

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.
7

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.
14

15 For the purposes of this policy, the terms “staff” and “employees” include independent
16 contractors, ~~and~~ school safety officers, **and volunteers**, but do not include student employees **or**
17 **student volunteers**.
18

19 **A. ROMANTIC RELATIONSHIPS AND SEXUAL CONTACT PROHIBITED**
20

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.
29

30 **B. RESTRICTIONS ON ELECTRONIC COMMUNICATIONS**
31

- 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.
39
- 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.
44

- 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:
50
- 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), and (3) occurs after
55 the employee has given prior notice to his or her supervisor or designee
56 that such communications will occur;
57
 - 58 b. the communication serves an educational purpose and is simultaneously
59 copied or transmitted to the employee's supervisor or designee, and, upon
60 request, to the parent or guardian;
61
 - 62 c. the communication is necessary in a bona fide emergency, provide the
63 communication is disclosed to the supervisor and parent or guardian as
64 soon as reasonably possible;
65
 - 66 d. the communication derives from a relationship or association outside of
67 the school setting and occurs with the consent of the parent or guardian,
68 provided such communication does not otherwise violate this or other
69 board policy.
70
- 71 Any one-to-one electronic communication permitted by this subsection must meet
72 the professional standards established in this policy and must otherwise be
73 consistent with law and all other board policies.
74
- 75 4. It is the duty of every employee to notify his or her supervisor of any unsolicited
76 one-to-one communication, in any form, electronic or otherwise, received from a
77 student when the communication lacks a clear educational purpose. School
78 counselors are excluded from this requirement only to the extent that it conflicts
79 with their professional duties.
80
- 81 5. Violations of this section will be considered unprofessional behavior subject to
82 discipline, up to and including dismissal. Factors that may be relevant to the
83 determination of an appropriate disciplinary response to unauthorized
84 communications with students include, but are not limited to:
85
- 86 a. the content, frequency, subject, and timing of the communications(s);
87
 - 88 b. whether the communication(s) was appropriate to the student's age and

- 89 maturity level;
- 90
- 91 c. whether the communication(s) could reasonably be viewed as a
- 92 solicitation of sexual contact or the courting of a romantic relationship,
- 93 including sexual grooming;
- 94
- 95 d. whether there was an attempt to conceal the communication(s) from the
- 96 employee's supervisor and/or the student's parent or guardian;
- 97
- 98 e. whether the communication(s) created a disruption of the educational
- 99 environment; and
- 100
- 101 f. whether the communication(s) harmed the student in any manner.
- 102

103 C. REPORTING INAPPROPRIATE CONDUCT

104 1. Reporting by Employees

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

106 report that information to the superintendent or designee:

107

- 108
- 109
- 110 a. that another employee is involved in a romantic or other inappropriate
- 111 relationship or has had sexual contact with a student;
- 112
- 113 b. that another employee has engaged in other behavior prohibited by this
- 114 policy; and
- 115
- 116 c. that the employee has witnessed behavior by another employee that has
- 117 the appearance of impropriety, whether or not the behavior may have a
- 118 valid purpose.
- 119

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

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

122

123 2. Reporting by Students

124

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

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

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

128 1720/4015/7225, Discrimination, Harassment, and Bullying Complaint Procedure.

129

130 3. Report of Criminal Misconduct

131

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.
135

136 4. Report to State Superintendent of Public Instruction

137
138 Any administrator, including the superintendent, a deputy/associate/assistant
139 superintendent, a personnel administrator, or a principal, who knows or has reason
140 to believe that a licensed employee has engaged in conduct which involves
141 physical or sexual abuse of a child shall report that information to the State
142 Superintendent of Public Instruction within five working days of any disciplinary
143 action, dismissal, or resignation based on the conduct. For purposes of this
144 subsection, physical abuse is the infliction of physical injury other than by
145 accidental means or in self-defense, and sexual abuse is the commission of any
146 sexual act upon a child or causing a child to commit a sexual act, regardless of
147 consent and the age of the child. Failure to report such conduct may result in the
148 suspension or revocation of an administrator's license by the State Board of
149 Education.
150

151 This reporting requirement applies in addition to any duty to report suspected
152 child abuse in accordance with state law and policy 4240/7312, Child Abuse –
153 Reports and Investigations, as applicable.
154

155 Legal References: Elementary and Secondary Education Act, 20 U.S.C. 7926; Title IX of the
156 Education Amendments of 1972, 20 U.S.C. 1681 *et seq.*, 34 C.F.R. pt. 106; G.S. 14-27.32, -
157 202.4; 115C-47(18); 16 N.C.A.C. 6C.0312, .0601, .0602; State Board of Education Policies
158 EVAL-014, LICN-007, NCAC-0396C.0312
159

160 Cross References: Governing Principle – Removal of Barriers (policy 1700), Prohibition
161 Against Discrimination, Harassment, and Bullying (policy 1710/4021/7230), Discrimination,
162 Harassment, and Bullying Complaint Procedure (policy 1720/4015/7225), Student and Parent
163 Grievance Procedure (policy 1740/4010), Child Abuse – Reports and Investigations (policy
164 4240/7312), Criminal Behavior (policy 4335), **School Volunteers (policy 5015)**, Staff
165 Responsibilities (policy 7300), Employee Use of Social Media (policy 7335)
166

167 Adopted: June 15, 2015
168

169 Revised: November 19, 2015; November 21, 2016; March 5, 2018; **[DATE]**