



Staff Analysis and Report to the Board

Board Meeting/Work Session Date:

Senior Lead: Sharon Reese, Chief Human Resources Officer

Department Lead: Carol Hawkins, Senior Director, Labor and Employee Relations

SUBJECT: Professional Conduct between Staff and Students Policy

I. BACKGROUND

The development of this policy was spurred by one of the recommendations in the Whitehurst Investigation Report. The investigators determined that the District had not provided clear guidance to employees as to what were appropriate boundaries between staff and students. This policy seeks to remedy this concern.

The attached draft includes the following changes:

1. The purpose and intent of the policy has been updated to recognize the importance of healthy relationships in children's lives and the role adults play in modeling healthy behaviors.
2. Clarifies expectations for staff conduct and provides examples of healthy and unhealthy behaviors.
3. Reorganizes components of the policy for better understanding.

II. RELATED POLICIES/BEST PRACTICES

As noted above, one of the recommendations coming out of the Whitehurst Investigation Report was to develop a professional conduct policy to provide clear expectations for adults working with students. We looked to a variety of sources to help us to develop this policy, including looking at the boundary policies of other school districts. We also relied on the U.S. Department of Education's Training Guide to help us to craft this policy. The guide can be found here: <https://rems.ed.gov/docs/ASMTrainingGuide.pdf>

III. ANALYSIS OF SITUATION

A key finding in the Whitehurst report was the "District's failure to recognize an educator's sexual conduct with students, failure to investigate it thoroughly, and failure to take action to ensure a safe educational environment by removing the offending educator." Report at p. 9. Approval of this policy will provide an important component in remediating the failures identified in the report. The policy outlines expectations for personal behavior as well as training to all employees to better ensure a safe educational environment for our students. Failure to approve this policy would leave the District without an important tool for self-regulation and enforcement.

IV. FISCAL IMPACT

The policy provides for mandatory training for all employees. The District has already begun this work with improvements of our online training. The cost of updating the system as well as providing District-wide training to all employees will be significant in the first few years of implementation.

V. COMMUNITY ENGAGEMENT (IF APPLICABLE)

General Counsel's office worked with the following stakeholders in developing this policy:

- Students
- Principals and vice-principals
- Human Resources
- Director of athletics and coaches
- Virtual Scholars outreach coordinators
- Multiple Pathways administrators
- Special education department
- Senior Directors and Area Superintendents
- Joy Ellis, co-author of the Whitehurst Investigation Report
- Title IX Coordinator
- Oregon School Board Association
- Community members

We also provided copies of the policy to PAT, PAPSA and PFSP and invited their input.

VI. TIMELINE FOR IMPLEMENTATION/EVALUATION

The District has already begun training employees of the expectations outlined in this policy. Our web-based professional learning platform has been updated to include enhanced mandatory training videos, and we have begun training various departments within the District. Training will continue in fall 2019 on the policy. Previously, administrators received an initial training in August 2018, Athletic Directors received a training in September 2018, and Nutrition Services was trained in October 2018. Scheduling of additional training is ongoing.

VII. BOARD OPTIONS WITH ANALYSIS

Approve the policy in its current iteration.

Approve the policy after changes are made based on public and employee comment.

Reject the policy and require further revision with stakeholder engagement.

Reject the policy.

VIII. STAFF RECOMMENDATION

The Whitehurst Implementation committee, the Chief of Staff's Office, the Department of Human Resources, and the General Counsel's Office recommend approval of this policy.

IX. I have reviewed this staff report and concur with the recommendation to the Board.



Guadalupe Guerrero
Superintendent
Portland Public Schools

July 12, 2019

Date

ATTACHMENTS

- A. Policy
- B. Resolution

1. *Set a clear Vision and Strategic Plan*
 2. *Create equitable opportunities and outcomes for all students*
 3. *Build management and accountability systems and structures*
 4. *Allocate budget, funding and resources focused on improving outcomes for students*
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Professional Conduct between Staff and Student Policy

(1) Purpose

District staff show extraordinary dedication and care in their daily work with students. A hallmark of this commitment is the development of strong relationships between staff and students. We believe that:

- a) Children are always learning about healthy relationships, and their most significant learning comes from how adults behave.
- b) Consistent relationship boundaries help children feel safe. Boundaries help them trust adults and help them know what is normal and feels right.
- c) Children need adults to be adults. Adults' behaviors set the conditions for a healthy relationship.
- d) Adults are responsible for creating safe spaces.

The purpose of this policy is to establish common understanding and expectations for all adults in our District on setting consistent and safe boundaries with students. Those boundaries create the healthy relationships and safe spaces that students need to thrive. The Student Representative to the Board of Education has a variety of important roles and responsibilities, including representing the views of students on matters of concern to students; as time allows, participating in other events attended by Board members; encouraging the involvement of students in educational affairs; and being an articulate voice to the public on matters of concern to students.

(2) General Standards

For purposes of this policy, except as specifically noted, staff includes all District employees, coaches, substitutes, contracted service providers, and volunteers in their interactions with students in District schools and programs.

All staff should maintain the highest professional, moral, and ethical standards when interacting with students. In a school-related setting, the interactions and relationships between staff and students must be based upon mutual respect and trust, as well as an



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understanding of the appropriate boundaries between staff and students in and outside the educational setting.

Volunteers also play unique and important roles in students' lives, and many have relationships outside the school setting. As such, volunteers are not subject to some of the provisions of this policy, however, the District still expects them to maintain appropriate conduct with students when they are engaged in District-authorized activities.

(3) Guidelines for Interactions Between Staff and Students

The interactions and relationships between staff and students should be based upon mutual respect and trust, an understanding of the appropriate boundaries between adults and students in and outside of the educational setting, and consistency with the educational mission of the schools. Staff are required to complete annual training provided by the District on sexual conduct prevention to provide guidance and establish appropriate professional boundaries for student-staff interactions.

Staff will not intrude on a student's physical and emotional boundaries unless the interaction is necessary to serve an educational or physical, mental and/or emotional health purpose. An educational purpose is one that relates to the staff's duties in the District. Any appearance of impropriety should be avoided.

Staff shall use good judgment in their relationships with students beyond their work responsibilities and/or outside the school setting and shall avoid informal and social involvements with individual students that may affect appropriate professional boundaries. 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.



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One-to-one tutoring and mentoring offered during school or non-school hours must take place at the school unless the principal or appropriate supervisor has received prior notification of an off-site location. When one-to-one tutoring or mentoring take place away from the school, written permission from the parent/guardian must be obtained. Volunteers on district property must be under the supervision of a district staff member.

Even during these and similar events during non-school hours, staff are acting in their professional capacity and must maintain the highest ethical standards.

(4) **Boundary Violations**

A boundary violation is behavior or interaction by a staff member with a student that has no legitimate educational purpose and has the potential to abuse or cause harm to the student. Staff is expected to refrain from boundary violations.

Examples of conduct that violates professional staff/student boundaries includes, but is not limited, to the following:

- a) Any type of conduct that would be considered sexual harassment under the District's Non-Discrimination/Anti-Harassment Policy (1.80.020-P);
- b) Having any sexual physical contact with a student;
- c) Engaging in a romantic or sexual relationship with a student, even if the student is no longer a minor;
- d) Dating, flirting with or propositioning a student;
- e) Showing pornography to a student;
- f) Discussing, writing, texting, transmitting, and/or displaying material to students about sexual topics unrelated to curriculum or a legitimate educational purpose;
- g) Banter, allusions, jokes or innuendos of a sexual nature with students;
- h) Singling out a particular student or students for favoritism, special privileges, or exchanging of gifts beyond the employee-student relationship; bullying or other violations of the PPS Anti-Harassment Policy 4.30.060-P. or when its purpose is to meet the staff's personal needs rather than the student's needs.



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- i) If a student initiates discussions about the student's personal or family problems, staff are expected to seek guidance from appropriate staff such as their principal or school counselors.;
- j) Inviting individual students to the staff member's home without proper chaperones, parental notice and approval unless otherwise noted in "Exceptions" section of the policy;
- k) Observing students who are consuming alcohol, drugs or tobacco without intervening or reporting the conduct to appropriate personnel;
- l) Sending or accompanying a student on personal errands or travel unrelated to any legitimate educational purpose;
- m) Disclosing intimate or sexual matters to a student; unless necessary to serve an educational or physical, mental and/or emotional health purpose of the student.
- n) Telling a student to keep something secret from other adults;
- o) Addressing students, or permitting students to address staff members with personalized terms of endearment, pet names, or otherwise in an overly familiar manner that may affect appropriate professional boundaries
- p) Giving a student a ride alone in a vehicle in a non-emergency situation; and/or;
- q) Permitting students to engage in behaviors with staff that invade appropriate physical boundaries, e.g., allowing students to give shoulder massages to staff or allowing students to sit on a staff member's lap.

(5) Social Media and Electronic Communications

The District supports the use of technology to communicate for educational purposes. However, district employees acting in their district 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 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.



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As with all forms of communication, staff is expected to maintain professional boundaries with students when communicating via electronic communications and social media. All communication between staff and students must be for legitimate education-related purposes only and as transparent as possible. Staff shall not communicate with students, for any reason, through use of a medium, blog, or app (software or phone application) that is designed to eliminate all traces or records of the communication (e.g., Snapchat). Staff should have no expectation of privacy when communicating to students, including on a social media platform (e.g. Facebook, Twitter). Staff should not promise students absolute confidentiality in their communications.

District staff must maintain separate accounts for professional and personal social media use and may follow or accept requests to connect from current students, or non-staff former students, only through their professional social media presence established consistent with the requirements set forth in the Social Media Administrative Directive 8.60.045-AD

All communications with students must be through a PPS-provided email address or on District-approved social media platforms, as described in the District's Acceptable Use Policy (8.60.40) and Social Media Administrative Directive 8.60.045-AD . District staff are prohibited from communicating with current students through social media directly or through private messaging tools without both District approval and parental notice. Likewise, when communicating for professional purposes with other staff or community members, District staff must use their PPS-provided email address and other communication systems and may not use private messaging.

The use of group text messaging has become a convenient tool for coaches and other staff working with students to relay information. Staff shall use this method of communication only with both District approval and parental notice. Text messages to individual students shall contain only information with a legitimate educational purpose



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(6) In-Person Interactions

a) One-on-one access to students:

There will be times when staff members are alone with students to discuss discipline or academic performance. When possible, staff should avoid one-on-one meetings with students out of the view of others and to take care to meet students in a public space, such as libraries or open classrooms, whenever possible. If this is not practical, staff members should meet in places observable by others, such as offices or classrooms with windows and unlocked, ajar doors. To maintain transparency, it is also good practice to let others know when and where meetings with a student will occur, e.g., giving notice of when students can come in for additional help.

b) Overly personal communication with students:

While connecting with students and building rapport is an important component to the staff-student relationship, staff should promote healthy relationships with all students.

Unless in a counseling or similar position or for a legitimate educational purpose, staff should not encourage students to disclose to them significant details about their personal or family problems or relationships. We also recognize that forming a relationship with students is an important aspect of teaching; however, staff should not engage in these discussions with students when its purpose is to meet the staff's personal needs rather than the student's needs. If a student initiates a discussion about a significant personal or family problem, staff are encouraged to seek guidance from appropriate staff such as their principal or school counselors.

There are many times, however, when the request for personal information is for a legitimate educational purpose. For example, personal reflection, relationships,



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or experiences are often part of a journaling exercise, and this policy is not intended to interfere or impede with this type of educational activity.

Staff members are also expected to bring their concerns to their supervisor's attention when he/she has reason to believe a student is or may be becoming overly attached to or interested in them or other staff.

c) Traveling with or transporting students:

Coaches, chaperones, and other staff should take care when transporting students to athletic events and other extracurricular activities. Staff needs to notify the District and the student's parent/guardian of the travel itinerary and may not transport students in a personal vehicle in a non-emergency situation without advance authorization by the District. (If an emergency situation arises that requires a staff member to transport a student without prior approval, the staff member shall alert a direct supervisor and the parent of the situation as soon as practicable.)

When traveling out of town, staff must follow the procedure outlined in the Field Trips Administrative Directive (6.50.011-AD). Staff is prohibited from entering a student's hotel room without another staff member or chaperone present, except in an emergency.

d) Physical contact with students:

Staff should not touch students or initiate any physical contact without a legitimate educational purpose. For example, staff should not initiate hugs, touch student's torso or hair, or pat buttocks. There are times when staff have a legitimate educational purpose to initiate physical contact with a student, and noninvasive contact, such as "high fives" or fist bumps to acknowledge a job well



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done, for instance, are fine. In other instances, staff members may be required to assist an injured student or a student with special needs who requires physical assistance. Likewise, staff members may need to touch a student's arms or hands to redirect them in an activity. Coaches, music teachers, and other instructors may have a need for physical contact as a method of instruction. Staff needs to be aware of a student's physical boundaries and limit physical contact to only that which is necessary for a legitimate educational purpose. Any physical redirection of students must be pursuant to the District's Physical Restraint and Seclusion s Administrative Directive 4.50.060-AD.

e) Respecting student privacy:

Staff must honor a student's physical and emotional boundaries unless the interaction serves a legitimate educational purpose or is in response to an emergency. For example, staff members should not invade a student's privacy by entering a restroom when a student is present unless it falls within a staff member's regular job duties under an established written protocol or to use it for a legitimate and intended purpose.

(7) Exceptions

An emergency or a legitimate educational purpose may justify deviation from professional boundaries set out in this policy. Staff shall be prepared to articulate the reason for any exception from the requirements of this policy and must demonstrate that an appropriate relationship was maintained with the student at all times. Staff must ensure that any exception is narrowly tailored to the circumstances and must report to their supervisor within 24 hours.

Under no circumstance will an educational or other reason justify deviation from the "Romantic and Sexual Relationships" section of this policy.



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There may be circumstances where there is an appropriate pre-existing personal relationship between staff and a student's family that exist independently of the staff member's position with the District (e.g., when their children are friends). This policy is not intended to interfere with such relationships or to limit activities that are normally consistent with such relationships. Staff are strongly encouraged to maintain appropriate professional boundaries.

It is understood that staff may be involved in other roles in the community through civic, religious, family, athletic, scouting, private tutoring, or other organizations and programs whose participants may include District students. This policy is not intended to interfere with or restrict a staff member's ability to serve in those roles; however, staff are strongly encouraged to maintain professional boundaries appropriate to the nature of the activity with regard to all youth with whom they interact in the course of their community involvement.

(8) Duty to Report Possible Violations

Staff shall discuss with their building administrator or supervisor whenever they suspect or are unsure whether their conduct, or the conduct of other staff, is inappropriate or constitutes a violation of this policy. If the staff member is dissatisfied with the response of the building administrator or supervisor, he/she may bring it to the attention of the Chief of Human Resources. If the alleged behavior deals with harassment, intimidation, or bullying, the process in Policy No 4.30.060-P should be followed. The district will investigate anonymous complaints to the best of its ability.

Any staff member who has reasonable cause to believe that another staff member has engaged in sexual conduct as defined by Administrative Directive 5.10.063-AD or sexual abuse as defined by statute shall immediately report this behavior to their school compliance officer and to the District Title IX Director. Additionally, any staff member who has reasonable cause to believe that another staff member has engaged in abuse with a student must fulfill the mandatory reporting requirements to law enforcement and



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the Department of Human Services and report the allegation to their principal or supervisor.

Employees whose conduct violates this policy or who fail to report violations of this policy, may face discipline and/or termination, consistent with the district's policies, acceptable use agreement and collective bargaining agreements, as applicable.

Violations of this policy by volunteers or contracted service providers may result in a prohibition from working or serving on school properties, in school programs, or in contract cancellation. The District shall notify law enforcement of any potentially unlawful conduct, as appropriate.

Student/Parent and Guardian Reporting

Students and/or parents/guardians are strongly encouraged to notify the principal or other appropriate administrator if they believe a staff member may be engaging in conduct that violates this policy.

(9) Confidentiality and Non-retaliation

Staff members who are making a report are specifically advised of the following:

- a) Staff members are neither permitted nor responsible for investigating whether the conduct is inappropriate;
- b) Staff members are required to maintain confidentiality; and
- c) Staff members must directly notify a supervisor, not a peer, of the conduct.

Confidentiality protects both the student(s) and the staff member who is the subject of the report. Failure to maintain confidentiality may impede the investigation and foster untrue and potentially harmful rumors. False reports are regarded as a serious offense and may result in disciplinary action or other appropriate sanctions.

The District prohibits retaliation against anyone who makes a good-faith report under this policy. Any staff who retaliates against any complainant, reporter, or other



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X.XX.XXX-P

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participant in an investigation may be subject to discipline, up to and including dismissal.

(10) Training

The Superintendent or his/her designee shall develop an annual training for all staff and ensure ongoing review of procedures to support this policy.

History: 10/18

2019 Revised Draft 6/19, 6/24, 6/28, 7/10