Staff Conduct and Responsibilities Procedure (GBEB-R)

Professional Boundaries with Students

As a person in a position of trust, staff members shall maintain professional boundaries with students at all times consistent with *Administrative Policy GBEB – Staff Conduct and Responsibilities and Administrative Procedure GBEB-R – Staff Conduct and Responsibilities Procedure.* All contact and interactions with students by any staff member must be for a legitimate educational purpose, including communication in any format (e-mail, text messaging, social media, other written or electronic communications, in person, etc.). The absence of a legitimate educational purpose or other reason deemed valid by the district, may be regarded as evidence that a staff member has violated professional boundaries with a student.

The following list provides examples of staff conduct that, in the absence of evidence of a legitimate educational purpose or other reason deemed valid by the district, may be regarded as evidence that a staff member has violated professional boundaries with a student:

- any type of inappropriate physical contact with a student or any other conduct that might be considered harassment under Board or administrative policy
- providing alcohol, drugs, or tobacco to a student or being present when any student is consuming these substances
- repeating sexual or inappropriate romantic rumors
- accepting massages or offering or giving massages other than in the course of injury care administered by the appropriate athletic trainer, coach, or health care provider
- singling out a particular student or students for personal attention or friendship beyond the ordinary professional staff-student relationship
- being alone with a student behind closed doors for nonacademic purposes
- initiating or extending contact with a student beyond the school day or outside of class times for non-educational purposes
- sending or accompanying a student on personal or non-educational errands
- inviting a student to a staff member's home without parent permission or appropriate chaperones
- going to a student's home when the student's parent/guardian or an appropriate chaperone is not present
- giving a student a ride in a vehicle without prior notification to and approval from both the student's parent/guardian and the building principal, except in an emergency under appropriate circumstances
- giving gifts of a personal nature or money to a student or overly personal cards or notes
- any other action or activity similar in nature to those listed above

Prohibited communications in any format (email, text messaging, written communications, in person, etc.) by a staff member with a student includes, but is not limited to the following:

- flirting, propositions, or sexual remarks or innuendo
- sexual slurs, leering, or sexual or derogatory comments
- inappropriate comments about a student's body or physical appearance
- sexual jokes, notes, stories, drawings, gestures, or pictures
- displaying or transmitting sexual pictures, objects, or depictions
- disclosing inappropriate personal, sexual, romantic, marital or employment issues, or other private matters

- inappropriate timing and frequency of communications
- other communications or activities similar in nature to those listed above

Notification Concerning Arrests
Any staff member who is arrested or charged with one of the following offenses must notify his/her supervisor immediately:

i. Any felony offense;
ii. A misdemeanor or municipal violation involving unlawful sexual behavior;
iii. A misdemeanor or municipal violation involving children;
iv. A misdemeanor or municipal violation involving indecent exposure;
v. Driving under the influence or driving while ability impaired, as defined in C.R.S. 42-4-1301, *but only if the staff member's employment with the district includes transporting students via motor vehicles.*
vi. Misdemeanor domestic violence, as defined in C.R.S. 18-6-800.3 (1);
vii. Misdemeanor sexual assault, as defined in C.R.S. 18-3-402;
viii. Misdemeanor unlawful sexual conduct, as defined in C.R.S. 18-3-404;
ix. Misdemeanor child abuse, as defined in C.R.S. 18-6-401;
x. Misdemeanor sexual exploitation of children, as defined in C.R.S. 18-6-403;
xi. Misdemeanor or municipal violation involving the illegal sale or possession of controlled substances, as defined by C.R.S. 12-22-303(7), *excluding an arrest or charge for simple marijuana possession*;
xii. A crime of violence, as defined in C.R.S. 18-1.3-406;
xiii. Indecent exposure, as defined in C.R.S. 18-7-302(2); and
xiv. Any felony offense in another state, the elements of which are substantially similar to the elements of the offenses described above.

The district shall notify students' parents/guardians when district staff members are charged with specific criminal offenses and required by state law and in accordance with applicable Board and administrative policy.

Felony/Misdemeanor Convictions
If, subsequent to beginning employment with the district, the district has good cause to believe that any staff member has been convicted of, pled nolo contendere to, or received a deferred or suspended sentence for any felony or misdemeanor other than a misdemeanor traffic offense or infraction, the district shall make inquiries for purposes of screening the staff member.

The district shall require the staff member to submit a complete set of fingerprints taken by a qualified law enforcement agency or any third party approved by the Colorado Bureau of Investigation. The fingerprints shall be forwarded to the Colorado Bureau of Investigation for the purpose of conducting a state and national fingerprint-based criminal history record check utilizing the records of the Colorado Bureau of Investigation and the Federal Bureau of Investigation.

Disciplinary action, which could include dismissal from employment, may be taken against personnel if the results of the fingerprint-based criminal history disclose a conviction for certain felonies, as provided in law.

Reporting Violations and Disciplinary Action
Staff members shall promptly notify an administrator if they become aware of a situation that may constitute a violation of this regulation. Upon notification, the administrator shall immediately report the situation to the Assistant Superintendent for Human Resources or designee who will be responsible for overseeing an investigation. Depending on the specific

circumstances of the allegations or suspicions, staff members may have a mandatory duty under state law to report the violation(s) as child abuse in accordance with applicable administrative policy.

Students and their parents/guardians should notify an administrator if they believe a teacher or other staff member may be engaging in conduct that violates this regulation. In determining whether a violation of professional boundaries has occurred, the district shall consider the totality of the circumstances, including the nature and extent of the conduct involved, the job description and duties of the staff member, the staff member's intent or purpose in engaging in the conduct, and whether the conduct caused harm to the student(s) or adversely affected the education of the student(s).

Persons reporting in good faith regarding alleged violations or suspected violations of this regulation shall not be subject to retaliation in any form.

Child Abuse
A district staff member who has reasonable cause to know or suspect that any child is subjected to abuse or to conditions that might result in abuse or neglect must immediately upon receiving such information report it to a law enforcement agency and/or the Department of Human Services in accordance with applicable Academy District 20 Administrative policies (JLF and JLF-R – Reporting Child Abuse/Child Neglect) and state law. The responsibility for investigating such information resides with the agency handling the report. Staff members shall not conduct independent investigations nor notify parent/guardian(s) of suspected child abuse. Staff members shall not question the student, parent/guardian(s), other staff members; take, share, or transmit photographs or digital images of the student; conduct a physical examination of the student; move or remove the student's clothing; interview witnesses; or make any other attempts to ascertain information regarding the suspected abuse.

The superintendent or designee is authorized to conduct an internal investigation and to take any other necessary steps if confirmation is received from a county department of social services or a law enforcement agency that a suspected child abuse perpetrator is a school district staff member. Such information shall remain confidential except that the superintendent or designee shall notify the Colorado Department of Education of the child abuse investigation.

Unlawful Behavior Involving Children
The district may make an inquiry with the Department of Education concerning whether any current staff of the school district has been convicted of, pled *nolo contendere* to, or received a deferred or suspended sentence or deferred prosecution for a felony or misdemeanor crime involving unlawful sexual behavior or unlawful behavior involving children. Disciplinary action, up to and including a recommendation for termination, may be taken if the inquiry discloses information relevant to the staff member's fitness for employment.

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