

Staff-Student Relations (Non-Fraternization Policy)

Definitions

The following definitions apply for purposes of this policy.

Electronic Communications means a communication transmitted by electronic device and include, but are not limited to, emails, text messages, instant messages, or communications made by means of an Internet website, including social media and other networking sites.

Inappropriate behavior includes, but is not limited to, flirting, inappropriate close social relationships, suggestive comments, sexual advances or conduct, inappropriate physical displays of affection, giving inappropriate personal gifts, inappropriate communications, including electronic communications, providing students with prohibited substances, inappropriate touching, or sexual contact or relations of any kind.

Staff means (1) any individual employed by the District, including any administrator, certified or classified employee, student, teacher, practicum student, fieldwork student, temporary employee, and substitute employee; (2) employees of contractors or agencies and independent contractors; and (3) volunteers, including Board Members.

Student means any individual enrolled in the District's educational programs.

Staff Expectations

The Fargo Public School District expects and requires all staff, as defined by this policy, to maintain the highest professional and ethical standards in their conduct with students. The relationships between staff and students must be conducive to an effective and safe learning environment. Staff are role models for students, whether on or off school property, both during and outside of school hours, and are expected to exercise good judgment and maintain professional boundaries when interacting with students at all times. Even if a student willingly participates in conduct or an activity, prohibited interactions between staff and students, regardless of age, are a violation of this policy. Such behavior by District staff is potentially confusing to the student, disruptive to their education program and has the potential to threaten or violate their right to personal and physical integrity.

Prohibited Behavior

Staff are prohibited from engaging in any of the following conduct, regardless of whether the conduct occurs on or off of school property or whether the conduct occurs during or outside of school hours:

1. Engaging in inappropriate behavior with a student of any age.
2. Engaging in any romantic or sexual conduct with students, regardless of age.
3. Transporting students unless in accordance with AP 6340 Transportation of Students.

The above-detailed list of prohibited conduct does not, and is not intended to, constitute an entire list of conduct for which disciplinary action may be imposed.

Electronic Communication

Electronic communication with students shall only be for a legitimate educational reason. When available, district provided email or other District provided communication devices shall be used when communicating electronically with students. The use of District provided email and other communications devices shall be in accordance with District policy.

Electronic communication from teachers, coaches, and advisors to classes, teams or club members shall be sent in a single communication to all class, team, or club members, except for communication concerning an individual student's medical or educational needs. In such cases, these communications must be sent using District provided email or other District sponsored communication devices. In such cases where a District sponsored communication platform is unavailable, communication with the student must include either the building principal, or in the case of extracurricular activities, the building activities director, or another adult staff member.

Exceptions

An emergency situation or legitimate education reason may justify deviation from the professional boundaries set forth in this policy. The staff member shall be prepared to articulate the reason for any deviation from the requirements of this policy and must demonstrate that they have maintained appropriate boundaries with the student.

There will also be circumstances where personal relationships develop between an adult and a student's family. 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 professional boundaries appropriate to the nature of the activity.

It is also understood that staff are involved in various roles in the community through non-district related organizations and programs where participants may include district students. Such community involvement is commendable, and this policy is not intended to interfere with or restrict a staff member's ability to serve in these 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 with in the course of their community involvement.

Duty to Report

Any staff member with knowledge or suspicion of a violation of this policy must immediately report the conduct to their building principal or Superintendent. The failure of an employee to report knowledge or suspicion of a violation of this policy could result in disciplinary action, up to and including, termination.

Any student who believes that they have been subjected to behavior in violation of this policy, or who have knowledge or suspicion that a staff member has violated this policy, shall report the incident to the building principal or the District's Title IX Compliance Officer for further investigations.

School District Action

Upon receipt of a complaint or report of a violation of this policy, the District shall conduct an investigation. The District will respect the privacy of the complainant(s), the individual(s)

against whom the complaint is filed, and the witnesses as much as possible, consistent with the school district's obligation to investigate, take appropriate action, and comply with any legal disclosure obligations.

Disciplinary Action

Any staff member who engages in conduct in violation of this policy shall be subject to appropriate disciplinary action, up to and including termination. A violation of this policy may also subject the employee to criminal charges, civil liability, and disciplinary by the North Dakota Education Standards and Practices Board.

Prohibition on Retaliation

The District prohibits retaliatory action of any kind against complainants, victims, witnesses, or any other individual involved in the complaint or investigative process. The District will take appropriate disciplinary action against any staff member or student of the school district who retaliates against any person who makes a good faith report, testifies, assists, or participates in an investigation, or participates in a proceeding or hearing relating to inappropriate relations between students and staff members. Retaliation includes, but is not limited to, any form of intimidation, harassment, or intentional disparate treatment.

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