

Portland Public School District 1st Reading

DATE OF FIRST READING: January 12, 2021

PUBLIC COMMENT FOR

Policy 5.10.064-P: Professional Conduct Between Adults and Students

The Portland Public School District is providing Notice of Proposed Revised Policy and Public Comment to offer interested parties reasonable opportunity to submit data or comments on the proposed policies noted below.

Public comment may be submitted in writing directly to the district or through the district website noted below. Written comments must be submitted by 5:00pm on the Last Date for Comment listed below.

Last Date for Comment: February 02, 2021

Summary: 5.10.064-P Professional Conduct Between Adults and Students

1st Reading by: Rita Moore
Portland Public School Board

Recommended for a second 1st Reading by:
Portland Public Schools Board of Education
Policy Committee

Draft Policy Web Site: <https://www.pps.net/Page/11911>

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PORTLAND PUBLIC SCHOOLS
OFFICE OF GENERAL COUNSEL

501 North Dixon Street / Portland, OR 97227
Telephone: (503) 916-3274

Date: January 5, 2021
To: School Board
From: Mary Kane, Senior Legal Counsel
Subject: Professional Conduct Policy

BACKGROUND

The Professional Conduct policy was approved by the Board in October 2019. The policy required all contractors with the District to take Professional Conduct training. Upon approval, a committee was convened to develop training protocols for contractors. The committee, composed of staff from, among others, Human Resources, Purchasing & Contracting, Office of Technology and Information Systems, Title IX, and Security Services, determined that the policy was too broad in including contractors with little to no contact with students because there was very little risk to students and a significant administrative and logistical burden of administering and tracking the training for those contractors.

The policy also defined expectations about staff-to-student text communication. With the introduction of Comprehensive Distance Learning in response to the Coronavirus pandemic, the District incorporated new communication platforms to allow additional methods of access to communicate with students. One such platform allows District oversight of text communication between students and staff.

The policy revisions proposed allow for more targeted training of contractors and more expansive access to students and staff using District-approved platforms.

ANALYSIS OF SITUATION

This policy is centered on student safety and the modifications requested by staff will not compromise this goal.

FISCAL IMPACT

There is no fiscal impact.

COMMUNITY ENGAGEMENT (IF APPLICABLE)

This Policy was brought before the Board Policy Committee at its January 2, 2021 meeting. The committee reviewed the recommended revisions and moved that it be put before the full board for a first reading.

A copy of the proposed changes to the policy was also provided to PAT in the fall of 2020, and at this time there has not been feedback received. Additionally, the Training Committee shared its recommendation for changes to the policy with Deputy Superintendent Clair Hertz for approval.

TIMELINE FOR IMPLEMENTATION / EVALUATION

Once the Board approves the changes, the Training Committee will reconvene to finalize the training guidelines for contractors. This should be completed before the 2021-2022 school year. The communication platform is already in place.

BOARD OPTIONS WITH ANALYSIS

1. Approval of the changes will provide for more accurate training requirements for contractors and will allow for greater support of students during Comprehensive Distance Learning.
2. Maintaining the policy will create capacity and compliance issues for training requirements and will negatively impact student support and outreach efforts during Comprehensive Distance Learning.

CONNECTION TO BOARD GOALS

N/A

STAFF RECOMMENDATION

Staff recommends approval of these modifications.

As a member of the PPS Executive Leadership Team, I have reviewed this staff report.

_____ (Initials)

ATTACHMENTS

- A. Policy



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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 adults and students. We believe that:

- A. Children are always learning about healthy relationships, and their most significant learning about relationships comes from how adults behave.
- B. Consistent relationship boundaries help children feel safe. Boundaries help them trust adults and help them know what is healthy behavior.
- C. Children need adults to be adults. Adults' behaviors set the conditions for healthy relationships.
- 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 maintain the healthy relationships and safe spaces that students need to thrive.

GENERAL STANDARDS & DEFINITIONS

- A. For purposes of this policy, **except as specifically noted**, "adults" include any and all District employees, coaches, substitutes, contracted service providers, and volunteers in their interactions with students in District schools and programs.
- B. "Student" means any person: (1) Who is: (a) In any grade from pre-kindergarten through grade 12; or (b) Twenty-one years of age or younger and receiving educational or related services from an education provider that is not a post-secondary institution of education; or (2) Who was previously known to the adult covered under this policy as a



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student and who left school or graduated from high school within 90 days of any alleged conduct violating this policy.

- C. For purposes of this policy, the term “legitimate educational purpose” includes matters or communications related to teaching, counseling, athletics, extracurricular activities, social-emotional support that serves the interest of the student, treatment of a student’s physical injury or other medical needs, school administration, or other purposes within the scope of the adult’s employment or other District-related duties.
- D. A “boundary violation” is behavior or interaction by an adult with a student that has no legitimate educational purpose and has the potential to cause harm to the student.
- E. All adults should maintain the highest professional and ethical standards when interacting with students. These standards are defined by the Oregon Teacher Standards and Practices Commission and by District policy.
- F. Volunteers play unique and important roles in students’ lives, and many also have relationships outside the school setting. **This policy applies to volunteers in the context of their volunteer commitment with the District.** The District expects volunteers to maintain appropriate conduct with students when they are engaged in District-authorized activities as outlined in this and other policies.

GUIDELINES FOR INTERACTIONS BETWEEN ADULTS AND STUDENTS

A. General Guidelines and Required Training

The interactions and relationships between adults and students should be based upon 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 our schools.

Adults may not intrude or appear to intrude on a student’s physical and



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emotional boundaries unless the purpose of the interaction is to serve a legitimate educational purpose.

Adults with direct, unsupervised contact with students are required to complete annual training provided by the District on sexual conduct prevention to provide guidance and establish appropriate professional boundaries for student-adult interactions.

We recognize that forming a relationship with students is an important aspect of teaching; however, adults should not engage in discussions with students when its purpose is to meet the adult's personal needs rather than the student's needs. If a student initiates a discussion about a significant personal or family problem, adults are encouraged to seek guidance from appropriate resources such as their principal or school counselors, as needed.

B. Conduct Outside a School Setting

Adults shall use good judgment in their relationships with students beyond their work responsibilities and/or outside the school setting. Informal and social involvements with individual students should be based on appropriate professional boundaries. Volunteers with community-based relationships with students are not subject to this provision in their relationships with those students in non-District settings. In addition to regular classroom instruction and extracurricular activities, staff members may also act in their professional capacity outside of the school day—for example, in providing before- and after-care, tutoring to improve students' academic skills, mentoring that provides students with positive role models, answering questions about school assignments, hosting school-sanctioned or school-sponsored activities and events. We recognize that adults will also encounter students out in our community in the normal course of their personal lives.

Even during non-school hours, when District employees and third-party contractors are acting in their professional capacity, they must maintain at all times ethical standards consistent with Teachers Standards and Practices



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Commission (TSPC) standards and District policies.

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 and written permission from the parent/guardian has been obtained. Unless otherwise approved by the principal or other District administrator, volunteers on District property must be under the supervision of a District staff member.

C. Appropriate Personal and Community Relationships

There may be circumstances where there is an appropriate personal relationship between staff and a student's family that exists independently of the staff member's position with the District (*e.g.*, when the families' children are friends). This policy is not intended to interfere with such relationships or to limit activities that are normally consistent with such relationships.

The District understands that adults 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 an adult's ability to serve in those roles; however, staff members 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.

D. Appropriate Use of Email, Websites & Social Media

The District allows and supports the use of technology to communicate transparently and for legitimate educational purposes. As with all forms of communication, adults are expected to maintain professional boundaries with students when communicating via electronic communications and social media.



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Staff or students may use approved educational websites if such sites are used solely for legitimate educational purposes.

1. Email Communication

All email communications from employees to students must be through a PPS-provided email address as described in the District's Acceptable Use Policy (8.60.40) and Social Media Administrative Directive 8.60.045-AD.

2. Social Media

District employees who wish to use social media as a tool to assist them in their professional duties must maintain separate accounts for professional and personal social media use and may follow or accept requests to connect from 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. 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.

3. Group Text Messages

The use of group text messaging has become a convenient tool for coaches and other staff working with students to relay information. District employees and third-party contractors shall use this method of communication only with both District approval and parental knowledge. Text messages to individual students through District-approved platforms shall contain only information with a legitimate educational purpose.



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E. IN-PERSON INTERACTIONS

1. One-on-one meetings with students

There will be times when adults are alone with students to discuss legitimate educational issues, including discipline or academic performance, for example. When possible, adults should meet one-on-one with students in a public space, such as libraries, open classrooms, or in places observable by others, such as offices or classrooms with windows and unlocked, ajar doors. When supporting students with sensitive issues, as is common for staff such as counselors and social workers, it is appropriate to provide a private setting. To maintain transparency, it is also good practice to let others know when and where meetings with a student will occur.

2. Personal communication with students

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

There are many times when a staff member's request for personal information is for a legitimate educational purpose. For example, personal reflection, relationships, or experiences are often part of a journaling exercise, and this policy is not intended to interfere with or impede this type of educational activity. It is appropriate for adults to check in with students about their well-being and/or whether they need any support with their school work. This policy does not prohibit that kind of healthy support of students.

If a student discloses information about the student's significant personal or family problems, adults are expected to seek guidance from appropriate resources such as their principal or school counselor, as needed.



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Adults are also expected to bring their concerns to their supervisor's attention when they have reason to believe a student is or may be becoming overly attached to or interested in them or other staff.

3. Traveling with or transporting students

When transporting students to athletic events and other extracurricular activities, adults need 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 or as defined by the Coaches Handbook (<https://www.pilathletics.com/page/show/5161432-hs-coach-s-handbook>).

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). Adults are prohibited from entering a student's hotel room without another adult present, except in an emergency.

4. Physical contact with students

Adults should not initiate any physical contact without a legitimate educational purpose including offering public greetings, positive acknowledgments, or responding to a crisis. There are times when adults 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 done are fine. In other instances, adults may be required to assist an injured student or a



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student with special needs who requires physical assistance. Likewise, adults 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. Adults need to be aware of what kinds of physical contact with which a student is and is not comfortable and limit physical contact to only that which is necessary for a legitimate purpose. Any physical redirection of students must be pursuant to the District's Physical Restraint and Seclusion Administrative Directive 4.50.060-AD.

5. Respecting student privacy

Adults must honor a student's physical and emotional boundaries unless the interaction serves a legitimate educational purpose or is in response to an emergency.

Examples:

Physical Surroundings: Adults should not invade a student's privacy by entering a restroom, locker room, or other space where a student may not be fully clothed unless it falls within a staff member's regular job duties under an established written protocol, an emergency, or the staff needs to use the facility for a legitimate and intended purpose (*e.g.*, if it is not practical due to distance and time constraints to use a staff-only restroom).

Personal Space: Adults should respect a student's private space and be conscious of a student's cultural and personal boundaries when communicating (*e.g.*, adults should be conscious of standing too close to students when interacting with them).



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6. Exceptions

An emergency or a legitimate educational purpose may justify deviation from professional boundaries set out in this policy. Adults 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. Adults must ensure that any exception is narrowly tailored to the circumstances and must report it to their supervisor within 24 hours.

BOUNDARY VIOLATIONS

A boundary violation is behavior or interaction by an adult in a position of power with a student that has no legitimate educational purpose, and has the potential to cause harm to the student.

A. Examples of boundary violations/prohibited conduct

Examples of conduct that violates professional adult/student boundaries in or outside of school hours include, but are not limited to, the following:

1. Any type of conduct, that would be considered sexual harassment under the District's Non-Discrimination/Anti-Harassment Policy (1.80.020-P);
2. Having any sexual conduct, including verbal or physical conduct or contact through written or electronic communications, with a student that is a sexual advance or request for a sexual favor or is of a sexual nature and is directed toward the student or that has the effect of unreasonably interfering with the student's educational performance, or of creating an intimidating, hostile, or offensive educational environment;



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- a. Examples of this behavior include, but are not limited to, the following:
 - 1) Engaging in a romantic or sexual relationship with a student;
 - 2) Dating, flirting with, or propositioning a student;
 - 3) Showing pornography to a student;
 - 4) Discussing, writing, texting, transmitting, and/or displaying material to students about sexual topics unrelated to curriculum or a legitimate educational purpose;
 - 5) Banter, allusions, jokes, or innuendos of a sexual nature with students;
 - 6) Patting buttocks or touching other intimate parts of a student;
 - 7) Permitting students to engage in behaviors with an adult that cross appropriate physical boundaries, *e.g.*, allowing students to give shoulder massages to the adult or allowing students to sit on an adult's lap;
 - 8) Singling out a particular student or students for favoritism, special privileges, or exchanging of gifts beyond the employee-student relationship;
 - 9) Disclosing intimate or sexual matters to a student, unless necessary to serve a legitimate educational purpose.
3. Bullying or other violations of the District's Anti-Harassment Policy 4.30.060-P.
4. Favoring a student when its purpose is to meet the adult's personal needs rather than the student's needs;
5. Inviting individual students to the adult's home without parental



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notice and approval unless otherwise noted in “Exceptions” section of the policy;

6. Being in the company of students who are consuming alcohol, drugs, or tobacco without intervening and reporting the conduct to appropriate personnel;
7. Sending or accompanying a student on personal errands or travel unrelated to any legitimate educational purpose;
8. Telling a student to keep something secret from other adults;
9. Addressing students or permitting students to address adults with personalized terms of endearment, pet names, or otherwise in an overly familiar manner that may cross appropriate professional boundaries;
10. Giving a student a ride alone in a vehicle in a non-emergency situation; except as permitted under this policy and Field Trips 6.50.011-AD;
11. Engaging in prohibited social media and electronic communications between adults and students as defined by the District’s Acceptable Use Policy (8.60.40) and Social Media Administrative Directive 8.60.045-AD.
 - a) Examples of this behavior include, but are not limited to, the following:
 - 1) District employees acting in their District capacity are prohibited from inappropriate online socializing with students, including phone calls, texting, skyping, instant messaging, or use of any other telecommunications method, or from engaging in any conduct that violates the law, District policies, or other generally recognized professional standards.



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- 2) Adults 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).
- 3) District employees and third-party contractors may not communicate with current students through social media directly or through private messaging tools without both written District approval and parental notice.

DUTY TO REPORT POSSIBLE VIOLATIONS

- A. Adults shall discuss with their building administrator or supervisor whenever they suspect or are unsure whether their conduct, or the conduct of other adults, is inappropriate or constitutes a violation of this policy. If the adult is dissatisfied with the response of the building administrator or supervisor, or does not feel comfortable discussing the situation with those individuals, they 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 4.30.060-P should be followed. The District will investigate all complaints.

Any District employee who has reasonable cause to believe that another adult has engaged in sexual conduct as defined by Prohibition Against Employee Child Abuse and Sexual Conduct with Students 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 District employee or other mandatory reporter of abuse/neglect who has reasonable cause to believe that a child has been abused must promptly fulfill the mandatory reporting requirements to law enforcement and the Department of Human Services and report the allegation to their principal or supervisor.

District employees whose conduct violates this policy or who fail to



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report violations of this policy, may face discipline and/or termination, consistent with the District's policies and applicable collective bargaining agreements.

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

B. Student/Parent and Guardian Reporting

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

CONFIDENTIALITY AND NON-RETALIATION

Staff members making a report of potential boundary violations or other prohibited conduct are specifically advised of the following:

1. They must directly notify a supervisor of the conduct;
2. They are required to maintain confidentiality; and
3. They are neither permitted to investigate nor responsible for investigating whether the conduct is inappropriate.

Confidentiality protects the student(s) as well as the adult 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.



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The District prohibits retaliation against anyone who makes a good-faith report under this policy. Any District employee who retaliates against any complainant, reporter, or other participant in an investigation may be subject to discipline, up to and including dismissal.

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.

Adopted 10/15/2019; Amended 1/___/2020

DRAFT



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PURPOSE

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Examples:

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Personal Space: Adults should respect a student's private space and be conscious of a student's cultural and personal boundaries when communicating (*e.g.*, adults should be conscious of standing too close to students when interacting with them).



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6. Exceptions

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BOUNDARY VIOLATIONS

A boundary violation is behavior or interaction by an adult in a position of power with a student that has no legitimate educational purpose, and has the potential to cause harm to the student.

A. Examples of boundary violations/prohibited conduct

Examples of conduct that violates professional adult/student boundaries in or outside of school hours include, but are not limited to, the following:

1. Any type of conduct, that would be considered sexual harassment under the District's Non-Discrimination/Anti-Harassment Policy (1.80.020-P);
2. Having any sexual conduct, including verbal or physical conduct or contact through written or electronic communications, with a student that is a sexual advance or request for a sexual favor or is of a sexual nature and is directed toward the student or that has the effect of unreasonably interfering with the student's educational performance, or of creating an intimidating, hostile, or offensive educational environment;



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- a. Examples of this behavior include, but are not limited to, the following:
- 1) Engaging in a romantic or sexual relationship with a student;
 - 2) Dating, flirting with, or propositioning a student;
 - 3) Showing pornography to a student;
 - 4) Discussing, writing, texting, transmitting, and/or displaying material to students about sexual topics unrelated to curriculum or a legitimate educational purpose;
 - 5) Banter, allusions, jokes, or innuendos of a sexual nature with students;
 - 6) Patting buttocks or touching other intimate parts of a student;
 - 7) Permitting students to engage in behaviors with an adult that cross appropriate physical boundaries, *e.g.*, allowing students to give shoulder massages to the adult or allowing students to sit on an adult's lap;
 - 8) Singling out a particular student or students for favoritism, special privileges, or exchanging of gifts beyond the employee-student relationship;
 - 9) Disclosing intimate or sexual matters to a student, unless necessary to serve a legitimate educational purpose.
3. Bullying or other violations of the District's Anti-Harassment Policy 4.30.060-P.
 4. Favoring a student when its purpose is to meet the adult's personal needs rather than the student's needs;
 5. Inviting individual students to the adult's home without parental



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notice and approval unless otherwise noted in “Exceptions” section of the policy;

6. Being in the company of students who are consuming alcohol, drugs, or tobacco without intervening and reporting the conduct to appropriate personnel;
7. Sending or accompanying a student on personal errands or travel unrelated to any legitimate educational purpose;
8. Telling a student to keep something secret from other adults;
9. Addressing students or permitting students to address adults with personalized terms of endearment, pet names, or otherwise in an overly familiar manner that may cross appropriate professional boundaries;
10. Giving a student a ride alone in a vehicle in a non-emergency situation; except as permitted under this policy and Field Trips 6.50.011-AD;
11. Engaging in prohibited social media and electronic communications between adults and students as defined by the District’s Acceptable Use Policy (8.60.40) and Social Media Administrative Directive 8.60.045-AD.
 - a) Examples of this behavior include, but are not limited to, the following:
 - 1) District employees acting in their District capacity are prohibited from inappropriate online socializing with students, including phone calls, texting, skyping, instant messaging, or use of any other telecommunications method, or from engaging in any conduct that violates the law, District policies, or other generally recognized professional standards.



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- 2) Adults 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).
- 3) District employees and third-party contractors may not communicate with current students through social media directly or through private messaging tools without both written District approval and parental notice.

DUTY TO REPORT POSSIBLE VIOLATIONS

- A. Adults shall discuss with their building administrator or supervisor whenever they suspect or are unsure whether their conduct, or the conduct of other adults, is inappropriate or constitutes a violation of this policy. If the adult is dissatisfied with the response of the building administrator or supervisor, or does not feel comfortable discussing the situation with those individuals, they 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 4.30.060-P should be followed. The District will investigate all complaints.

Any District employee who has reasonable cause to believe that another adult has engaged in sexual conduct as defined by Prohibition Against Employee Child Abuse and Sexual Conduct with Students 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 District employee or other mandatory reporter of abuse/neglect who has reasonable cause to believe that a child has been abused must promptly fulfill the mandatory reporting requirements to law enforcement and the Department of Human Services and report the allegation to their principal or supervisor.

District employees whose conduct violates this policy or who fail to



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report violations of this policy, may face discipline and/or termination, consistent with the District's policies and applicable collective bargaining agreements.

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

B. Student/Parent and Guardian Reporting

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

CONFIDENTIALITY AND NON-RETALIATION

Staff members making a report of potential boundary violations or other prohibited conduct are specifically advised of the following:

1. They must directly notify a supervisor of the conduct;
2. They are required to maintain confidentiality; and
3. They are neither permitted to investigate nor responsible for investigating whether the conduct is inappropriate.

Confidentiality protects the student(s) as well as the adult 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.



Board Policy

**5.10.064
-P**

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The District prohibits retaliation against anyone who makes a good-faith report under this policy. Any District employee who retaliates against any complainant, reporter, or other participant in an investigation may be subject to discipline, up to and including dismissal.

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.

Adopted 10/15/2019; Amended 1/___/2020