

1000 FOUNDATIONS AND BASIC COMMITMENTS**1217 Maintaining Professional Adult/Student Boundaries****I. Purpose and Definitions**

This Policy applies to District employees, volunteers, student teachers, independent contractors and their employees, and school board members who interact with students or are present on school grounds. For purposes of this Policy, such individuals are referred to collectively as **adults**. The term **adults** as used in this Policy, does not include District students who perform services on a volunteer or compensated basis.

All adults shall be expected to maintain professional, moral and ethical relationships with District students which are conducive to an effective, safe learning environment. This Policy addresses a range of behaviors including not only obviously unlawful or improper interactions with students, but also precursor grooming and other boundary-blurring behaviors that can lead to more egregious misconduct.

This Policy is not intended to interfere with appropriate pre-existing personal relationships between adults and students and their families that exist independently of the District or to interfere with participation in civic, religious, or other outside organizations which include District students.

For purposes of this Policy, the term **legitimate educational reasons** means matters or communications related to teaching, counseling, athletics, extracurricular activities, treatment of a student's physical injury or other medical needs, school administration, or other purposes within the scope of the adult's job duties.

For purposes of this Policy, the term **educator means** a person who holds a certificate, who is a charter or cyber charter school staff member or who is a contracted educational provider staff member.

For purposes of this Policy, **electronic communication** shall mean a communication transmitted by means of an electronic device including, but not limited to, a telephone, cellular telephone, computer, computer network, personal data assistant or pager. Electronic communications include, but are not limited to, emails, instant messages, and communications made by means of an Internet website, including social media and other networking websites.

II. Guidelines

Adults shall establish and maintain appropriate personal boundaries with students and not engage in any behavior prohibited by this Policy or which creates the appearance of prohibited behavior.

III. Prohibited Conduct

A. Romantic or Sexual Relationships

Adults shall be prohibited from dating, courting, or entering into or attempting to form a romantic or sexual relationship with any student enrolled in the District, regardless of the student's age. Students of any age are not legally capable of consenting to romantic or sexual interactions with adults.

Prohibited romantic or sexual interaction involving students includes, but is not limited to:

1. Sexual physical contact.
2. Romantic flirtation, propositions, or sexual remarks.
3. Sexual slurs, leering, epithets, sexual or derogatory comments.
4. Personal comments about a student's body.
5. Sexual jokes, notes, stories, drawings, gestures or pictures.
6. Spreading sexual or romantic rumors.
7. Touching a student's body or clothes in a sexual or intimate way.
8. Accepting massages, or offering or giving massages other than in the course of injury care administered by an athletic trainer, coach, or health care provider.
9. Restricting a student's freedom of movement in a sexually intimidating or provocative manner.
10. Displaying or transmitting sexual objects, pictures, or depictions.

B. Social Interactions

In order to maintain professional boundaries, adults shall ensure their social interactions with students are appropriate.

Examples of conduct violating professional boundaries include, but are not limited to, the following (whether the following conduct, or other conduct not identified below, violates this Policy shall be determined based on the totality of all of the relevant circumstances):

1. Disclosing personal, sexual, family, employment concerns or other private matters to one or more students.
2. Exchanging notes, emails or other communications of a personal nature with a student.
3. Giving personal gifts, cards or letters to a student without written approval from the building principal.
4. Touching students without a legitimate educational reason. (Reasons could include the need for assistance when injured, a kindergartner having a toileting accident and requiring assistance, appropriate coaching instruction, or appropriate music instruction).
5. Singling out a particular student or students for personal attention or friendship beyond the ordinary professional adult-student relationship.
6. Taking a student out of class without a legitimate educational reason.
7. Being alone with a student behind closed doors without a legitimate educational reason.
8. Initiating or extending contact with a student beyond the school day or outside of class times without a legitimate educational reason.
9. Sending or accompanying a student on personal errands.
10. Inviting a student to the adult's home.
11. Going to a student's home without a legitimate educational reason.

12. Taking a student on outings without prior notification to and approval from both the parent/guardian and the building principal.
13. Giving a student a ride alone in a vehicle in a nonemergency situation without prior notification to and approval from both the parent/guardian and the building principal.
14. Addressing students or permitting students to address adults with personalized terms of endearment, pet names, or otherwise in an overly familiar manner.
15. Telling a student personal secrets or sharing personal secrets with a student.
16. For adults who are not guidance/counseling staff, psychologists, social workers or other adults with designated responsibilities to counsel students, encouraging students to confide their personal or family problems and/or relationships. If a student initiates such discussions, the student should be referred to the appropriate school resource.
17. Furnishing alcohol, drugs or tobacco to a student or being present where any student is consuming these substances.
18. Engaging in harassing or discriminatory conduct prohibited by other District policies or by state or federal law and regulations.

C. Electronic Communications

As with other forms of communication, when communicating electronically, adults shall maintain professional boundaries with students. Electronic communication with students shall be for legitimate educational reasons only.

When available, District-provided email or other District-provided communication devices shall be used when communicating electronically with students. The use of District-provided email or other District-provided communication devices shall be in accordance with District policies and procedures.

All electronic communications from coaches and advisors to team or club members shall be sent in a single communication to all participating team or club members, except for communications concerning an individual student's medical or academic privacy matters, in which case the communications will be copied to the building principal. In the case of sports teams under the direction of the Athletic Director, such medical or academic communications shall also be copied to the Athletic Director.

Adults shall not follow or accept requests for current students to be friends or connections on personal social networking sites and shall not create any networking site for communication with students other than those provided by the District for this purpose, without the prior written approval of the building principal.

IV. Exceptions

An emergency situation or a legitimate educational reason may justify deviation from professional boundaries set out in this Policy. The adult shall be prepared to articulate the reason for any deviation from the requirements of this Policy and must demonstrate that he/she has maintained an appropriate relationship with the student. Under no circumstance will an educational or other reason justify deviation from the "Romantic and Sexual Relationships" section of this Policy.

There will be circumstances where personal relationships develop between an adult and a student's family, e.g. when their children become friends. This Policy is not intended to interfere with such relationships or to limit activities that are normally consistent with such relationships. Adults are strongly encouraged to maintain professional boundaries appropriate to the nature of the activity.

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2 It is understood that many adults are involved in various other roles in the community through non-
3 District-related civic, religious, athletic, scouting, or other organizations and programs whose
4 participants may include District students. Such community involvement is commendable, and this
5 Policy is not intended to interfere with or restrict an adult's ability to serve in those roles; however,
6 adults are strongly encouraged to maintain professional boundaries appropriate to the nature of the
7 activity with regard to all youth with whom they interact in the course of their community
8 involvement.
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10 V. Reporting Inappropriate or Suspicious Conduct and the Investigation Process
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12 Any person, including a student, who has concerns about or is uncomfortable with a relationship or
13 interaction between an adult and a student shall immediately notify the building principal, who shall
14 immediately notify the Superintendent. Once notified of a potential violation of this Policy, the
15 Superintendent shall refer the matter to the District's Title IX Coordinator. The Title IX Coordinator
16 shall then:
17

- 18 1. Contact the student's parents/guardians inform the student and his/her parents/guardians of the
19 student's rights and of the process to address the matter.
20
- 21 2. Conduct an impartial, thorough and confidential investigation of the alleged conduct. In
22 conducting the investigation, the Title IX Coordinator shall identify any other District employees
23 who will assist in conducting the investigation and shall consult with legal counsel regarding the
24 investigation and the rights of the complainant and the accused involved in the investigation. The
25 confidentiality of all parties shall be maintained, consistent with the District's legal and
26 investigative obligations.
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- 28 3. Provide the findings of the investigation to the student, the student's parents/guardians, and the
29 accused.
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- 31 4. If the investigation results in finding inappropriate conduct occurred, the Title IX Coordinator, in
32 consultation with legal counsel, shall implement appropriate corrective action designed to cease
33 the conduct and prevent a recurrence.
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35 If the building principal is the person being accused, any person, including a student, who has concerns about
36 or is uncomfortable with a relationship or interaction between the principal and a student, shall immediately
37 notify the school's guidance counselor, who shall immediately notify the Superintendent. Once notified of a
38 potential violation of this Policy, the Superintendent shall refer the matter to the District's Title IX
39 Coordinator to carry out the process identified in items 1 through 4 above.
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41 If the Superintendent is the person being accused, the building principal shall report the matter directly to the
42 District's Title IX Coordinator to carry out the process identified in items 1 through 4 above.
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44 If the Title IX Coordinator is the person being accused, the Superintendent shall promptly consult with legal
45 counsel to determine who shall be responsible for carrying out the process identified in items 1 through 4
46 above.
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48 It is understood that some reports made pursuant to this Policy will be based on rumors or
49 misunderstandings; the mere fact that the reported adult is cleared of any wrongdoing shall not result
50 in disciplinary action against the reporter or any witnesses. If as the result of an investigation any
51 individual, including the reported adult, the reporter, or a witness is found to have knowingly

provided false information in making the report or during the investigation or hearings related to the report, or if any individual intentionally obstructs the investigation or hearings, this may be addressed as a violation of this Policy and other applicable laws, regulations and District policies. **Obstruction** includes, but is not limited to, violation of “no contact” orders given to the reported adult, attempting to alter or influence witness testimony, and destruction of, or hiding, evidence.

VI. Additional Reporting Requirements

All District employees, independent contractors and volunteers who have reasonable cause to suspect that a child is the victim of child abuse, shall immediately report the suspected abuse, in accordance with applicable law, regulations and Policy 7020.

An educator who knows of any action, inaction or conduct which constitutes sexual abuse or exploitation or sexual misconduct under the Educator Discipline Act shall report such misconduct to PDE on the required form, and shall report such misconduct to the Superintendent and his/her immediate supervisor, within fifteen (15) days of discovery of such misconduct.

If the Superintendent or designee reasonably suspects that conduct being reported involves an incident required to be reported under the Child Protective Services Law, the Educator Discipline Act or the Safe Schools Act, the Superintendent or designee shall make a report, in accordance with applicable law, regulations, Policy 7020, and the District’s Memorandum of Understanding with Law Enforcement.

VII. Retaliation Prohibited

There shall be no retaliation against any person who has, in good faith, reported a potential violation of this Policy or assisted in reporting a potential violation; served as a witness or representative of the complainant; rejected prohibited behavior by an adult; or who has otherwise taken any reasonable action to stop prohibited behavior by an adult.

Any individual who believes that he/she has been subject to retaliation shall report the alleged retaliation to the Superintendent, who shall refer the matter to the Title IX Coordinator. The Title IX Coordinator shall then consult with legal counsel and promptly conduct an impartial, thorough and confidential investigation of the alleged retaliation.

If the Superintendent is the person being accused of retaliation, the complainant shall report the alleged retaliation to the Human Resources Supervisor, who shall refer the complaint to the District’s Title IX Coordinator.

If the Title IX Coordinator is the person being accused of harassment and/or sexual harassment, upon receiving a report of retaliation, the Superintendent shall consult with legal counsel and promptly conduct an impartial, thorough and confidential investigation of the alleged retaliation.

VIII. Disciplinary Action

A District employee who violates this Policy may be subject to disciplinary action, up to and including termination, in accordance with all applicable District disciplinary policies and procedures.

A volunteer, student teacher, or independent contractor or an employee of an independent contractor who violates this Policy may be prohibited from working or serving in District schools or on vehicles transporting District students for an appropriate period of time or permanently, as determined by the Superintendent or designee.

Any school board member who violates this Policy shall be subject to any adverse action which is permitted by law be to be taken against a school board member.

A violation of this Policy may also lead to additional adverse actions including, but not limited to, an exclusion from District property for a period of time determined appropriate by the Superintendent or his/her designee; a report to law enforcement; the termination of any contract with a contractor/vendor; and a contractor/vendor being ineligible for, or an unqualified bidder for, any future contracts to be awarded by the District.

IX . Handbooks and Website

This Policy shall be included in applicable handbooks and posted on the District website.

X. Obligation of Independent Contractors

Independent contractors doing business with the District shall ensure their employees who have interaction with students, or are present on school grounds or vehicles transporting District students, are informed of the provisions of this Policy.

Adoption Date	- August 12, 2019
Review Date	-
Revision Date	-
Legal Reference	- 24 P.S. §510; 24 P.S. §2070.1(a); 24 P.S. §2070.9(a); 24 P.S. §1302.1-A; 24 P.S. §1303-A; 23 Pa.C.S.A §6301; 23 Pa.C.S.A §6311; 22 Pa. Code §10.2; 22 Pa. Code §10.21; 22 Pa. Code §10.22; 22 Pa. Code §235.1 <i>et. seq.</i>
Cross Reference	- Policies 5002, 5404, 5415, 7020, 7135, 7230, 9646, 9950, and 1215