

The Wake County Board of Education 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 must be based upon cooperation, mutual respect, and an understanding of the appropriate boundaries between adults and students inside 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 must consult their supervisor any time they suspect or are unsure whether conduct is inappropriate or otherwise constitutes a violation of this or any other board policy.

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

A. ROMANTIC RELATIONSHIPS AND SEXUAL CONTACT PROHIBITED

All employees are prohibited from dating, courting, engaging in inappropriate sexual dialogue, 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 North Carolina law. 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. All employee-student electronic communication must be appropriate and professional and comply with all applicable laws and Board policies. Employees are prohibited from using non-school-controlled electronic communication to interact with students unless approved by a supervisor and a parent/guardian or as described below. Electronic communication includes but is not limited to social media, telephone, voice, email, texting, photo or video transmission, or any instant or temporary messages, pictures, or communications. Employees are also prohibited from communicating electronically with students on platforms using content that disappears.

Examples of permissible employee-student electronic communications are:

- a. the communication is related to an educational purpose, and (1) conducted through a school system-provided platform which archives all such communications for a period of at least three years, (this requirement does not apply to telephone or voice mail communications) or (2) conducted through a platform approved by the school administration and whose communication can be made available to a supervisor or parent/guardian;
- b. the communication is used on a limited basis, 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;
- c. the communication is necessary in a bona fide emergency, provided the communication is disclosed to the supervisor and appropriate parent/guardian as soon as reasonably possible;
- d. the communication derives from a relationship or association outside of the school setting and occurs with the consent of a parent/guardian; or
- e. the communication is for and limited to logistical information associated with an approved school related activity.

Any electronic communication permitted by this subsection must be appropriate and professional and comply with applicable policies and laws.

2. It is the duty of every employee to notify his or her supervisor of any unsolicited one-to-one communication, 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.
3. Violations of this section will 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, appropriateness, educational relevance, subject, and timing of the communication(s);
 - b. whether the communication(s) could reasonably be viewed as a solicitation of sexual contact or the courting of a romantic relationship, including sexual grooming;
 - c. whether there was an attempt to conceal the communication(s) from the employee's supervisor and/or the student's parent or guardian;

- d. whether the communication(s) created a disruption of the educational environment; and
- e. whether the communication(s) harmed the student in any manner or reasonably could have led to a harm.

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 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; or
- c. that the employee has witnessed behavior by another employee that has the appearance of impropriety, whether or not the behavior may have a valid 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 or another student 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 the Discrimination, Harassment, and Bullying Complaint Process Policy.

3. Report of Criminal Misconduct

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

4. Report to State Superintendent of Public Instruction

Any administrator, including the superintendent, a deputy/associate/assistant superintendent, a personnel administrator, or a principal, who knows or has reason to believe that a licensed employee has engaged in conduct which 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 child or causing a child to commit a sexual act, regardless of consent and the age of the child. 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 the Child Abuse – Reports and Investigations Policy, 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. 14-27.32, -202.4; 115C-47(18); 16 N.C.A.C. 6C .0601, .0602; State Board of Education Policies EVAL-014, LICN-007, NCAC-6C.0312.

Adopted: