

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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- c. whether the communication(s) could reasonably be viewed as a solicitation of sexual contact or the courting of a romantic relationship, including sexual grooming;
  - d. whether there was an attempt to conceal the communication(s) from the employee's supervisor and/or the student's parent or guardian;
  - e. whether the communication(s) created a disruption of the educational environment; and
  - f. whether the communication(s) harmed the student in any manner.

102 **C. REPORTING INAPPROPRIATE CONDUCT**

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104 **1. Reporting by Employees**

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

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- a. that another employee is involved in a romantic or other inappropriate relationship or has had sexual contact with a student;
  - b. that another employee has engaged in other behavior prohibited by this policy; and
  - c. that the employee has witnessed behavior by another employee that has the appearance of impropriety, whether or not the behavior may have a valid purpose.

119 An employee who fails to inform the superintendent or designee as provided in  
120 this section may be subject to disciplinary action, up to and including dismissal.

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122 **2. Reporting by Students**

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124 Any student who believes that he or she or another student has been subject to  
125 misconduct that violates this policy should immediately report the situation to the  
126 principal, school counselor, or the Title IX coordinator designated in policy  
127 1720/4015/7225, Discrimination, Harassment, and Bullying Complaint Procedure.

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129 **3. Report of Criminal Misconduct**

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131 Any principal who has reason to believe that a student has been the victim of  
132 criminal conduct shall immediately report the incident in accordance with policy  
133 4335, Criminal Behavior.  
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135 **4. Report to State Superintendent of Public Instruction**  
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137 Any administrator, including the superintendent, a deputy/associate/assistant  
138 superintendent, a personnel administrator, or a principal, who knows or has reason  
139 to believe that a licensed employee has engaged in conduct which involves  
140 physical or sexual abuse of a child shall report that information to the State  
141 Superintendent of Public Instruction within five working days of any disciplinary  
142 action, dismissal, or resignation based on the conduct. For purposes of this  
143 subsection, physical abuse is the infliction of physical injury other than by  
144 accidental means or in self-defense, and sexual abuse is the commission of any  
145 sexual act upon a child or causing a child to commit a sexual act, regardless of  
146 consent and the age of the child. Failure to report such conduct may result in the  
147 suspension or revocation of an administrator's license by the State Board of  
148 Education.  
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150 This reporting requirement applies in addition to any duty to report suspected  
151 child abuse in accordance with state law and policy 4240/7312, Child Abuse –  
152 Reports and Investigations, as applicable.  
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154 Legal References: Elementary and Secondary Education Act, 20 U.S.C. 7926; Title IX of the  
155 Education Amendments of 1972, 20 U.S.C. 1681 *et seq.*, 34 C.F.R. pt. 106; G.S. 14-27.32, -  
156 202.4; 115C-47(18); 16 N.C.A.C. 6C.0312, .0601, .0602; State Board of Education Policies  
157 ~~TCP-C-014~~ **EVAl-014, LICN-007, NCAC-6C.0312**  
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159 Cross References: Governing Principle – Removal of Barriers (policy 1700), Prohibition  
160 Against Discrimination, Harassment, and Bullying (policy 1710/4021/7230), Discrimination,  
161 Harassment, and Bullying Complaint Procedure (policy 1720/4015/7225), Student and Parent  
162 Grievance Procedure (policy 1740/4010), **Child Abuse – Reports and Investigations (policy**  
163 **4240/7312)**, Criminal Behavior (policy 4335), Staff Responsibilities (policy 7300), Employee  
164 Use of Social Media (policy 7335)  
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166 Adopted: June 15, 2015  
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168 Revised: November 19, 2015; November 21, 2016; **[DATE]**