

## **STAFF/STUDENT PROFESSIONAL BOUNDARIES**

### **POLICY**

All staff are required to maintain appropriate professional, moral, and ethical relationships in their conduct with students and shall serve as positive role models for students at all times, whether on or off <DISTRICT/CHARTER> property, both during and outside of school hours. The <DISTRICT/CHARTER> encourages healthy relationships between students and staff members that promote student achievement and success. At the same time, clear and reasonable boundaries for interactions between students and staff members are necessary to protect students from sexual misconduct and abuse and to protect staff members from misunderstandings and false accusations. In particular, a teacher is in a position of trust and power. A teacher's actions must always be guided by the principle of what is in the best interests of the students.

All staff have a responsibility to provide and support an atmosphere conducive to learning through consistent and fairly applied discipline and the maintenance of professional physical and emotional boundaries with students. These boundaries shall be maintained regardless of the student's age, the perceived consensual nature of the relationship or activity, the location of the activity, or whether the staff member directly supervises the student. For staff members whose children are students in the <DISTRICT/CHARTER>, this Policy is not intended to violate or otherwise intrude upon the usual parent/child or other family relationship. However, the existence of a parent/child or other family relationship does not supersede the staff member's duty to attend to his or her professional responsibility to serve the interests of the School District, its student population and the local community. Should the staff member believe that these duties are in conflict, he or she shall discuss it with his or her supervisor to resolve the issue.

Personal contact between students and staff must always be professional, non-sexual, appropriate to the circumstances, and unambiguous in meaning. A boundary invasion is an act, omission, or pattern of behavior by a staff member that does not have an educational purpose and either abuses or compromises the staff/student professional relationship or has the potential to abuse or compromise the staff/student professional relationship.

Staff members shall establish and maintain appropriate personal boundaries with students and not engage in any behavior that is prohibited by law, regulation, or this Policy or that creates the appearance of prohibited behavior. All staff shall be required to maintain professional and ethical relationships with <DISTRICT/CHARTER> students that are conducive to an effective, safe learning environment. This Policy addresses a range of behaviors that include not only obviously unlawful or improper interactions with students, but also precursor grooming and other boundary -blurring behaviors that have the intention or effect of leading to more egregious misconduct.

It is the responsibility of the <DISTRICT/CHARTER>'s staff to maintain a professional relationship with students and their families, and staff members have a responsibility to report to the <DISTRICT/CHARTER>'s principal, human resources, or to any other appropriate administrator when they suspect, recognize or observe the development of, or suspicion of the development of non-professional or potentially inappropriate personal relationships with students and/or their families.

## **DEFINITIONS**

***Duty of Care*** – A common law concept that refers to the responsibility of staff to provide children and young people with an adequate level of protection against harm. It is usually expressed as a duty to take reasonable care to protect children and young people from all reasonably foreseeable risk or injury.

***Electronic Communications*** – 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, texts, instant messages, and communications made by means of an Internet website, including social media and other networking websites.

***Hazing*** - Any action intentionally or recklessly taken or situation intentionally or recklessly created through which individuals are forced to perform, participate in or endure actions which endanger the mental, physical, or academic health or safety of a student. This may include, but not be limited to such actions which result in physical injury, assault or battery, kidnapping or imprisonment, intentionally placing a student at risk of mental or emotional harm, degradation, humiliation, intimidation or coercion, the compromising of moral or religious values, forced consumption of any liquid or solid, placing an individual in physical danger or at risk, or impairment of or interference with physical liberties or academic endeavors.

***Inappropriate Boundary Invasion*** – An act, omission, or pattern of such behavior by a school employee or other adult that invades or is designed to result in an invasion of a student’s physical or emotional boundaries, *does not have a legitimate educational purpose*, and results in abuse of the staff/student professional relationship.

***Legitimate Educational Purpose or Reason*** – 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 staff member’s job duties, including performing a task specified in his or her position description or contract agreement, a task related to a student’s education or to discipline of a student, providing a service or benefit related to the student or student’s family, or maintaining the safety and security of the school community.

***Professional Boundaries*** – appropriate professional, moral, and ethical relationships with students that have a legitimate educational purpose or reason on or off <DISTRICT/CHARTER> property, both during and outside of school hours.

***Staff*** – For purposes of this Policy, the term “staff” is defined to include all <DISTRICT/CHARTER> employees, including but not limited to all administrators, counselors, teachers, nurses, librarians, student support specialists, support staff, non-instructional staff, coaches, employees of virtual school programs, to include but not be limited to distance learning, online programs, and vendors and/or independent contractors providing instructional services to, or who may have direct, unsupervised contact with students, as well as all student teachers, interns, practicum students, volunteers, volunteer coaches, and community members.

This Policy applies to <DISTRICT/CHARTER> employees, volunteers, student teachers, and independent contractors and their employees who interact with students, are present on school grounds and who may have unsupervised access to students.

Independent contractors doing business with the <DISTRICT/CHARTER> will ensure that their employees who have direct interaction with, or unsupervised access to students, or are present on school grounds, are informed of the provisions of this Policy and complete a criminal background check process which complies with NMSA 1978 Section 22-10A-5.

This Policy is not intended to interfere with appropriate personal or family relationships between staff and students and their families that exist independently of the <DISTRICT/CHARTER>, nor to interfere with participation in civic, religious or other outside organizations that include <DISTRICT/CHARTER> students.

The interactions and relationships between staff and students should be based upon mutual respect and trust, an understanding of the appropriate boundaries between staff and students in and outside of the educational setting, and consistency with the educational mission of the schools.

Staff will not intrude on a student's physical and emotional boundaries, unless the intrusion is necessary to serve an educational, physical, mental, and/or emotional health purpose or to prevent an immediate risk of injury or harm to the student.

Staff shall use good judgment in their relationships with students beyond their work responsibilities and/or outside the school setting and shall avoid excessive informal and social involvements with individual students. Any appearance of impropriety should be avoided. Intimate relationships between staff and students are prohibited. In addition to regular classroom instruction and extracurricular activities, appropriate occasions when staff may interact with students beyond the school day include before and after care, tutoring to improve students' academic skills, mentoring that provides students with positive role models, and hosting school-sanctioned or school-sponsored activities and events that reinforce positive behaviors.

One-on-one tutoring and mentoring offered during school or non-school hours must take place at the school or at an off-site location approved by the principal or appropriate administrator. When one-on-one tutoring and mentoring takes place away from the school, written permission from the parent/guardian must be obtained. Volunteers on <DISTRICT/CHARTER> property must be under the supervision of a <DISTRICT/CHARTER> staff member at all times.

During school-related or instructional-related events during non-school hours, staff must maintain the ethical standards applicable to their professions.

### **MANAGING PROFESSIONAL BOUNDARIES**

***Working in local communities*** - Staff working in local communities face additional challenges in managing professional boundaries. They are more likely to have social relationships with the parents/guardians of the children and young people with whom they work and are, therefore, more likely to share social and sporting events or membership at various community clubs or associations.

This means they will have legitimate reasons, on occasion, to attend social events with the children and young people with whom they work, and/or to visit their homes or to be visited by them in the company of their parents/guardians. These social engagements are an important part of community life and a positive contribution to the wellbeing of staff working in local communities.

Following the advice below will assist staff to enjoy these social engagements without compromising their professional responsibilities. The guiding principles in managing these situations are that:

- Social contact should be generated via the relationship the staff member has with the parents/guardians of children and young people or by an event, such as a sporting event.
- Staff should avoid being alone or in unsupervised settings with children and young people in these situations.
- Staff should conduct themselves in a way that will not give others reason to question their suitability to work with children and young people, and that will not create fear, discomfort, humiliation or intimidation for children and young people in their professional relationships with them.
- Consuming alcohol in these situations may lessen a staff member's capacity to judge when a professional boundary is at risk.
- Staff should politely refuse to discuss matters relating to the workplace and should not discuss children and young people's learning or social progress, other than at times specifically set aside for that purpose.

Any concern a staff member has about whether or not a situation may be compromising or breaching a professional boundary should be reported to the principal, human resources or any other appropriate administrator and an approved plan of action developed, implemented and monitored.

### **REPORTING VIOLATIONS, INAPPROPRIATE OR SUSPICIOUS CONDUCT**

Staff members are required to immediately notify the principal, human resources or any other appropriate administrator if they become aware of a situation that may constitute a violation of the law or this Policy. This obligation is in addition to the statutory responsibility to report suspected abuse and neglect under the law as implemented by Policy JLF, "Child Abuse Neglect and Reporting," or its equivalent.

Students and their parents/guardians are strongly encouraged to notify the principal, human resources or any other appropriate administrator if they believe a staff member may be engaging in conduct that violates the appropriate boundaries as specified in this Policy, puts a student at risk or which may violate the law.

Anonymous complaints involving inappropriate boundary invasions by staff members with students will be investigated as if a student, parent, or staff member reported the violation.

### **INVESTIGATION**

Allegations of inappropriate conduct shall be promptly investigated in accordance with the procedures utilized for complaints of harassment.

It is understood that some reports made pursuant to this Policy will be based on rumors or misunderstandings; the mere fact that the reported staff member is cleared of any wrongdoing shall not result in disciplinary action against the reporter or any witnesses. If as the result of an investigation any individual, including the reported staff member, the reporter, or a witness is found to have intentionally 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/CHARTER> policies. Obstruction includes but is not limited to violation of "no contact" orders given to the reported staff

member, attempting to alter or influence witness testimony by threat or intimidation, and destruction of or hiding evidence. Intimidation of a witness is a violation of the NM Criminal Code and is required to be reported to appropriate law enforcement authorities immediately upon discovery.

### **DISCIPLINARY ACTION**

A violation of this Policy by a staff member may result in disciplinary action up to and including discharge or termination of employment. In the case of termination of employment for sexual misconduct or abuse, the <DISTRICT/CHARTER> will notify the New Mexico Public Education Department. Consistent with the Public Education Department guidelines, the <DISTRICT/CHARTER> shall disclose to districts or schools seeking references any formal reprimands or dismissals for violating this Policy, even if the staff member resigned prior to the conclusion of the investigation.

### **RETALIATION**

Retaliation against students or staff members who report an improper staff/student relationship or participate in any related proceedings is prohibited. Appropriate action will be taken against students or staff members who retaliate against any student or staff member who reports alleged harassment or participates in related proceedings.

### **INAPPROPRIATE BEHAVIOR INITIATED BY A STUDENT**

In the event that a student initiates inappropriate behavior toward a staff member, the staff member must immediately document the incident and report it to the principal, human resources or any other appropriate administrator. If applicable, the appropriate administrator will intervene and speak with the student and the student's parent/guardian about the alleged inappropriate behavior, and implement necessary follow-up discipline or guidance.

### **TRAINING**

The <DISTRICT/CHARTER> shall provide annual training with respect to the provisions of this Policy to current and new <DISTRICT/CHARTER> staff and school board members who interact with students or routinely work on school grounds as part of their work for APS/DISTRICT.. or officials.

The <DISTRICT/CHARTER>, at its sole discretion, may require independent contractors and their employees who interact with students or are present on school grounds to receive training on this Policy and related procedures, including providing them with this Policy. Contracts with virtual school programs and other vendors providing instructional services to students will include a requirement that those staff members will comply with this Policy.

### **DISSEMINATION OF POLICY**

This Policy will be included on the <DISTRICT/CHARTER>'s website and in all employee, student, parent, and volunteer handbooks.

### **EXCEPTIONS**

An emergency situation or a legitimate educational reason may justify deviation from professional

boundaries set out in this Policy. The staff member shall be prepared to articulate the reason for any deviation from the requirements of this Policy and must demonstrate that s/he 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.

Nothing in this Policy statement shall set aside, void, or offend any existing state laws and school policies relating to the topics covered herein. Rather this Policy statement shall serve as a supplement to such existing authority.

**WORK RULES / REGULATIONS**

**Working one-on-one with children and young people** - The following summary of expectations applies to all situations where staff are providing one-on-one learning assistance or feedback, behavior assistance/monitoring, counseling, testing and/or assessment.

<p><b>Make it Public</b></p>	<ul style="list-style-type: none"> <li>• The more visible and/or public the location the better.</li> <li>• Use the &lt;DISTRICT/CHARTER&gt;'s authorized IT systems.</li> <li>• Do not use personal email, electronic communication, websites, and/or social media platforms to communicate with students.</li> </ul>
<p><b>Make it Authorized</b></p>	<ul style="list-style-type: none"> <li>• Parents/guardians should be informed and give consent.</li> <li>• Activity must be authorized by an appropriate administrator.</li> </ul>
<p><b>Make it Timely</b></p>	<ul style="list-style-type: none"> <li>• Provide support during normal work hours.</li> <li>• Do not conduct excessively long sessions.</li> </ul>

**Managing privacy expectations** - <DISTRICT/CHARTER> staff rely in different ways on being able to provide a degree of privacy for students. This may be to protect the student's dignity, to provide an environment conducive to the service/assessment being provided or to respect the student's desire for confidentiality.

Children and young people will often assume a high level of confidentiality when disclosing serious issues of a personal nature or reporting harassment or bullying. For these reasons, staff needs to find a careful balance between respecting the sensitive and private nature of counselling or service provided and the professional's duty of care obligations for the safety and wellbeing of the student. Good practice in managing these circumstances is the following:

- Health/physical care should be provided with respect for the student's dignity and in a manner approved by the student and his/her parents/guardians.
- Counselling should be provided in unlocked rooms with part-glass doors, where possible, that are located near staff traffic areas.
- Avoid out of hours contact.
- While parental consent is often not applicable in many counselling situations, the <DISTRICT/CHARTER> will provide all parents/guardians with written information about the school's counselling services which outlines confidentiality and privacy issues.
- Ensure student appointments and counselling notes are documented properly, while preserving appropriate levels of confidentiality.

**Conducting home visits** - Staff must ensure they follow the specific home visiting protocols that apply to the <DISTRICT/CHARTER>. The key principle is that a home visit should place no one at unreasonable risk and that identified minor risks are consciously managed. A summary of general expectations is provided below.

<b>Inform</b>	Home visits must be authorized and documented by the administration and the <DISTRICT/CHARTER> must have information about when and where visits are being undertaken and the expected departure and return times.
<b>Prepare</b>	<ul style="list-style-type: none"> <li>• All available information about the safety of the proposed visit must be considered and risks managed.</li> <li>• Mobile phones must be taken and &lt;DISTRICT/CHARTER&gt; ID should be visible.</li> <li>• Parents/guardians are to be notified in advance of the intended visit.</li> </ul>
<b>Protect</b>	<ul style="list-style-type: none"> <li>• Do not enter the house if parents/guardians are not at home.</li> <li>• Speak with the student where the parent/guardian is present or clearly visible.</li> <li>• Do not interview or interact with students in bedrooms or other locations not conducive to the purpose of the visit.</li> <li>• Have a colleague accompany if problems are anticipated.</li> <li>• Document the visit.</li> </ul>

**UNACCEPTABLE AND PROHIBITED CONDUCT**

***Examples of boundary invasions by staff members include but are not limited to the following:***

- Any type of inappropriate physical contact with a student or any other conduct that might be considered harassment under the law or <DISTRICT/CHARTER> Policies addressing the prohibition against Harassment and Retaliation.
- Condoning hazing, initiations or other rituals that causes embarrassment, harassment or ridicule and risks emotional and/or physical harm to students, regardless of the student’s willingness to participate.
- Showing inappropriate images to a student, including, but not limited to violent, disturbing or sexually explicit or pornographic subject matter.
- Dating a student, or discussing or planning a future romantic or sexual relationship with a student.
- Making sexual advances toward a student, including but not limited to personalized comments about a student’s body, appearance, physical features, attributes or attractiveness, off color jokes, or sexual innuendoes.
- A flirtatious, romantic, or sexual relationship with a student.
- Unnecessarily invading a student's personal space or privacy.
- Singling out a particular student or students for personal attention and friendship beyond the professional staff/student relationship.
- Socializing where students are consuming alcohol, drugs, or tobacco.
- Providing or offering to provide alcohol, drugs, or tobacco to students.
- For non-guidance/non-counseling staff, excessively encouraging students to confide their personal or family problems and/or relationships. If a student initiates such discussions, staff members are expected to use their professional judgment and refer the student to appropriate guidance/counseling staff.
- Sending students on personal errands unrelated to any educational, athletic, non-curricular or extracurricular purpose.
- Banter, allusions, jokes, or innuendoes of a sexual nature with students.
- Asking a student to keep a secret.
- Disclosing inappropriate personal, sexual, family, employment concerns, or other inappropriate



private matters to one or more students.

- Addressing students with personalized terms of endearment or pet names that would suggest the staff member feels love or affection for the student. As a staff member, permitting students to address you by your first name, nickname, with personalized terms of endearment, pet names, or otherwise in an overly familiar manner.
- Maintaining personal contact with a student outside of school by telephone, text message, email, Instant Messenger, Internet chat rooms, social networking websites or letters beyond homework or other legitimate school business.
- Exchanging gifts cards or letters that are personal or extravagant in nature with a student beyond customary student-staff gifts.
- Socializing or spending time with students outside of school related or school sponsored curricular or extracurricular activities or organized community activities, including but not limited to activities such as going out for beverages, meals or movies, shopping, traveling and recreational activities.
- Giving a student a ride alone in a vehicle in a non-emergency situation or a situation that can be avoided. If a staff member must give a student a ride, the student shall ride in the back seat of the vehicle when possible and staff member must attempt to gain prior permission from the parent for the transportation arrangement. A site administrator shall be informed of such an instance either before it occurs or immediately after providing such a ride.

***Romantic or Sexual Relationships, including but are not limited to the following:***

Staff members 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/CHARTER> or any other public or private school, regardless of the student's age. Students of any age are not legally capable of consenting to romantic or sexual interactions with staff members.

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

- Sexual physical contact.
- Romantic flirtation, propositions, or sexual remarks.
- Sexual slurs, leering, epithets, sexual or derogatory comments.
- Personal comments about a student's body, appearance, attractiveness or physical attributes.
- Sexual jokes, notes, stories, drawings, gestures or pictures.
- Spreading sexual or romantic rumors.
- Touching a student's body or clothes in a sexual or intimate way.
- 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.
- Restricting a student's freedom of movement in a sexually intimidating or provocative manner.
- Displaying or transmitting sexual objects, pictures, or depictions.

***Social Interactions including but are not limited to the following:***

In order to maintain professional boundaries, staff shall ensure that their interactions with students are appropriate. Examples of prohibited conduct that violates professional boundaries include, but are not limited to:

- Touching students without a legitimate educational reason. Reasons could include, but are not limited to, the need for assistance when injured, restraint or intervention to prevent or separate students who are fighting, threatening to fight or posing a risk of violence or harm to others, a

kindergartner having a toileting accident and requiring assistance, appropriate coaching instruction, or appropriate music instruction.

- Taking a student out of class without a legitimate educational reason.
- Being alone with a student behind closed doors without a legitimate educational reason.
- Initiating or extending contact with a student beyond the school day or outside of class times without a legitimate educational reason.
- Inviting a student to the staff member's home.
- Taking a student on outings without prior notification to and approval from both the parent/guardian and the building principal.
- Engaging in harassing, bullying, discriminatory, or other conduct prohibited by other <DISTRICT/CHARTER> policies or by state or federal law and regulations.

### **APPEARANCES OF IMPROPRIETY**

The following activities are boundary invasions and can create an actual impropriety or the appearance of impropriety. Whenever possible, staff should avoid these situations. If unavoidable, these activities must be pre-approved by the appropriate administrator. If not pre-approved, the staff member must immediately report the occurrence to the principal, human resources or any other appropriate administrator.

- Conducting ongoing, private conversations with individual students that do not have an educational purpose, are unrelated to school activities or the well-being of the student, and that take place in locations inaccessible to or not observable by others.
- Being alone with an individual student out of the view of others or in an inaccessible location, except in the context of school counselors providing professional counseling support services, teachers working with students in an afterschool setting or during testing, or a school nurse providing medical services to a student.
- Inviting students for social contact off school grounds without the prior knowledge and express permission of the parent/guardian and an appropriate administrator.
- Social networking with students for non-educational purposes.

Staff members are expected to be aware of the appearance of impropriety in their conduct with students. Staff members are encouraged to discuss issues with the appropriate administrator whenever they are unsure whether particular conduct may constitute a violation of this Policy.

### **ELECTRONIC COMMUNICATION**

The <DISTRICT/CHARTER> supports the use of technology to communicate for educational purposes. However, <DISTRICT/CHARTER> employees acting in their <DISTRICT/CHARTER> capacity are prohibited from inappropriate online socializing, phone calls, texting, skyping, instant messaging, or use of any other telecommunications device, or from engaging in any conduct that violates the law, <DISTRICT/CHARTER> policies or other generally recognized professional standards. Employees must conduct themselves in ways that do not distract from or disrupt the educational process. Nothing in this Policy prohibits employees, faculty, staff or students from the use of approved educational websites if such sites are used solely for educational purposes.

Electronic and online communications between staff members and students must be transparent, contemporaneously accessible to administrators and parents/guardians, and professional in content and tone. Such communication must be professional, non-sexual, appropriate to the circumstances, and

unambiguous in meaning. Staff members must restrict one-on-one electronic communications with individual students to accounts, systems, and platforms that are provided by and accessible to the <DISTRICT/CHARTER> or with the prior express permission of the appropriate administrator and the parent/guardian.

As with in-person communications, staff members shall avoid appearances of impropriety and refrain from inappropriate electronic communications with students. Factors that may be considered in determining whether an electronic communication is inappropriate include, but are not limited to:

- The subject, content, purpose, authorization, timing, and frequency of the communication;
- Whether there was an attempt to conceal, shield, or misrepresent the nature of the communication from administrators and/or parents/guardians;
- Whether the communication could be reasonably interpreted as soliciting sexual contact or a romantic relationship; and/or
- Whether the communication contained sexual innuendo, such as for purposes of grooming the student for victimization.

Parents/guardians are encouraged to have access to their children's social networking and digital communication devices and to supervise their children's use of these methods of communication in order to discover improper contacts which may violate this policy. Parents and guardians are encouraged to report any suspected violations of this policy by a staff member to the principal, human resources or any other appropriate administrator for investigation and necessary intervention.

**EXHIBIT**

**REPORTING BOUNDARY VIOLATIONS AND SUSPECTED BOUNDARY VIOLATIONS**

Name (optional):

Email:

Phone:

School or district location with boundary violation or suspected boundary violation occurred:

Describe what happened/what is happening:

When did it happen?

Date:

Time:

Where did it happen?

- At school
- At school event
- In a school parking lot
- On a school playground
- On the school bus
- Other

Location details:

Who was committing the boundary violation?

Who was the victim of the boundary violation?

Did anyone else witness the boundary violation?

Where you or others physically or emotionally hurt?

Have you or the victim missed any school or made changes to your daily routine as a result of the boundary violation?

Have you told anyone about the boundary violation?

Has this happened before?