



Book	Policy Manual
Section	Volume 34, No. 2 - April 2022
Title	New Policy - Vol. 34, No. 2 - April 2022 - STAFF-STUDENT RELATIONS
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### **New Policy**

#### **4213.01 - STAFF-STUDENT RELATIONS**

The School Board wants to maintain a safe and healthy educational environment for students attending the School Corporation. The interactions between Corporation employees and its students are of paramount concern. This policy addresses appropriate boundaries between Corporation employees and its students.

#### **Sexual Relationships with Students Prohibited**

Sexual conduct with or sexual relationships with students by a Corporation employee are prohibited. Any teacher, administrator, coach, school official, or staff member who engages in sexual conduct with a student may be disciplined, up to and including termination. That person's conduct also may constitute the crime of:

- A. "sexual battery," under I.C. 35-42-4-8; or
- B. "child molesting" under I.C. 35-42-4-3 in the case of a child under fourteen (14) years of age; or
- C. "sexual misconduct with a minor" under I.C. 35-42-4-9 in the case of a child between the ages of fourteen (14) and sixteen (16).

The issue of consent is irrelevant in regard to the latter two (2) criminal charges. Any conduct that may constitute a crime shall be reported to local law enforcement.

Any employee accused of sexual conduct or a sexual relationship with a student ~~( ) may~~ **(X )** will **[not recommended]** **[end of option]** be placed on leave until school administrative proceedings are completed. Proven sexual relationships with a student, regardless of the age of the student, will initiate the termination

process for the employee.

### **Allegations Constituting Criminal Conduct or Child Abuse/Sexual Misconduct**

The Corporation's administrators, including a Compliance Officer or designee, shall report to local law enforcement any conduct that may constitute a crime upon receiving a report of such conduct.

State law requires any teacher or school employee who knows or suspects that a child under the age of eighteen (18) is a victim of child abuse or neglect to report that knowledge or suspicion to the Department of Child Services ("DCS") immediately.

Allegations made during harassment investigations:

If, during the course of a harassment investigation, a Compliance Officer or a designee has reason to believe or suspect that the alleged conduct may constitute abuse or neglect of a child, a report must be made to DCS in accordance with State law and Board Policy.

If, during the course of a harassment investigation, a Compliance Officer or a designee has reason to believe or suspect that the conduct reported may constitute a crime, a report must be made to local law enforcement.

Reports made to DCS or to local law enforcement do not terminate a Compliance Officer's or a designee's obligation and responsibility to continue to investigate a complaint of harassment. While the Compliance Officer or a designee may work cooperatively with outside agencies to conduct concurrent investigations, in no event shall the harassment investigation be inhibited by the involvement of outside agencies without good cause after consultation with the Superintendent.

### **[DRAFTING NOTE: PROVISIONS BELOW ARE OPTIONAL, AND THE BOARD MUST DECIDE WHAT TO INCLUDE]**

#### **Inappropriate Boundary Invasions by Corporation Employees**

The Board prohibits inappropriate boundary invasions by a Corporation employee into a student's personal space and personal life.

### **[DRAFTING NOTE: The Board may elect to include no, some, or all examples of boundary invasions as identified below.]**

[X] Examples of inappropriate boundary invasions include but are not limited to the following:

- A. ( ☒ ) hugging, kissing, or other physical conduct with a student;
- B. ( ☒ ) telling sexual jokes to students;
- C. ( ☒ ) engaging in talks containing sexual innuendo or banter with students;
- D. ( ☒ ) talking about sexual topics that are not related to curriculum;
- E. ( ☒ ) showing pornography to a student;
- F. ( ☒ ) taking an undue interest in a student (i.e., having a "special friend" or "special relationship");

- G. (X ) initiating or extending contact with students beyond the school day for personal purposes;
- H. ( X ) using email, text messaging, websites, or other social media services to discuss personal topics or interests with students;
- I. (X ) giving students rides in the staff member's personal vehicle or taking students on personal outings without administrator approval;
- J. (X ) invading a student's privacy (e.g., walking in on the student in the bathroom or locker room or asking about bra sizes or previous sexual experience);
- K. (X ) going to a student's home for non-educational purposes;
- L. (X ) inviting students to the staff member's home without proper chaperones (i.e., another staff member or the student's parent);
- M. (X ) giving gifts or money to a student for no educational purpose;
- N. (X ) accepting gifts or money from a student for no legitimate educational purpose (this does not include gifts given at Christmas or at the end of the year as a "thank you" to the staff member);
- O. (X ) being overly touchy with students;
- P. ( X ) favoring certain students by inviting them to come to the classroom at non-class times;
- Q. (X) pulling a student out of class to visit with the staff member;
- R. ( X ) providing advice to or counseling a student regarding a personal problem (e.g., problems related to sexual behavior, substance abuse, mental or physical health, or family relationships) unless properly licensed and authorized to do so;
- S. ( X ) talking to a student about problems that normally would be discussed with adults (e.g., marital issues);
- T. ( X ) being alone with a student behind closed doors without a legitimate educational purpose;
- U. (X ) telling a student "secrets" and having "secrets" with a student;
- V. ~~( ) other similar activities or behavior:~~
1. ~~( )~~ \_\_\_\_\_;
  2. ~~( )~~ \_\_\_\_\_;
  3. ~~( )~~ \_\_\_\_\_.

Disciplinary action, up to and including termination, may result from the violation of the above-stated boundary invasions.

**[END OF OPTION]**

**Allegations Involving Conduct Unbecoming the Teaching Profession/Suspension**

The Superintendent will report to the Indiana Department of Education, on forms provided for that purpose, matters of misconduct on the part of licensed professional staff members convicted of sexual battery and, in accordance with Policy 3121, will suspend such employee from all duties that concern or involve the care, custody, or control of a child during the pendency of any criminal action for which that person has been arrested, summoned and/or indicted in that regard.

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Legal	I.C. 31-33-5
	I.C. 35-42-4-3
	I.C. 35-42-4-8
	I.C. 35-42-4-9