

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

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

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

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20 All employees are prohibited from dating, courting, or entering into a romantic
21 relationship or having sexual contact with any student enrolled in the school system
22 regardless of the student's age. Employees engaging in such inappropriate conduct will
23 be subject to disciplinary action, up to and including dismissal, and may be subject to
24 criminal action as provided in G.S. 14-202.4 and 14-27.32. **Further, school system**
25 **personnel shall provide no assistance to an employee in finding another job, beyond the**
26 **routine transmittal of personnel or administrative files, if the employee engaged in sexual**
27 **misconduct with a minor or a student in violation of the law.**

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29 **B. RESTRICTIONS ON ELECTRONIC COMMUNICATIONS**

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31 1. In accordance with policy 7335, Employee Use of Social Media, employees are
32 prohibited from communicating with current students through non-school-
33 controlled social media without parental permission except to the extent that the
34 employee and student have an appropriate relationship which originated outside
35 of the school setting. Any communication through social media authorized under
36 policy 7335 must meet the professional standards established in this policy and
37 must otherwise be consistent with law and all other board policy.
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39 2. Instant messages will be treated as a form of communication through social media
40 subject to the terms of policy 7335 and subsection B.1 above, regardless of
41 whether the messaging service is actually provided through a social media service
42 or otherwise.
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- 44 3. Employees are prohibited from engaging in other forms of one-to-one electronic
45 communications (e.g., voice, voice mail, email, texting, and photo or video
46 transmission) with students without written prior approval of the employee's
47 supervisor and the student's parent. This rule shall not apply, however, if one or
48 more of the following circumstances exist:
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- 50 a. the communication (1) is for an educational purpose, (2) is conducted
51 through a school system-provided platform which archives all such
52 communications for a period of at least three years (this requirement does
53 not apply to telephone or voice mail communications), and (3) occurs after
54 the employee has given prior notice to his or her supervisor or designee
55 that such communications will occur;
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 - 57 b. the communication serves an educational purpose and is simultaneously
58 copied or transmitted to the employee's supervisor or designee, and, upon
59 request, to the parent or guardian;
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 - 61 c. the communication is necessary in a bona fide emergency, provide the
62 communication is disclosed to the supervisor and parent or guardian as
63 soon as reasonably possible;
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 - 65 d. the communication derives from a relationship or association outside of
66 the school setting and occurs with the consent of the parent or guardian,
67 provided such communication does not otherwise violate this or other
68 board policy.
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- 70 Any one-to-one electronic communication permitted by this subsection must meet
71 the professional standards established in this policy and must otherwise be
72 consistent with law and all other board policies.
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- 74 4. It is the duty of every employee to notify his or her supervisor of any unsolicited
75 one-to-one communication, in any form, electronic or otherwise, received from a
76 student when the communication lacks a clear educational purpose. School
77 counselors are excluded from this requirement only to the extent that it conflicts
78 with their professional duties.
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- 80 5. Violations of this section will be considered unprofessional behavior subject to
81 discipline, up to and including dismissal. Factors that may be relevant to the
82 determination of an appropriate disciplinary response to unauthorized
83 communications with students include, but are not limited to:
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- 85 a. the content, frequency, subject, and timing of the communications(s);
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- 87 b. whether the communication(s) was appropriate to the student’s age and
- 88 maturity level;
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- 90 c. whether the communication(s) could reasonably be viewed as a
- 91 solicitation of sexual contact or the courting of a romantic relationship,
- 92 including sexual grooming;
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- 94 d. whether there was an attempt to conceal the communication(s) from the
- 95 employee’s supervisor and/or the student’s parent or guardian;
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- 97 e. whether the communication(s) created a disruption of the educational
- 98 environment; and
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- 100 f. whether the communication(s) harmed the student in any manner.

C. REPORTING INAPPROPRIATE CONDUCT

1. Reporting by Employees

Any employee who has reason to believe any of the following shall immediately report that information to the superintendent or designee:

- 109 a. that another employee is involved in a romantic or other inappropriate
- 110 relationship or has had sexual contact with a student;
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- 112 b. that another employee has engaged in other behavior prohibited by this
- 113 policy; and
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- 115 c. that the employee has witnessed behavior by another employee that has
- 116 the appearance of impropriety, whether or not the behavior may have a
- 117 valid purpose.
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An employee who fails to inform the superintendent or designee as provided in this section may be subject to disciplinary action, up to and including dismissal.

2. Reporting by Students

Any student who believes that he or she or another student has been subject to misconduct that violates this policy should immediately report the situation to the principal, school counselor, or the Title IX coordinator designated in policy 1720/4015/7225, Discrimination, Harassment, and Bullying Complaint Procedure.

130 **3. Report of Criminal Misconduct**

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132 Any principal who has reason to believe that a student has been the victim of
133 criminal conduct shall immediately report the incident in accordance with policy
134 4335, Criminal Behavior.

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136 Legal References: **Elementary and Secondary Education Act, 20 U.S.C. 7926**; Title IX of the
137 Education Amendments of 1972, 20 U.S.C. 1681 *et seq.*, 34 C.F.R. pt. 106; G.S. 14-27.32, -
138 202.4; 115C-47(18); 16 N.C.A.C. 6C.0601, .0602; State Board of Education Policy TCP-C-014.

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140 Cross References: Governing Principle – Removal of Barriers (policy 1700), Prohibition
141 Against Discrimination, Harassment, and Bullying (policy 1710/4021/7230), Discrimination,
142 Harassment, and Bullying Complaint Procedure (policy 1720/4015/7225), Student and Parent
143 Grievance Procedure (policy 1740/4010), Criminal Behavior (policy 4335), Staff
144 Responsibilities (policy 7300), Employee Use of Social Media (policy 7335)

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146 Adopted: June 15, 2015

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148 Revised: November 19, 2015; **[DATE]**

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