Staff–Student Relations/ Ethical Boundaries

For the purposes of this policy, an “educator” is any person employed in any capacity by the district, who has the opportunity, privilege and responsibility of interacting with students on behalf of the district. Educator – student relationships are important in creating a productive school or classroom climate and to the individual success of students. The educator – student relationship is a reciprocal relationship that is continually developing. In fostering these developing relationships, staff must be aware that there is a line between a relationship that promotes motivation and learning and one that hinders motivation and learning. As the professional and the adult in these relationships, the staff member must be prepared to set parameters and limits to maintain an ethical relationship based upon trust.

It is this foundation of trust that creates the duty of teachers to act as a fiduciary in their students’ best interest and to create and maintain a safe classroom environment for their students.

Educators develop a foundation of trust and healthy relationships with students through ethical behavior. Ethical behavior is acting conscientiously within appropriate boundaries.

Although there are certain behaviors between an educator and student that are always appropriate or inappropriate, sometimes what is appropriate in one instance may not be appropriate in another. Boundaries exist to distinguish between what is appropriate and what is inappropriate in relationships. Boundaries are established to protect both educator and student from the potential, or supposed, abuse of power, control and influence.

Following are examples of boundaries. This list is not all inclusive and is set forth as a guideline only, to help teachers in maintaining an appropriate relationship with students. As professionals, educators are called upon to make judgments, and these guidelines are designed to assist such judgment regarding ethical boundaries.

1. Curricular Boundaries: what is presented in the classroom must be appropriate for the age and maturity of the students.

2. Emotional Boundaries: educators need to control their emotions and resist acting in anger; avoid sarcasm, or demeaning and insulting behavior toward their students; and avoid cursing at students or in front of students.

3. Relationship Boundaries: it is always inappropriate for an educator to engage in a romantic or sexual relationship with a student; intimate gestures and language are to be avoided. Meeting one on one with a student for an educational purpose may be appropriate, but meeting in a private or secluded setting for a non-educational purpose is inappropriate. Complaints or allegations of an inappropriate relationship will be investigated per the attached regulation, DEBD-AR.
4. Power Boundaries: educators may not use their authority to harm a student nor allow a student to violate school rules or law; and may not reward or punish a student based on their relationship with the teacher, their popularity or favors done by the student for the educator.

5. Institutional Boundaries: educators should use caution and judgment with contact outside of the school or activity setting. Educators should use caution both outside of school and even within the school or activity setting in spending time alone with individual students. Educators should avoid transporting students alone, except in case of emergencies and/or with full knowledge of a supervisor and/or parent/guardian.

6. Communication Boundaries: Except for such personnel as trained counselors, psychologists or social workers in the school setting, other educators' conversations about highly personal matters with a student are generally inappropriate and should be avoided. Engaging in conversations with a student when the student is sharing information that does not benefit the student crosses ethical boundaries. Breaches in confidentiality and offering advice on personal matters should be avoided. Telephone conversations with students should be limited to school related topics, be of short duration and should be limited to day time or early evening time periods; and, since educators are mandated reporters they should make it clear to students that there are conversations that cannot be kept confidential. Engaging in friendships with students through the use of email, texting or social media should be avoided. Staff should also avoid the sharing of highly personal information about their own private lives with students.

7. Temporal Boundaries: spending too much time with one student detracts from time available for other students and gives the impression of favoritism, and may create the potential for or perception of violation of other ethical boundaries.

8. Expertise Boundaries: Only educators trained to do so may act as a counselor, therapist or social worker. Educators' mentoring of students should be limited to academic or activity-related roles. In other matters, educators may listen to and encourage students and, when appropriate, should refer students to school professionals who are trained to deal with serious issues.

Every decision made by an educator with respect to her or his students should be prefaced with the question “Whose needs are being met by my course of action?” The only acceptable answer is “the needs of the student.” When teachers become confidants, friends or counselors of students, a dual relationship exists which creates an ambiguity in the teacher – student relationship where roles are less defined. This ambiguity can foster inappropriate actions and the potential for educator misconduct.
Alleged violations of this policy will be investigated following District policies and state law and, if it is determined a teacher has violated this policy, appropriate disciplinary action will be taken.

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Reviewed:
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Staff-Student Relations - District Actions and Investigative Process Relative to DEBD-AP.3

West Fargo Public Schools requires employees, volunteers, and students to treat one another with respect and professionalism. All employees and volunteers are expected to exercise good judgment and maintain professional boundaries when interacting with students at all times, on and off school property.

Prohibited Behavior
Any behavior of a sexual nature towards students is strictly prohibited. Such behavior includes but is not limited to the following:

1. Any activity that may lead to a sexual relationship such as non-school related electronic communications including but not limited to phone calls, texting, e-mail exchanges, or activity on social media; dating; sending intimate correspondence; and/or engaging in sexualized dialogue.
2. Any sexual relationship between an employee or volunteer and a current student, regardless of his/her age, or a former student under the age of 18.
3. Any conduct by an employee or volunteer that would constitute a sexual offense as defined in state law.

Individuals aware of any of these prohibited behaviors are expected to report such action to a building administrator or the Superintendent. All reported prohibited behavior shall be investigated. If disciplinary action is deemed warranted at the completion of the investigation, the District shall take appropriate action up to and including termination of employment in accordance with law and/or reporting such activity to appropriate state licensing and law enforcement officials.

School District Action
Upon receipt of a complaint or report of a sexual relationship between a staff member and student, the school district shall undertake or authorize an investigation by school district officials or a third party designated by the school district. The school district investigation may be suspended in deference to an active criminal investigation by law enforcement. West Fargo Public School District will respect the privacy of the complainant(s), the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the school district's obligation to investigate, take appropriate action, and comply with any legal disclosure obligations.

Investigation Timeframes
The investigation shall be completed within 60 days of the report or incident in the case of an investigation suspended or deferred to law enforcement, conclusion of a district investigation will be completed within 60 days of conclusion of the legal investigation or process.
Investigation Report
After the fact-gathering process, the investigator shall complete a written report containing a determination of whether allegations were substantiated, whether this policy was violated, and recommendations for corrective action, if any. These determinations shall be made on a case-by-case basis. The investigator shall assess if a violation of this policy occurred based on, but not limited to, the following criteria:

1. Whether evidence suggests a pattern of conduct supporting of disproving the allegations
2. Ages of the parties involved
3. Relationship between the parties involved
4. Severity of the conduct
5. How often the conduct occurred, if applicable
6. How the District resolved similar complaints, if any, in the past.

The investigation letter shall indicate if any measures shall be instituted to protect the complainant. Such measures may include, but not be limited to, extending any interim protection measures taken during the investigation. The letter shall also inform the complainant of support services available.

The resolution listed in the investigation report shall be final and binding; however, nothing shall prevent the parties from seeking judicial redress through a court of competent jurisdiction or through any applicable state or federal complaint procedures.

Disciplinary Action
Upon receipt of an investigation letter which indicates that the complaint is valid, the Human Resources Officer shall review the findings and recommendation of the investigator and confirm or determine the appropriate disciplinary action if the individual(s) against whom the complaint is filed is an employee. If disciplinary action is deemed warranted at the completion of the investigation, the District shall take appropriate action up to and including termination of employment in accordance with law and/or reporting such activity to appropriate state licensing and law enforcement officials. A post investigation report may be placed in the appropriate personnel file.

The results of the investigation and the disciplinary action taken will be reported in writing to the complainant by the principal or Human Resources Officer within ten working days following the receipt of the investigation report which validated the complaint.

Reprisal
The school district will discipline or take appropriate action against any student, teacher, administrator, volunteer, contractor, or other employee of the school district who retaliates against any person who makes a good faith report, testifies, assists, or participates in an investigation, or participates in a proceeding or hearing relating to inappropriate relations between students and staff members. Retaliation includes, but is not limited to, any form of intimidation, harassment, or intentional disparate treatment.
Victim Protection
When the District confirms that a violation of this policy has occurred, it shall notify the victim/victim’s parents and shall implement victim protection strategies. These strategies shall be developed on a case-by-case basis after administration has reviewed the totality of the circumstances surrounding the incident(s) or other violations of this policy. Strategies may include, but not be limited to, the following:

- Additional training for all students and applicable staff on implementation of this policy and/or prevention.
- Notice to the victim’s teachers and other staff to monitor the victim and his/her interaction with peers and/or the assignment of a staff member to escort the student between classes.
- Assignment of district staff to monitor, more frequently, areas in the school where incidents have occurred.
- Referral to counseling services for the victim and perpetrator.
- Modification of the classroom assignment/schedule(s) and other appropriate measures imposed to minimize the contact between a perpetrator and the victim.

Document Retention
In accordance with the North Dakota Century Code, all investigation reports will be forwarded and filed with the Human Resource Department. Report forms and all other documentation related to an investigation of an alleged violation of this policy shall be retained by the District for six years after a student turns 18 or graduates from high school, whichever is later. If a student does not graduate from the District, such reports and investigation material shall be retained for six years after the student turns 18. For employees, investigation reports shall be retained by the District during the time of employment and six years post-employment.

Employee Assistance Program
For persons employed by the school system who are involved in an investigation process or incident, the West Fargo School District provides the Employee Assistance Program (EAP). The intent of this program in this case would be to help the employee deal with the psychological effects of being involved in the process.

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Professional Boundaries Checklist

Taking an Undue Interest in a Particular Student:
1. Favoring certain students by giving them special privileges.
2. Favoring certain students, inviting them to come to the classroom at non-class times.
3. Getting a particular student out of class to visit the teacher during the teacher’s prep period.
4. Engaging in peer-like behavior with students.

Using Poor Judgment in Relation to a Particular Student:
5. Allowing a particular student to get away with inappropriate behavior.
6. Being alone with the student behind closed doors at school.
7. Giving gifts or money to the student.
8. Being overly "touchy" with certain students or touching students for no educational or health reason.
9. Giving students rides in the educator’s personal vehicle, especially alone.
10. Frequent electronic communication or phone contacts with a particular student.

Becoming Involved in the Student’s Private Life:
11. Talking to the student about the educator’s personal problems.
12. Talking to the student about the student’s personal problems to the extent that the adult becomes a confidant of the student when it is not the adult’s job role to do so.
13. Initiating or extending contact with students beyond the school day.
14. Taking a particular student on outings, especially personal outings, away from protective adults.
15. Using e-mail, text-messaging, instant messaging, or social networking to discuss personal topics or interests with students.

Not Respecting Normal Boundaries:
16. Invading the student’s physical privacy (e.g., walking in on the student in the bathroom).
17. Inviting students to the teacher’s home.
18. Visiting the student’s home.
19. Asking the student to keep certain things secret from his/her parents.

Sexually Related Conduct:
20. Engaging in sex talk with students (sexual innuendo, sexual banter, or sexual jokes).
21. Talking with a student about sexual topics that are not related to a specific curriculum.
22. Showing pornography to the student.
23. Hugging, kissing, or other affectionate physical contact with a student.