

The Board expects all employees to maintain the highest professional, moral, and ethical standards in their interactions with students. Employees are required to provide an atmosphere conducive to learning through consistently and fairly applied discipline and established and maintained professional boundaries. Employees are expected to motivate each student to perform to his or her capacity while modeling the behavior expected of students in staff-student relationships.

The interactions and relationships between staff and students should be based upon cooperation, mutual respect, and an understanding of the appropriate boundaries between adults and students in and outside of the educational setting. Employees are expected to demonstrate good judgment and to avoid the appearance of impropriety in their interactions with students. Employees shall consult their supervisor any time they suspect or are unsure whether conduct is inappropriate or otherwise constitutes a violation of this or other Board policy.

For the purposes of this policy, the terms “staff” and “employees” includes independent contractors and school safety officers, and volunteers, but does not include student employees or student volunteers.

A. ROMANTIC RELATIONSHIPS AND SEXUAL CONTACT PROHIBITED

All employees are prohibited from dating, courting or entering into a romantic relationship or having sexual contact with any student enrolled in the school system regardless of the student's age. Employees engaging in such inappropriate conduct will be subject to disciplinary action, up to and including dismissal, and may be subject to criminal action as provided in G.S. 14-202.4 and 14-27.32. Further, school system personnel shall provide no assistance to an employee in finding another job, beyond the routine transmittal of personnel or administrative files, if the employee engaged in sexual misconduct with a minor or a student in violation of the law.

B. RESTRICTIONS ON ELECTRONIC COMMUNICATIONS

1. In accordance with policy 7335, Employee Use of Social Media, employees are prohibited from communicating with students through non-school-controlled social media except to the extent that the employee and student have an appropriate relationship which originated outside of the school setting. Any communication authorized under policy 7335 must meet the professional standards established in this policy and must otherwise be consistent with law and all other Board policy.
2. Instant messages shall be treated as a form of communication through social media subject to the terms of policy 7335 and subsection B.1 above, regardless of whether the messaging service is actually provided through a social media service or otherwise.

3. Employees are also prohibited from engaging in other forms of one-to-one electronic communications (e.g., voice, email, texting, and photo or video transmission) with students without written prior approval of the employee's supervisor and the student's parent.

This rule shall not apply, however, if one or more of the following circumstances exist:

- a. when the communication (1) is for an educational purpose, (2) is conducted through a school system-provided platform which archives all such communications for a period of at least three years if in writing, (this requirement does not apply to telephone or voice mail communications), or is conducted via an electronic video-conferencing platform (e.g., Zoom, Webex, Google Meet) that has been approved by the superintendent or designee for instructional use, and (3) occurs after the employee has given prior notice to his or her supervisor or designee that such written or oral communications will occur, and when they will occur;
- b. when the communication serves an educational purpose and is simultaneously copied or transmitted to the employee's supervisor or designee, and, upon request, to the parent or guardian; or
- c. the communication is necessary in a bona fide emergency, provided the communication is disclosed to the supervisor and parent or guardian as soon as reasonably possible; or
- d. when the communication derives from a relationship or association outside of the school setting and occurs with the consent of the parent or guardian, provided such communication does not otherwise violate this or other Board policy.

Any one-to-one electronic communication permitted by this subsection must meet the professional standards established in this policy and must otherwise be consistent with law and all other Board policy.

4. It is the duty of every employee to notify his or her supervisor of any unsolicited one- to-one communications in any form, electronic or otherwise, received from a student when the communication lacks a clear educational purpose. School counselors are excluded from this requirement only to the extent that it conflicts with their professional duties.
5. Violations of this section shall be considered unprofessional behavior subject to discipline, up to and including dismissal. Factors that may be relevant to the determination of an appropriate disciplinary response to unauthorized communications with students include, but are not limited to:

- a. the content, frequency, subject, and timing of the communication(s);
- b. whether the communication(s) were age and/or student maturity-level appropriate;
- 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.

C. REPORTING INAPPROPRIATE CONDUCT

1. Reporting by Employees

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

- a. that another employee is inappropriately 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 has, or may have, a valid educational or health purpose.

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

2. Reporting by Students

Any student who believes that he or she has been subject to misconduct that violates this policy should immediately report the situation to the principal, school counselor, or the Title IX coordinator designated in policy 1720/4030/7235, Title IX Nondiscrimination of the Basis of Sex.

3. Report of Criminal Misconduct

Any principal who has reason to believe that a student has been the victim of criminal conduct shall report the incident in accordance with policy 4335, Criminal Behavior.

4. Report to State Board of Education

Any administrator, including the superintendent, a deputy/associate/assistant superintendent, a personnel administrator, or a principal, who knows, has reason to believe, or has actual notice of a complaint that a licensed employee has engaged in misconduct resulting in dismissal, disciplinary action, or resignation, shall report the misconduct to the State Board of Education within five days of dismissal, determination of disciplinary action, or acceptance of resignation. If the employee resigns within 30 days of a complaint for misconduct or during an ongoing investigation of a complaint, the misconduct is presumed to have resulted in the resignation. For the purposes of this subsection, “misconduct” is conduct that would justify automatic revocation of the employee’s license pursuant to G.S. 115C-270.35(b) or involves physical or sexual abuse of a child shall report that information to the State Superintendent of Public Instruction within five working days of any disciplinary action, dismissal, or resignation based on the conduct. For purposes of this subsection, physical abuse is the infliction of physical injury other than by accidental means or in self-defense, and sexual abuse is the commission of any sexual act upon a student or causing a student to commit a sexual act, regardless of consent and the age of the student. Failure to report such conduct may result in the suspension or revocation of an administrator’s license by the State Board of Education.

This reporting requirement applies in addition to any duty to report suspected child abuse in accordance with state law and policy 4240/7312, Child Abuse and Related Threats to Child Safety, as applicable.

Legal References: Elementary and Secondary Education Act, 20 U.S.C. 7926; Title IX of the Education Amendments of 1972, 20 U.S.C. 1681 *et seq.*, 34 C.F.R. pt. 106; G.S. 14-27.7, -202.4;

115C-47(18), -270.35(b), -326.20; 16 N.C.A.C. 6C .0372, .0373.0601, .0602; State Board of Education Policy EVAL-014.

Cross References: Governing Principle – Removal of Barriers (policy 1700), Title IX Nondiscrimination on the Basis of Sex (policy 1720/4030/7235), Title IX Sexual Harassment – Prohibited Conduct and Reporting Process (policy 1725/4035/7236), Title IX Sexual Harassment Grievance Process (policy 1726/4036/7237), Student and Parent Grievance Procedure (policy 1740/4010), Child Abuse and Related Threats to Child Safety (policy 4240/7312), Bullying and Harassing Behavior Prohibited (policy 4329/7311), Criminal Behavior (policy 4335), School Volunteers (policy 5015), Staff Responsibilities (policy 7300), Employee Use of Social Media (policy 7335)

Replaces Board Policy 709

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