

1 The **Transylvania County Board of Education (the “board”)** expects all employees to maintain  
2 the highest professional, moral, and ethical standards in their interactions with students.  
3 Employees are required to provide an atmosphere conducive to learning through consistently and  
4 fairly applied discipline and established and maintained professional boundaries. Employees are  
5 expected to motivate each student to perform to his or her capacity while modeling the behavior  
6 expected of students in staff-student relationships.

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8 The interactions and relationships between staff and students ~~should~~ **must** be based upon  
9 cooperation, mutual respect, and an understanding of the appropriate boundaries between adults  
10 and students **inside** and outside of the educational setting. Employees are ~~also~~ expected to  
11 **demonstrate good judgment and to avoid** ~~be sensitive to~~ the appearance of impropriety in their  
12 ~~own conduct and in the conduct of others when~~ interactions ~~eng~~ with students. Employees ~~shall~~  
13 **must** consult their supervisor any time they suspect or are unsure whether conduct is  
14 inappropriate or otherwise constitutes a violation of this or other **board** policy.

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16 For the purposes of this policy, the terms “staff” and “employees” includes independent  
17 contractors and school safety officers, ~~but does not include student employees.~~

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19 **A. ROMANTIC RELATIONSHIPS AND SEXUAL RELATIONSHIPS CONTACT PROHIBITED**

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21 All employees are prohibited from dating, courting, or entering into a romantic ~~or sexual~~  
22 relationship **or having sexual contact** with any student enrolled in the school system  
23 regardless of the student's age. Employees engaging in such inappropriate conduct will  
24 be subject to disciplinary action, up to and including dismissal, and may be subject to  
25 criminal action as provided in G.S. 14-202.4 and 14-27.732.

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27 **B. RESTRICTIONS ON ELECTRONIC COMMUNICATIONS**

- 28  
29 1. In accordance with policy 7335, Employee Use of Social Media, employees are  
30 prohibited from communicating with **current** students through non-school-  
31 controlled social media **without parental permission** except to the extent that the  
32 employee and student have an appropriate relationship which originated outside  
33 of the school setting. Any communication **through social media** authorized under  
34 policy 7335 must meet the professional standards established in this policy and  
35 must otherwise be consistent with law and all other **board** policy.
- 36  
37 2. Instant messages ~~shall~~ **will** be treated as a form of communication through social  
38 media subject to the terms of policy 7335 and subsection B.1 above, regardless of  
39 whether the messaging service is actually provided through a social media service  
40 or otherwise.
- 41  
42 3. ~~Except as provided below,~~ Employees are ~~also~~ prohibited from engaging in other  
43 forms of one-to-one electronic communications (e.g., voice, **voice mail**, email,

texting, and photo or video transmission) with students without written prior approval of the employee's supervisor and the student's parent. This rule shall not apply, **however, in any if one or more** of the following circumstances **exist**:

- a. ~~When~~ the communication (1) is for an educational purpose, (2) is conducted through a school system-provided platform which archives all such communications for a period of at least three years (**this requirement does not apply to telephone or voice mail communications**) ~~if in writing,~~ and (3) **occurs after** the employee has given prior notice to his or her supervisor or designee that such ~~written or oral~~ communications will occur; ~~or~~
- b. ~~When~~ the communication serves an educational purpose and is simultaneously copied or transmitted to the employee's supervisor or designee, and, upon request, to the parent or guardian; ~~or~~
- c. ~~In a bona fide emergency, provided~~ the communication is **necessary in a bona fide emergency, provide the communication is** disclosed to the supervisor and parent or guardian as soon as reasonably possible; ~~or~~
- d. ~~When~~ the communication derives from a relationship or association outside of the school setting and occurs with the consent of the parent or guardian, provided such communication does not otherwise violate this or other **board policy**.

Any one-to-one electronic communication permitted by this subsection must meet the professional standards established in this policy and must otherwise be consistent with law and all other **board policies**.

4. It is the duty of every employee to notify his or her supervisor of any unsolicited one-to-one communications, in any form, electronic or otherwise, received from a student when the communication lacks a clear educational purpose. School counselors are excluded from this requirement only to the extent that it conflicts with their professional duties.
5. Violations of this section ~~shall~~ **will** be considered unprofessional behavior subject to discipline, up to and including dismissal. Factors that may be relevant to the determination of an appropriate disciplinary response to unauthorized communications with students include, but are not limited to:
  - a. **the content, frequency, subject, and timing of the communications(s);**
  - b. **whether the communications(s) was** ~~were age and/or student maturity~~

- 87 level appropriate to the student's age and maturity level;
- 88
- 89 c. whether the communication(s) could reasonably be viewed as a
- 90 solicitation of sexual contact or the courting of a romantic relationship,
- 91 including sexual grooming;
- 92
- 93 d. whether there was an attempt to conceal the communication(s) from the
- 94 employee's supervisor and/or the student's parent or guardian;
- 95
- 96 e. whether the communication(s) created a disruption of the educational
- 97 environment; and
- 98
- 99 f. whether the communication(s) harmed the student in any manner.

## 100 C. REPORTING INAPPROPRIATE CONDUCT

### 101 1. Reporting by Employees

102 Any employee who has reason to believe any of the following shall immediately

103 report that information to the superintendent or designee:

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- 105 a. that another employee is inappropriately involved in a romantic or other
- 106 inappropriate sexual relationship or has had sexual contact with a student;
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- 108 b. that another employee has engaged in other behavior prohibited by this
- 109 policy; and
- 110
- 111 c. that the employee has witnessed behavior by another employee that has
- 112 the appearance of impropriety, whether or not the behavior has, or may
- 113 have, a valid educational or health purpose.

114 An employee who fails to inform the superintendent or designee as provided in

115 this section may be subject to disciplinary action, up to and including dismissal.

### 116 2. Reporting by Students

117 Any student who believes that he or she or another student has been subject to

118 misconduct that violates this policy should immediately report the situation to the

119 principal, school counselor, or the Title IX coordinator designated in policy

120 1720/4015/7225, Discrimination, Harassment, and Bullying Complaint Procedure.

### 121 3. Report of Criminal Misconduct

130 Any principal who has reason to believe that a student has been the victim of  
131 criminal conduct shall **immediately** report the incident in accordance with policy  
132 4335, Criminal Behavior.  
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134 Legal References: Title IX of the Education Amendments of 1972, 20 U.S.C. 1681 *et seq.*, 34  
135 C.F.R. pt. 106; G.S. 14-27.7<sup>32</sup>, -202.4; 115C-47(18); 16 N.C.A.C. 6C.0601, .0602; State Board  
136 of Education Policy TCP-C-014.  
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138 Cross References: Governing Principle – Removal of Barriers (policy 1700), Prohibition  
139 Against Discrimination, Harassment, and Bullying (policy 1710/4021/7230), Discrimination,  
140 Harassment, and Bullying Complaint Procedure (policy 1720/4015/7225), Student and Parent  
141 Grievance Procedure (policy 1740/4010), **Criminal Behavior (policy 4335)**, Staff  
142 Responsibilities (policy 7300), **Employee Use of Social Media (policy 7335)**  
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144 Adopted: June 15, 2015

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