

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” include independent
16 contractors, school safety officers, and volunteers, but do not include student employees or
17 student volunteers.
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19 **A. ROMANTIC RELATIONSHIPS AND SEXUAL CONTACT PROHIBITED**
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21 All employees are prohibited from dating, courting, or entering into a romantic
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 14-27.32. Further, school system
26 personnel shall provide no assistance to an employee in finding another job, beyond the
27 routine transmittal of personnel or administrative files, if the employee engaged in sexual
28 misconduct with a minor or a student in violation of the law.
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30 **B. RESTRICTIONS ON ELECTRONIC COMMUNICATIONS**
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- 32 1. In accordance with policy 7335, Employee Use of Social Media, employees are
33 prohibited from communicating with current students through non-school-
34 controlled social media without parental permission except to the extent that the
35 employee and student have an appropriate relationship which originated outside
36 of the school setting. Any communication through social media authorized under
37 policy 7335 must meet the professional standards established in this policy and
38 must otherwise be consistent with law and all other board policy.
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- 40 2. Instant messages will be treated as a form of communication through social media
41 subject to the terms of policy 7335 and subsection B.1 above, regardless of
42 whether the messaging service is actually provided through a social media service
43 or otherwise.
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- 45 3. Employees are prohibited from engaging in other forms of one-to-one electronic
46 communications (e.g., voice, voice mail, email, texting, and photo or video
47 transmission) with students without written prior approval of the employee's
48 supervisor and the student's parent. This rule shall not apply, however, if one or
49 more of the following circumstances exist:
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- 51 a. the communication (1) is for an educational purpose, (2) is conducted
52 through a school system-provided platform which archives all such
53 communications for a period of at least three years (this requirement does
54 not apply to telephone or voice mail communications), or is conducted via
55 an electronic video-conferencing platform (e.g., Zoom, Webex, Google
56 Meet) that has been approved by the superintendent or designee for
57 instructional use, and (3) occurs after the employee has given prior notice
58 to his or her supervisor or designee that such communications will occur
59 and when they will occur;
 - 60
 - 61 b. the communication serves an educational purpose and is simultaneously
62 copied or transmitted to the employee's supervisor or designee, and, upon
63 request, to the parent or guardian;
 - 64
 - 65 c. the communication is necessary in a bona fide emergency, provide the
66 communication is disclosed to the supervisor and parent or guardian as
67 soon as reasonably possible;
 - 68
 - 69 d. the communication derives from a relationship or association outside of
70 the school setting and occurs with the consent of the parent or guardian,
71 provided such communication does not otherwise violate this or other
72 board policy.
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- 74 Any one-to-one electronic communication permitted by this subsection must meet
75 the professional standards established in this policy and must otherwise be
76 consistent with law and all other board policies.
77
- 78 4. It is the duty of every employee to notify his or her supervisor of any unsolicited
79 one-to-one communication, in any form, electronic or otherwise, received from a
80 student when the communication lacks a clear educational purpose. School
81 counselors are excluded from this requirement only to the extent that it conflicts
82 with their professional duties.
83
- 84 5. Violations of this section will be considered unprofessional behavior subject to
85 discipline, up to and including dismissal. Factors that may be relevant to the
86 determination of an appropriate disciplinary response to unauthorized
87 communications with students include, but are not limited to:
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- 89 a. the content, frequency, subject, and timing of the communications(s);
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91 b. whether the communication(s) was appropriate to the student's age and
92 maturity level;
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94 c. whether the communication(s) could reasonably be viewed as a
95 solicitation of sexual contact or the courting of a romantic relationship,
96 including sexual grooming;
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98 d. whether there was an attempt to conceal the communication(s) from the
99 employee's supervisor and/or the student's parent or guardian;
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101 e. whether the communication(s) created a disruption of the educational
102 environment; and
103
104 f. whether the communication(s) harmed the student in any manner.
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106 **C. REPORTING INAPPROPRIATE CONDUCT**

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108 1. Reporting by Employees
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110 Any employee who has reason to believe any of the following shall immediately
111 report that information to the superintendent or designee:
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- 113 a. that another employee is involved in a romantic or other inappropriate
114 relationship or has had sexual contact with a student;
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116 b. that another employee has engaged in other behavior prohibited by this
117 policy; and
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119 c. that the employee has witnessed behavior by another employee that has
120 the appearance of impropriety, whether or not the behavior may have a
121 valid purpose.
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123 An employee who fails to inform the superintendent or designee as provided in
124 this section may be subject to disciplinary action, up to and including dismissal.
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126 2. Reporting by Students
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128 Any student who believes that he or she or another student has been subject to
129 misconduct that violates this policy should immediately report the situation to the
130 principal, school counselor, or the Title IX coordinator designated in policy
131 1720/4030/7235, Title IX Nondiscrimination on the Basis of Sex.
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133 3. Report of Criminal Misconduct
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135 Any principal who has reason to believe that a student has been the victim of
136 criminal conduct shall immediately report the incident in accordance with policy
137 4335, Criminal Behavior.
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139 4. Report to State Superintendent of Public Instruction
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141 Any administrator, including the superintendent, a deputy/associate/assistant
142 superintendent, a personnel administrator, or a principal, who knows or has reason
143 to believe that a licensed employee has engaged in conduct ~~which~~ **that would**
144 **justify automatic revocation of the employee's license pursuant to G.S. 115C-**
145 **270.35(b) or** involves physical or sexual abuse of a child shall report that
146 information to the State Superintendent of Public Instruction within five working
147 days of any disciplinary action, dismissal, or resignation based on the conduct.
148 For purposes of this subsection, physical abuse is the infliction of physical injury
149 other than by accidental means or in self-defense, and sexual abuse is the
150 commission of any sexual act upon a ~~child~~ **student** or causing a ~~child~~ **student** to
151 commit a sexual act, regardless of consent and the age of the ~~child~~ **student**.
152 Failure to report such conduct may result in the suspension or revocation of an
153 administrator's license by the State Board of Education.
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155 This reporting requirement applies in addition to any duty to report suspected
156 child abuse in accordance with state law and policy 4240/7312, Child Abuse and
157 Related Threats to Child Safety, as applicable.
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159 Legal References: Elementary and Secondary Education Act, 20 U.S.C. 7926; Title IX of the
160 Education Amendments of 1972, 20 U.S.C. 1681 *et seq.*, 34 C.F.R. pt. 106; G.S. 14-27.32, -
161 202.4; 115C-47(18), ~~-270.35(b)~~; 16 N.C.A.C. 6C. ~~0372, .0373-0312, .0601, .0602~~; State Board of
162 Education Policies ~~EVAl-014, LICN-007, NCAC-039~~
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164 Cross References: Governing Principle – Removal of Barriers (policy 1700), Title IX
165 Nondiscrimination on the Basis of Sex (policy 1720/4030/7235), Title IX Sexual Harassment –
166 Prohibited Conduct and Reporting Process (policy 1725/4025/7236), Title IX Sexual Harassment
167 Grievance Process (policy 1726/4036/7237), Student and Parent Grievance Procedure (policy
168 1740/4010), Child Abuse and Related Threats to Child Safety (policy 4240/7312), Bullying and
169 Harassing Behavior Prohibited (policy 4329/7311), Criminal Behavior (policy 4335), School
170 Volunteers (policy 5015), Staff Responsibilities (policy 7300), Employee Use of Social Media
171 (policy 7335)
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176 17, 2020; February 15, 2021; [DATE]