Staff/Student Boundaries (clean—for approval)
- REVISED Board Policy No. 5253, Maintaining Professional Staff/Student Boundaries (track changes—for reference)
- CURRENT Board Policy No. 5253, Maintaining Professional Staff/Student Boundaries (for reference)
- WSSDA Model Policy No. 5253, Maintaining Professional Staff/Student Boundaries (for reference)
- WSSDA Model Policy No. 5253P, Maintaining Professional Staff/Student Boundaries (for reference)

 <p>SEATTLE PUBLIC SCHOOLS</p>	<p>MAINTAINING PROFESSIONAL STAFF/STUDENT BOUNDARIES</p>	<p>Policy No. 5253  [date]  Page 1 of 3</p>
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**Purpose**

This policy provides all district staff and students with information about their role in protecting children from inappropriate conduct by adults and to ensure that contact and communication with students are conducted in a professional manner. For the purposes of this policy and its procedure, the terms “district staff,” “staff member(s),” and “staff” also include volunteers and contracted service providers.

**Interactions Between Staff and Students**

The School Board expects all staff to maintain the highest professional standards in their interaction with students. Staff are required to maintain an atmosphere conducive to learning by consistently maintaining professional boundaries.

Professional staff/student boundaries are consistent with the legal and ethical duty of care that district staff have for students.

The interactions and relationships between district staff and students should be based upon mutual respect, trust, and commitment to the professional boundaries between staff and students in and outside of the educational setting, and consistent with the educational mission of the district.

District staff will not intrude on a student’s physical and emotional boundaries unless the intrusion is necessary to serve a legitimate educational or school business purpose connected to the staff’s job, or an emergency situation. An educational purpose is one that relates to the staff’s duties in the district. Inappropriate boundary invasions can take various forms. Any type of sexual harassment or sexual misconduct with a student is an inappropriate boundary invasion.

Additionally, staff members are expected to be aware of the appearance of impropriety in their own conduct and the conduct of other staff when interacting with students. Staff members will notify and discuss issues with their building administrator or supervisor whenever they suspect or question whether their own or another staff member’s conduct is inappropriate or constitutes a violation of this policy.

The Board recognizes that staff may have familial and pre-existing social

relationships with parents/guardians and students. Staff members should use appropriate professional judgment when they have a dual relationship to students to avoid violating this policy, the appearance of impropriety, and the appearance of favoritism. Staff members shall notify, in writing, their building administrator or supervisor of any pre-existing social relationships with parents/guardians and students. Staff shall proactively discuss these circumstances with their building administrator or supervisor.

### **Electronic Communication**

The School Board supports the use of technology to communicate for educational purposes. However, when the communication is unrelated to school work or other legitimate school business, district staff are prohibited from online socializing, phone calls, texting, skyping, instant messaging, or use of any other telecommunications device, or from engaging in any conduct that violates the law, district policies or other generally recognized professional standards, unless done for a legitimate educational or school business reason connected to their job or an emergency situation. This prohibition includes staff “friending” or “following” students or accepting “follow” or “friend” requests from students on private social media accounts. Employees must conduct themselves in ways that do not distract from or disrupt the educational process. Nothing in this policy prohibits employees, faculty, staff, or students from the use of approved educational websites if such sites are used solely for educational purposes.

### **Policy Violations**

Staff shall discuss issues with their building administrator or supervisor whenever they suspect or are unsure whether their conduct, or the conduct of other staff, is inappropriate or constitutes a violation of this policy. If a person is dissatisfied with the response of the building administrator or supervisor, the individual may bring it to the attention of the Human Resources Division.

Employees whose conduct violates this policy may face disciplinary action, up to and including termination, consistent with the district’s policies, acceptable use agreement, and collective bargaining agreements, as applicable.

The Superintendent or their designee is directed to develop training and a procedure to implement this policy.

Adopted: October 2011

Revised: July 2013; [date]

Cross Reference: Policy Nos. 3200; 3207; 3207SP.A; 3208; 3208SP.B; 3240; 3421; 5006; 5010, 5201; 5251


Related Superintendent Procedure: 5253SP

Previous Policies: N/A

Legal References: Title IX of the Education Amendments of 1972; Chapter 9A.44, RCW – Sex offenses; Chapter 9A.88, RCW – Indecent exposure – Prostitution; RCW 28A.400 Crimes against children; RCW 28A.405.470 Crimes against children – Mandatory termination of certificated employees - Appeal - Recovery of salary or compensation by district; RCW 28A.405.475

Termination of certificated employee based on guilty plea or conviction of certain felonies - Notice to superintendent of public instruction - Record of notices; RCW 28A.410.090 Revocation or suspension of certificate or permit to teach - Criminal basis - Complaints - Investigation – Process; RCW 28A.410.095 Violation or noncompliance – Investigatory powers of Superintendent of Public Instruction - Requirements for investigation of alleged sexual misconduct towards a child – Court orders - Contempt - Written findings required; RCW 28A.410.100 Revocation of authority to teach – Hearings; WAC 181-87 Professional Certification - Acts of Unprofessional Conduct; WAC 181-88 Sexual Misconduct, Verbal and Physical Abuse - Mandatory Disclosure - Prohibited Agreements Management Resources:



	<p style="text-align: center;">MAINTAINING PROFESSIONAL STAFF/STUDENT BOUNDARIES</p>	<p style="text-align: right;">Policy No. 5253</p> <p style="text-align: right;"><del>July 23, 2013</del></p> <p style="text-align: right;"><u>[date]</u></p> <p style="text-align: right;">Page <del>1</del> of <del>3</del></p> <p style="text-align: right;"><u>3</u></p>
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**Purpose**

~~The purpose of this~~ This policy ~~is to provide~~ provides all district staff, ~~and~~ students ~~and volunteers~~ with information ~~to increase their awareness of about~~ their role in protecting children from inappropriate conduct by adults and to ensure that contact and communication with students are conducted in a professional manner. For the purposes of this policy and its procedure, the terms “district staff,” “staff member(s),” and “staff” also include volunteers and contracted service providers.

**Interactions Between Staff and Students**

The School Board expects all staff ~~and volunteers~~ to maintain the highest professional, ~~moral and ethical~~ standards in their interaction with students. Staff ~~and volunteers~~ are required to maintain an atmosphere conducive to learning, ~~through by~~ consistently ~~and fairly applied discipline and established and maintained~~ maintaining professional boundaries.

**Interactions between Staff and Students**

Professional staff/student boundaries are consistent with the legal and ethical duty of care that district staff have for students.

The interactions and relationships between district staff and students should be based upon mutual respect ~~and~~ trust, ~~an understanding of and commitment to~~ the ~~appropriate~~ professional boundaries between ~~adults~~ staff and students in and outside of the educational setting, and ~~consistency~~ consistent with the educational mission of the ~~schools~~ district.

~~Staff~~ District staff will not intrude on a student’s physical and emotional boundaries unless the intrusion is necessary to serve ~~ana~~ a legitimate educational or ~~physical, mental and/or emotional health~~ school business purpose. ~~connected to the staff’s job, or an emergency situation.~~ An educational purpose is one that relates to the staff’s duties in the district. Inappropriate boundary invasions can take various forms. Any type of sexual harassment or sexual misconduct with a student is an inappropriate boundary invasion.

~~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. Any appearance of impropriety should be avoided. Intimate relationships between school personnel, contracted service providers, volunteers and students are prohibited. In addition to regular classroom instruction and extracurricular activities, appropriate occasions when school personnel, contracted service providers, and volunteers may interact with students beyond the school day include before and after care, tutoring to improve students' academic skills, mentoring that provides students with positive role models, and hosting school-sanctioned or school-sponsored activities and events that reinforce positive behaviors.~~

~~One-to-one 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. When one-to-one tutoring and mentoring take place away from the school, written permission from the parent/guardian must be obtained. Volunteers on district property must be under the supervision of a district staff member.~~

~~Even during these and similar events during non-school hours, school personnel, contracted service providers and volunteers are acting in their professional capacity and must maintain the highest ethical standards.~~

~~Additionally, staff members are expected to be aware of the appearance of impropriety in their own conduct and the conduct of other staff when interacting with students. Staff members will notify and discuss issues with their building administrator or supervisor whenever they suspect or question whether their own or another staff member's conduct is inappropriate or constitutes a violation of this policy.~~

~~The Board recognizes that staff may have familial and pre-existing social relationships with parents/guardians and students. Staff members should use appropriate professional judgment when they have a dual relationship to students to avoid violating this policy, the appearance of impropriety, and the appearance of favoritism. Staff members shall notify, in writing, their building administrator or supervisor of any pre-existing social relationships with parents/guardians and students. Staff shall proactively discuss these circumstances with their building administrator or supervisor.~~

## **Electronic Communication**

The School Board supports the use of technology to communicate for educational purposes. However, ~~when the communication is unrelated to school work or other legitimate school business, district employees acting in their district capacity~~ staff are prohibited from ~~inappropriate~~ online socializing, phone calls, texting, skyping, instant messaging, or use of any other telecommunications device, or from engaging in any conduct that violates the law, district policies or other generally recognized professional standards, ~~unless done for a legitimate educational or school business reason connected to their job or an emergency situation. This prohibition includes staff "friending" or "following" students or accepting "follow" or "friend" requests from students on private social media accounts.~~ Employees must conduct themselves in ways that do not distract from or disrupt the educational process. Nothing in this policy prohibits employees, faculty, staff, or

students from the use of approved educational websites if such sites are used solely for educational purposes.

### **Policy Violations**

Staff shall discuss issues with their building administrator or supervisor whenever they suspect or are unsure whether their conduct, or the conduct of other staff, is inappropriate or constitutes a violation of this policy. If a person is dissatisfied with the response of the building administrator or supervisor, ~~he/she may bring it to the attention of the Executive Director of Schools or follow the formal complaint process in Policy No. 4220. If the violation deals with harassment, intimidation, or bullying, the process in Policy Nos. 3207 and 3208 should be followed; the individual may bring it to the attention of the Human Resources Division.~~

Employees whose conduct violates this policy may face ~~discipline~~ disciplinary action, up to and/or including termination, consistent with the district's policies, acceptable use agreement, and collective bargaining agreements, as applicable. –

The Superintendent or ~~his or her~~ their designee is ~~authorized~~ directed to develop training and a procedure to ~~accompany~~ implement this policy.

Adopted: October 2011

Revised: July 2013: [date]

Cross Reference: Policy Nos. ~~5006~~ 3200; 3207; 3207SP.A; ~~3207SP.B~~; 3208; 3208SP.B; 3240; ~~3200~~; ~~3421~~; ~~5006~~; ~~5010~~; ~~5201~~; 5251

Related Superintendent Procedure: 5253SP

Previous Policies: N/A

~~Legal References:~~ Legal References: Title IX of the Education Amendments of 1972; Chapter 9A.44.

RCW – Sex offenses; Chapter 9A.88, RCW – Indecent exposure – Prostitution; RCW 28A.400

Crimes against children; RCW 28A.405.470 Crimes against children – Mandatory termination of

certificated employees - Appeal - Recovery of salary or compensation by district; RCW 28A.405.475

Termination of certificated employee based on guilty plea or conviction of certain felonies - Notice

to superintendent of public instruction - Record of notices; RCW 28A.410.090 Revocation or

suspension of certificate or permit to teach - Criminal basis - Complaints - Investigation – Process;

RCW 28A.410.095 Violation or noncompliance – Investigatory powers of Superintendent of Public

Instruction - Requirements for investigation of alleged sexual misconduct towards a child – Court


orders - Contempt - Written findings required; RCW 28A.410.100 Revocation of authority to teach –

Hearings; WAC 181-87 Professional Certification - Acts of Unprofessional Conduct; WAC 181-88

Sexual Misconduct, Verbal and Physical Abuse - Mandatory Disclosure - Prohibited Agreements

Management Resources:

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	<p>MAINTAINING PROFESSIONAL STAFF/STUDENT BOUNDARIES</p>	<p>Policy No. 5253  July 23, 2013  Page 1 of 3</p>
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**Purpose**

The purpose of this policy is to provide all district staff, students and volunteers with information to increase their awareness of their role in protecting children from inappropriate conduct by adults and to ensure that contact and communication with students are conducted in a professional manner.

The School Board expects all staff and volunteers to maintain the highest professional, moral and ethical standards in their interaction with students. Staff and volunteers are required to maintain an atmosphere conducive to learning, through consistently and fairly applied discipline and established and maintained professional boundaries.

**Interactions between Staff and Students**

The interactions and relationships between staff and students should be based upon mutual respect and trust, an understanding of the appropriate boundaries between adults and students in and outside of the educational setting, and consistency with the educational mission of the schools.

Staff will not intrude on a student’s physical and emotional boundaries unless the intrusion is necessary to serve an educational or physical, mental and/or emotional health purpose. An educational purpose is one that relates to the staff’s duties in the district.

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. Any appearance of impropriety should be avoided. Intimate relationships between school personnel, contracted service providers, volunteers and students are prohibited. In addition to regular classroom instruction and extracurricular activities, appropriate occasions when school personnel, contracted service providers, and volunteers may interact with students beyond the school day include before and after care, tutoring to improve students’ academic skills, mentoring that provides students with positive role models, and hosting school-sanctioned or school-sponsored activities and events that reinforce positive behaviors.

One-to-one 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. When one-to-one tutoring and mentoring take place away from the school, written permission from the parent/guardian must be obtained. Volunteers on district property must be under the supervision of a district staff member.

Even during these and similar events during non-school hours, school personnel, contracted service providers and volunteers are acting in their professional capacity and must maintain the highest ethical standards.

### **Electronic Communication**

The School Board supports the use of technology to communicate for educational purposes. However, district employees acting in their district capacity are prohibited from inappropriate online socializing, phone calls, texting, skyping, instant messaging, or use of any other telecommunications device, or from engaging in any conduct that violates the law, district policies or other generally recognized professional standards. Employees must conduct themselves in ways that do not distract from or disrupt the educational process. Nothing in this policy prohibits employees, faculty, staff or students from the use of approved educational websites if such sites are used solely for educational purposes.

### **Policy Violations**

Staff shall discuss issues with their building administrator or supervisor whenever they suspect or are unsure whether their conduct, or the conduct of other staff, is inappropriate or constitutes a violation of this policy. If a person is dissatisfied with the response of the building administrator or supervisor, he/she may bring it to the attention of the Executive Director of Schools or follow the formal complaint process in Policy No. 4220. If the violation deals with harassment, intimidation, or bullying, the process in Policy Nos. 3207 and 3208 should be followed.

Employees whose conduct violates this policy may face discipline and/or termination, consistent with the district's policies, acceptable use agreement and collective bargaining agreements, as applicable.

The Superintendent or his or her designee is authorized to develop training and a procedure to accompany this policy.

Adopted: October 2011

Revised: July 2013

Cross Reference: Policy Nos. 5006; 3207; 3207SP.A; 3207SP.B; 3208; 3208SP; 3240; 3200; 5251

Related Superintendent Procedure:

Previous Policies: N/A

Legal References: RCW 28A.400 Crimes against children; RCW 28A.405.470 Crimes against children – Mandatory termination of certificated employees - Appeal - Recovery of salary or compensation by district; RCW 28A.405.475 Termination of certificated employee based on guilty plea or conviction of certain felonies - Notice to superintendent of public instruction - Record of notices; RCW 28A.410.090 Revocation or suspension of certificate or permit to teach - Criminal basis - Complaints - Investigation – Process; RCW 28A.410.095 Violation or noncompliance – Investigatory powers of Superintendent of Public Instruction - Requirements for investigation of alleged sexual misconduct towards a child – Court orders - Contempt - Written findings required; RCW 28A.410.100 Revocation of authority to teach – Hearings; WAC 181-87 Professional Certification - Acts of Unprofessional Conduct; WAC 181-88 Sexual Misconduct, Verbal and Physical Abuse - Mandatory Disclosure - Prohibited Agreements  
Management Resources:

## **Maintaining Professional Staff/Student Boundaries**

### **Purpose**

This policy provides all staff, students, volunteers, and community members with information about their role in protecting children from inappropriate conduct by adults. This policy applies to all district staff and volunteers. For purposes of this policy and its procedure, the terms "district staff," "staff member(s)," and "staff" also include volunteers.

### **General Standards**

The board expects all district staff to maintain the highest professional standards when they interact with students. District staff are required to maintain an atmosphere conducive to learning by consistently maintaining professional boundaries.

Professional staff/student boundaries are consistent with the legal and ethical duty of care that district employees have for students.

The interactions and relationships between district staff and students should be based upon mutual respect, trust, and commitment to the professional boundaries between staff and students in and outside of the educational setting, and consistent with the educational mission of the district.

District staff will not intrude on a student's physical and emotional boundaries unless the intrusion is necessary to serve a demonstrated educational purpose. An educational purpose is one that relates to the staff member's duties in the district. Inappropriate boundary invasions can take various forms. Any type of sexual conduct with a student is an inappropriate boundary invasion.

Additionally, staff members are expected to be aware of the appearance of impropriety in their own conduct and the conduct of other staff when interacting with students. Staff members will notify and discuss issues with their building administrator or supervisor whenever they suspect or question whether their own or another staff member's conduct is inappropriate or constitutes a violation of this policy.

The board recognizes that staff may have familial and pre-existing social relationships with parents or guardians and students. Staff members should use appropriate professional judgment when they have a dual relationship to students to avoid violating this policy, the appearance of impropriety, and the appearance of favoritism. Staff members shall pro-actively discuss these circumstances with their building administrator or supervisor.

### **Use of Technology**

The board supports the use of technology to communicate for educational purposes. However, when the communication is unrelated to school work or other legitimate school business district staff are prohibited from communicating with students by phone, e-mail, text, instant messenger, or other forms of electronic or written communication. District staff members are prohibited from engaging in any conduct on social networking websites that violates the law, district policies or procedures, or other generally recognized professional standards. This prohibition includes prohibiting staff from "friending" and/or "following" students on social media.

Staff whose conduct violates this policy may face discipline and/or termination consistent with the district's policies and procedures, acceptable use agreement, and collective bargaining agreements, as applicable.

The superintendent/designee will develop protocols for reporting and investigating allegations and develop procedures and training to accompany this policy.

Cross References:                      3205 - Sexual Harassment of Students Prohibited



3207 - Prohibition of Harassment, Intimidation and Bullying  
3210 - Nondiscrimination  
3421 - Child Abuse, Neglect, and Exploitation Prevention

Legal References:

Title IX of the Education Amendments of 1972  
Chapter 9A.44, RCW – Sex offenses  
Chapter 9A.88, RCW – Indecent exposure – Prostitution  
RCW 28A.400.320 Crimes against children – Mandatory termination of classified employees – Appeal – Recovery of salary or compensation by district  
RCW 28A.405.470 Crimes against children – Mandatory termination of certificated employees – Appeal – Recovery of salary or compensation by district  
RCW 28A.405.475 Termination of certificated employee based on guilty plea or conviction of certain felonies – Notice to superintendent of public instruction - Record of notices  
RCW 28A.410.090 Revocation or suspension of certificate or permit to teach – Criminal basis – Complaints – Investigation - Process  
RCW 28A.410.095 Violation or noncompliance – Investigatory powers of superintendent of public instruction – Requirements for investigation of alleged sexual misconduct towards a child – Court orders – Contempt – Written findings required  
RCW 28A.410.100 Revocation of authority to teach – Hearings  
Chapter 28A.640, RCW Sexual Equality  
Chapter 28A.642, RCW Discrimination Prohibition  
Chapter 49.60, RCW – Washington State Law Against Discrimination  
Chapter 181-87 WAC Professional certification – Acts of unprofessional conduct  
Chapter 181-88 WAC Definitions of sexual misconduct, verbal and physical abuse - Mandatory disclosure – Prohibited agreements

Management Resources:

2019 - March 2019 - March Policy Issue  
2015 - October Issue

Adoption Date:

Classification: **Encouraged**

Revised Dates: **02.10; 12.11; 10.15; 03.19**



## **Procedure - Maintaining Professional Staff/Student Boundaries**

Many educators or volunteers who cross the line of professional boundaries may not consciously begin with predatory motivation in mind. Instead, they allow themselves to develop a special relationship with a student that results in situations where their professionalism is compromised. Sometimes, this leads to sexual misconduct. All of this can be prevented by maintaining professional boundaries with students.

Educators, volunteers, students, parents, and other concerned adults are the key to stopping unprofessional conduct against students. Hence, the following information will help you to help protect students, your school, and the profession.

### **Reporting Violations**

All school staff members or volunteers must promptly notify the supervisor of a staff member or volunteer suspected of engaging in a boundary invasion toward a student.

Staff members should:

- Not wait before reporting suspicious behavior or try to determine whether there is an innocent explanation;
- Not confront or discuss the matter with the staff member at issue or with anyone else, but maintain confidentiality to protect privacy and avoid rumors; and
- Document for their own records, that they notified an administrator, including to whom and what they reported

Students and their parents/guardians are strongly encouraged to notify the principal (or other administrator) if they believe a staff member or volunteer may be engaging in inappropriate boundary invasion conduct with a student.

### **Boundary Invasion**

A boundary invasion is an act or pattern of behavior by a staff member or volunteer that does not have a bone fide health, safety, or educational purpose for the student. Such situations are the opposite of maintaining professional boundaries with students. Staff members and volunteers shall not engage in boundary invasions of students, which include, but are not limited to, the following:

- A. Any type of inappropriate physical or sexual conduct with a student or any other conduct that violates the board's policies regarding student welfare, the educational environment, or conduct toward current or former students. Inappropriate physical conduct includes hugging, kissing, or being "overly touchy" with students without any legitimate educational or professional purpose;
- B. Showing intimate or unduly revealing photos to a student or asking a student to provide intimate or unduly revealing photos; taking inappropriate photographs of a student, or taking an inordinate number of photographs of a student.
- C. Any kind of flirtatious or sexual communications with a student;
- D. Singling out a particular student or students for personal attention and friendship beyond the professional staff/student relationship. This includes, but is not limited to, favoring one or more students with special privileges, allowing them to remain in the classroom during non-class times, unilaterally removing a student from another class or activity, or engaging in "peer like" behavior with one or more students;
- E. Providing alcohol, drugs, or tobacco to students or failing to report their use of these substances;
- F. For non-guidance/counseling staff, allowing or encouraging students to confide their personal or family problems and/or relationships. If a student initiates such discussions, staff members shall refer the student to appropriate guidance/counseling staff. In either case, staff involvement should be limited to a direct connection to the student's school performance;
- G. Sending students on personal errands unrelated to any educational purpose;
- H. Banter, allusions, jokes, or innuendos of a sexual nature with students;

- I. Favorably commenting on a student's appearance if it is unduly revealing or if the comments have no educational value;
- J. Disclosing personal, sexual, family, employment concerns or other private matters to one or more students;
- K. Addressing students or permitting students to address staff members or volunteers with personalized terms of endearment, pet names, or otherwise in an overly familiar manner;
- L. Maintaining personal contact (including "friending" or "following") a student on any social networking application or device;
- M. Sending phone, e-mail, text, instant messenger, or other forms of written or electronic communication to students when the communication is unrelated to school work or other legitimate school business. If staff members have educational or legitimate school business to conduct, they shall include a parent/guardian and a school administrator on the communication. If staff members receive a student's communication, the staff member shall reply by including the student's parent/guardian and an administrator. Staff members should use school e-mail addresses and phone numbers and the parents' phone numbers for communications with students, except in an emergency situation;
- N. Exchanging or providing personal gifts, cards, or personal letters with an individual student;
- O. 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) outside of school-sponsored events, except as participants in organized community activities;
- P. Giving a student a ride alone in a vehicle in a non-emergency situation or failing to timely report that occurrence;
- Q. Providing a student with information or views about other students or staff members without a legitimate professional purpose;
- R. Asking a student to keep a secret or not to disclose any inappropriate communications or conduct;
- S. Unnecessarily invading a student's privacy, (e.g. walking in on the student in the bathroom or a hotel room on a field trip);
- T. Being alone with an individual student out of the view of others; and/or
- U. Any home visits unless other adults are present, the student(s) are invited for an activity related to school, and the student's parent/guardian and an administrator are informed and have consented.

#### **Investigation and Documentation**

When an administrator receives information that a boundary invasion has occurred or might have occurred, the administrator must document, in writing, the concern and provide a copy of the documentation to the *District note: insert appropriate person/department (e.g. assistant superintendent or director in charge of the district's human resources)*. The *[insert appropriate person/department (e.g. assistant superintendent or director of human resources)]* will see that the matter is investigated and documented, and if a boundary invasions have occurred without a legitimate educational or safety purpose, that appropriate action is taken and documented. The *[insert appropriate person/department (e.g. assistant superintendent or director of human resources)]* will maintain a file documenting reports, letters of direction, and discipline relating to professional boundary investigations.

#### **Reminder About Reporting Sexual Abuse**

In some situations, the person engaging in boundary invasions with a student may also have engaged in child abuse or sexual abuse, which is defined in Board Policy 3421 - Child Abuse, Neglect, and Exploitation Prevention. Remember that according to law (RCW 26.44.020) and Board Policy 3421, all school personnel who have reasonable cause to believe that a student has experienced sexual abuse by an adult or student are required to make a report to Child Protective Services and/or law enforcement. (See Board Policy 3421.) Reporting suspected abuse to the building principal or supervisor does not relieve professional school personnel from their reporting responsibilities and timelines.

#### **Disciplinary Action**

Staff member or volunteer violations of this policy may result in disciplinary action up to and including dismissal. Violations of this policy may occur by ignoring professional boundaries as well as failing to report another staff member or volunteer who is ignoring professional boundaries. In any disciplinary situation, the Superintendent should consider whether the conduct violates the Code of Professional Conduct in Chpt. WAC 181-87 and whether a report to the Office of Professional Practices is warranted.

#### **Training**

All new staff members and volunteers will receive training on appropriate staff/student boundaries within three months of employment or beginning of service. Such initial training may be on-line training. Site

administration and classified employee supervisors shall see to it that more detailed, live training covering this entire procedure shall occur every two years for all schools and work sites. Site administration and classified employee supervisors will also address professional boundaries at staff meetings early in the year.

**Dissemination of Policy and Reporting Protocols**

This policy and procedure will be included on the district website and in all employee, student, and volunteer handbooks. Annually, all administrators and staff will receive copies of the district's reporting protocol. The district shall also provide a copy of this policy and procedure to students and their parents during each school year.

Adoption Date:

Classification:

Revised Dates: **02.10; 06.11; 10.15; 03.19**