

Superintendent File: GBEB-R

STAFF CONDUCT (And Responsibilities)

Professional boundaries with students

In a professional staff/student relationship, staff members maintain boundaries with students that are consistent with their professional code of conduct and obligations. All staff members are expected to observe and maintain proper professional boundaries in accordance with this regulation and accompanying policy.

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 District policy;
- furnishing 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;
- initiating or extending contact with a student beyond the school day or outside of class times for the staff member's personal purposes;
- sending or accompanying a student on personal errands;
- inviting a student to a staff member's home without 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 or money to a student;
- any other action or activity similar in nature to those listed above.

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

- any communications without a legitimate educational reason;
- flirting, propositions or sexual remarks;
- sexual slurs, leering, sexual or derogatory comments;
- inappropriate comments about a student's body;
- sexual jokes, notes, stories, drawings, gestures or pictures;
- displaying or transmitting sexual pictures, objects or depictions;
- disclosing personal, sexual, romantic, marital or employment issues or other private matters;
- other communications or activities similar in nature to those listed above.

Reporting violations and disciplinary action

Staff members shall promptly notify their principal, department supervisor or superintendent if they become aware of a situation that may constitute a violation of this regulation. Depending on the specific allegations or suspicions, staff members may have a mandatory duty to report the violation(s) as child abuse in accordance with state law, Board policy and this regulation.

Students and their parents/guardians should notify the principal or superintendent 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 employee, the employee's intent or purpose in engaging in the conduct, and whether the conduct caused harm to the student or adversely affected the education of students.

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

Mandatory reporting

All District employees are mandatory reporters pursuant to state law. Accordingly, all staff members who have reasonable cause to know or suspect that a child has been subjected to abuse or neglect or who have observed the child being subjected to circumstances or conditions which would reasonably result in abuse or neglect shall immediately upon receiving such information report it to the Douglas County Department of Human Services, and, a report should also be made to Law Enforcement if there is imminent danger to a child or criminal activity is suspected. State law protects mandatory reporters acting in good faith and they will be immune from liability, civil, or criminal charges unless a competent jurisdiction determines such behavior was willful, wanton, and malicious.

Reporting Procedure:

1. Immediately notify the Douglas County Department of Human Services (“DHS”) by calling them and providing information. If there is imminent danger to a child or criminal activity is suspected, immediate notification to the local law enforcement agency should also be made by calling local law enforcement and providing information.
2. After making the verbal report(s), complete the District’s “Child Abuse and Neglect Report Form.”
3. Email a PDF copy of the completed Report Form to the Douglas County Department of Human Services at cwreferrals@douglas.co.us and also email the Report Form to mhreports@dcsdk12.org.

Staff members who willfully violate the District’s mandatory reporting policy are subject to disciplinary action, up to and including termination. Thus, staff members should contact the District’s Office of Legal Counsel, Department of Human Resources, or the Safety and Security office if they have questions or need assistance in reporting.

Notice upon arrest for specific criminal offenses

An employee’s criminal misconduct may constitute a violation of Board or District policy. Such criminal misconduct may also necessitate disciplinary action against the employee and require the District to notify students’ parents/guardians of the employee’s criminal charges in accordance with state law.

In an effort to keep the District apprised in a timely manner of potentially concerning behavior by its employees, an employee who is arrested for any of the following criminal offenses shall provide written notice to the superintendent or Department of Human Resources. Such notice shall be provided prior to reporting to duty in the District and no later than five days after the employee’s arrest.

The required notice applies to the following criminal offenses:

1. felony child abuse, as specified in C.R.S. 18-6-401;
2. a crime of violence, as defined in C.R.S. 18-1.3-406(2), except second degree assault, unless the victim is a child;
3. a felony involving unlawful sexual behavior, as defined in C.R.S. 16-22-102(9);
4. felony domestic violence, as defined in C.R.S. 18-6-800.3;
5. felony indecent exposure, as described in C.R.S. 18-7-302; or
6. a level 1 or level 2 felony drug offense, as described in C.R.S. 18-18-401 *et seq.*

Disciplinary action and parental notification

Upon receiving notification of an employee's arrest for one or more of the above listed criminal offenses, the District may conduct further investigation as it deems necessary and/or refer the matter to the Colorado Department of Education. Disciplinary action, including dismissal, may be taken against the employee as deemed appropriate by the District, in accordance with applicable law and Board and/or District policy.

The District will also notify students' parents/guardians when an employee is charged with any of the above-listed criminal offenses, in accordance with state law and applicable Board and/or District policy.

Approved by the Superintendent: December 8, 2020