

General Personnel

Employee Ethics; Code of Professional Conduct; and Conflict of Interest

All adults are expected to maintain professional, moral and ethical relationships with students that are conducive to an effective, safe learning environment. The provisions of this policy apply to all adults relative to their conduct with students in District schools and programs. For purposes of this policy, the term "adults" includes District employees, volunteers, independent contractors, student teachers, coaches, and campus visitors. "Parent" includes parents, legal guardians, caregivers and other persons lawfully acting in the place of a parent.

This policy addresses a range of behaviors that include not only obviously unlawful or improper interactions with students, but also boundary-blurring and grooming behaviors that undermine the professional adult/student relationship and can lead to misconduct or the appearance of impropriety.

Adults may address the physical and emotional needs of a student as mandated by law or when necessary to serve a legitimate educational purpose within the scope of employment or volunteer duties. For purposes of this policy, the term "legitimate educational purpose" includes matters or communications related to teaching, counseling, athletics, extracurricular activities, treatment of a student's injury or other medical needs, school administration, or other purposes within the scope of the adult's purpose on campus and/or employment duties.

The Superintendent or designee shall provide this policy to all District employees and students and/or parents/guardians in their respective handbooks, and ensure its posting on the District's website, if any.

Professional and Appropriate Conduct

Professional and appropriate employee conduct are important Board goals that impact the quality of a safe learning environment and the school community, increasing students' ability to learn and the District's ability to educate. To protect students from sexual misconduct by employees, and employees from the appearance of impropriety, State law also recognizes the importance for District employees to constantly maintain professional and appropriate relationships with students by following established expectations and guidelines for employee-student boundaries. Many breaches of employee-student boundaries do not rise to the level of criminal behavior but do pose a potential risk to student safety and impact the quality of a safe learning environment. Repeated violations of employee-student boundaries may indicate the grooming of a student for sexual abuse. As bystanders, employees may know of concerning behaviors that no one else is aware of, so their training on: (1) preventing, recognizing, reporting, and responding to child sexual abuse and grooming behavior; (2) this policy; and (3) federal and state reporting requirements is essential to maintaining the Board's goal of professional and appropriate conduct.

The Superintendent or designee shall identify employee conduct standards that define appropriate employee-student boundaries, provide training about them, and monitor the District's employees for violations of employee-student boundaries. The employee conduct standards will require that, at a minimum:

1. Employees who are governed by the *Code of Ethics for Illinois Educators*, adopted by the Ill. State Board of Education (ISBE), will comply with its incorporation by reference into this policy.
2. Employees are trained on educator ethics, child abuse, grooming behaviors, and employee-student boundary violations as required by law and policies 2:265, *Title IX Sexual Harassment Grievance Procedure*; 4:165, *Awareness and Prevention of Child Sexual Abuse and Grooming Behaviors*; 5:90, *Abused and Neglected Child Reporting*; and 5:100, *Staff Development Program*.

3. Employees maintain professional relationships with students, including maintaining employee-student boundaries based upon students' ages, grade levels, and developmental levels and following District-established guidelines for specific situations, including but not limited to:
 - a. Transporting a student;
 - b. Taking or possessing a photo or video of a student; and
 - c. Meeting with a student or contacting a student outside the employee's professional role.

- d. An adult who observes or reasonably suspects another adult violating this policy shall immediately report the information to the site supervisor or appropriate agency for investigation pursuant to Board policy. If the supervisor is the subject of the report, the adult will report instead directly to Human Resources. The supervisor who receives a report must document, in writing, the concern and provide a copy of the documentation to Human Resources.

This policy does not in any way diminish the responsibility of "mandated reporters" to report suspected child abuse and neglect as required by the Child Abuse and Neglect Reporting Act, BP/AR 5141.4, and other pertinent law and policy/regulations.

(cf. 1312.1 - Complaints Concerning District Employees) (cf. 5141.4 - Child Abuse Reporting Procedures).

Pursuant to the Child Abuse and Neglect Reporting Act (Penal Code 11164-11174.3), persons identified as "mandated reporters," including, but not limited to, school administrators, certificated staff, and classified staff, are required to report known or suspected child abuse, including sexual assault and sexual exploitation. For required procedures for filing a report, see BP/AR 5141.4 - Child Abuse Prevention and Reporting.

4. Whenever the District receives a report concerning a possible boundary violation, the site supervisor and the assigned Human Resources Administrator will conduct a prompt investigation utilizing the procedures for investigations of allegations of serious misconduct. The investigation shall include a review of the full history of concerns relating to the subject of the concern/complaint.

Immediate action must be taken when necessary to protect student safety and/or the integrity of the investigation.

5. Board policies 2:260, *Uniform Grievance Procedure*; 2:265, *Title IX Sexual Harassment Grievance Procedure*; and 5:90, *Abused and Neglected Child Reporting*.
6. Discipline up to and including dismissal will occur for any employee who violates an employee conduct standard or engages in any of the following:
 - a. Violates expectations and guidelines for employee-student boundaries.
 - b. Sexually harasses a student.
 - c. Willfully or negligently fails to follow reporting requirements of the Abused and Neglected Child Reporting Act (325 ILCS 5/), Title IX of the Education Amendments of 1972 (20 U.S.C. §1681 *et seq.*), or the Elementary and Secondary Education Act (20 U.S.C. § 7926).
 - d. Engages in *grooming* as defined in 720 ILCS 5/11-25.
 - e. Engages in grooming behaviors. Prohibited grooming behaviors include, at a minimum, *sexual misconduct*. *Sexual misconduct* is any act, including but not limited to, any verbal, nonverbal, written, or electronic communication or physical activity,

by an employee with direct contact with a student, that is directed toward or with a student to establish a romantic or sexual relationship with the student. Examples include, but are not limited to:

- i. A sexual or romantic invitation.
- ii. Dating or soliciting a date.
- iii. Engaging in sexualized or romantic dialog.
- iv. Making sexually suggestive comments that are directed toward or with a student.
- v. Self-disclosure or physical exposure of a sexual, romantic, or erotic nature.
- vi. A sexual, indecent, romantic, or erotic contact with the student.

Appearances of Impropriety

Employees are expected to be aware of the appearance of impropriety in their own conduct and the conduct of other adults when interacting with students. Even though the intent of the adult may be professional and appropriate, and there may be a legitimate educational purpose for the conduct, the following activities can create the appearance of impropriety:

1. Being alone with an individual student out of the view of others, including but not limited to classroom, vehicle, etc.;
2. Inviting or allowing individual students to visit the adult's home;
3. Remaining on campus alone with student(s) after the last administrator leaves the school site;
4. Visiting a student's home unless home visits are a required and expected duty of the adult;
5. Frequent, unnecessary and/or an unreasonable amount of electronic communication, including communication not serving a legitimate educational purpose, via District and/or non-District provided platforms, including social media, text, instant messenger, etc.

Whenever possible, adults should avoid these situations. If unavoidable, these activities should be pre-approved by the appropriate administrator. If not pre-approved, the adult must report the occurrence to the appropriate administrator as soon as possible.

Electronic Communications

As with other forms of communication, when communicating electronically, adults shall maintain professional and appropriate boundaries with students.

Electronic and other communications with students shall be for legitimate educational purposes only within their scope of employment or volunteer duties. Employees and volunteers shall not maintain personal contact with a student by phone, letter, electronic communication, social media, or other means, outside of an official District communication platform, without including the parent and/or school principal as a recipient of that communication.

When available, District email and District communication devices shall be used when communicating electronically with students. The use of District email or other District communication devices shall be in accordance with District policies and procedures.

Employees shall not communicate with students, for any reason, through use of a medium that is designed to eliminate all traces or records of the communication (e.g. "Snapchat").

All electronic communications from coaches and advisors to team or club members shall concern only legitimate educational interests and shall be sent in a single communication to all participating team or club members, except for communications concerning an individual student's medical or academic privacy matters, in which case the communication shall be copied to the school principal.

Employees shall not follow or accept requests from current students or non-adult former students to be friends or connections on personal social networking sites and shall not create or participate in any

networking site for communication with students other than those provided by the District for this purpose, without the prior written approval of the school principal.

Boundary Violations

A boundary violation is an act by an adult that does not have a legitimate educational purpose and has the potential to abuse the adult/student relationship. Examples of adult conduct that violate professional adult/student boundaries include but are not limited to the following:

1. Singling out a particular student or students for personal attention and friendship beyond the adult/professional staff-student relationship.
2. For non-guidance/counseling staff, encouraging students to confide their personal or family problems and/or relationships.
3. If a student initiates such discussions, adults are expected to refer the student to appropriate guidance/counseling staff. In either case, adult involvement should be limited to a direct connection to the student's school performance.
4. Addressing students or permitting students to address staff members with personalized terms of endearment, pet names or otherwise in an overly familiar manner.
5. Maintaining personal contact with a student outside of school by phone, e-mail, text message, instant messenger or Internet chat rooms, social networking websites, such as Facebook, Instagram, Snapchat, Twitter, etc., or letters beyond homework or other legitimate school business without including the parent/guardian.
6. This prohibition specifically includes "friending" or "following" students on the student's personal social media. This also specifically includes the posting of student images or other personally identifiable information of students on a personal website, social media, or other personal media channel. This does not prohibit individuals from reposting district communication.
7. Exchanging personal gifts, cards or letters with an individual student for which it is directly or implicitly suggested that a student is to say or do something in return.
8. Inappropriate touching of students or inappropriate physical contact (e.g., bodily contact with intimate parts of a student's body either under or over the clothing, full body hugs, massages/shoulder rubs, holding hands, touching a student's waist or lower back, holding hands and/or stroking hair).
9. The foregoing does not preclude adults from: (a) Assisting an injured student; (b) assisting a student with special needs who requires assistance with toileting or other physical assistance; (c) providing appropriate coaching instruction; (d) providing appropriate music instruction; (e) shaking hands; (f) assisting young students to cross a street or navigate a busy walkway; (g) intervening in a fight; or (h) otherwise using reasonable force protect the safety of students or staff.
10. Socializing or spending time with students (including but not limited to activities such as going out for beverages, meals or movies, shopping, traveling and recreational activities and visiting the student's home) outside of school-sponsored events, except as participants in organized community activities.
11. Transporting student(s) in a personal vehicle in any situation without advance authorization from the school administrator and parents.
12. Being alone with a student without a legitimate educational purpose.

Boundary Violations Constituting Serious Misconduct

A boundary violation that constitutes serious misconduct is an act or pattern of behavior by an adult that does not have a legitimate educational purpose while in the course and scope of their employment or volunteer duties; and results in abuse of the adult/student professional relationship, meaning that the adult has misused his/her relationship/authority with a student in an unprofessional, immoral, and/or unethical manner. A boundary violation that constitutes serious misconduct may be subject to disciplinary action.

A. Romantic or Sexual Relationships

Adults are prohibited from dating, courting, or entering into or attempting to form a romantic or sexual relationship with any student, regardless of the student's age.

Prohibited romantic or sexual interaction involving students includes, but is not limited to:

1. Sexual physical contact;
2. Romantic flirtation, propositions, or sexual remarks;
3. Sexual slurs, leering, epithets, sexual or derogatory comments;
4. Personal comments about a student's body;
5. Sexual jokes, banter, innuendo, notes, stories, drawings, gestures or pictures;
6. Spreading sexual or romantic rumors;
7. Touching a student's body or clothes in a sexual or intimate way or in a manner that is not age appropriate;
8. Restricting a student's freedom of movement in a sexually intimidating or provocative manner;
9. Displaying or transmitting sexual objects, pornography, pictures, or depictions to a student;
10. Any type of conduct that would be considered harassment under Board Policy.

B. Social and Other Interactions

Adults are prohibited from engaging in social and other interactions with students which abuse the student/adult professional relationship/boundaries.

Prohibited social and other interaction involving students includes, but is not limited to:

1. Sending or accompanying students on personal errands unrelated to any legitimate educational purpose;
2. Furnishing alcohol, legal or illegal drugs, tobacco, or an intoxicant of any kind to a student, or being present where any student is consuming these substances;
3. Disclosing personal, sexual, family, employment concerns or other private matters to a student;
4. Sharing personal secrets with a student;
5. Unnecessarily invading a student's privacy (e.g. knowingly or purposely walking in on a student in the bathroom);
6. Taking a student out of class without a legitimate educational purpose;
7. Giving a student a ride alone in a vehicle in a non-emergency situation without advance approval from the school administrator and parent, as described above; or,
8. Engaging in harassing or discriminatory conduct prohibited by other District policies or by State or Federal law and regulations.

Exceptions

An emergency situation or a legitimate educational purpose may justify deviation from the professional boundaries set out in this policy. The adult must be prepared to articulate the reason for any deviation from the requirements of this policy and must demonstrate that s/he has maintained an appropriate relationship with the student.

Under no circumstance will an educational or other reason justify deviation from the "Romantic and Sexual Relationship" section of this policy.

There may be circumstances where there is an appropriate pre-existing personal/familial relationship between an adult and a student's family that exists independently of the adult's position with the District (e.g. they are related by blood or marriage, their children are personal friends). This policy is not intended to interfere with such relationships or to limit activities that are normally consistent with such relationships. Adults should consider and avoid any appearance of impropriety in these situations. Adults are strongly encouraged to maintain professional boundaries appropriate to the nature of the activity, and to ensure that their actions are consistent with parent expectations.

It is understood that adults may be involved in other roles in the community through civic, religious, athletic, Scouting or other organizations and programs whose participants may include District students. This policy is not intended to interfere with or restrict an adult's ability to serve in those roles; however, adults are strongly encouraged to maintain professional boundaries appropriate to the nature of the activity with regard to all youth with whom they interact in the course of their community involvement, and to ensure that their actions are consistent with parent expectations.

Statement of Economic Interests

The following employees must file a *Statement of Economic Interests* as required by the Ill. Governmental Ethics Act:

1. Superintendent;
2. Building Principal;
3. Head of any department;
4. Any employee who, as the District's agent, is responsible for negotiating one or more contracts, including collective bargaining agreement(s), in the amount of \$1,000 or greater;
5. Hearing officer;
6. Any employee having supervisory authority for 20 or more employees; and
7. Any employee in a position that requires an administrative or a chief school business official endorsement.

Ethics and Gift Ban

Board policy 2:105, *Ethics and Gift Ban*, applies to all District employees. Students shall not be used in any manner for promoting a political candidate or issue.

Prohibited Interests; Conflict of Interest; and Limitation of Authority

In accordance with 105 ILCS 5/22-5, "no school officer or teacher shall be interested in the sale, proceeds, or profits of any book, apparatus, or furniture used or to be used in any school with which such officer or teacher may be connected," except when the employee is the author or developer of instructional materials listed with ISBE and adopted for use by the Board. An employee having an interest in instructional materials must file an annual statement with the Board Secretary.

For the purpose of acquiring profit or personal gain, no employee shall act as an agent of the District nor shall an employee act as an agent of any business in any transaction with the District. This includes participation in the selection, award, or administration of a contract supported by a federal award or State award governed by the Grant Accountability and Transparency Act (GATA) (30 ILCS 708/) when the employee has a real or apparent conflict of interest. A conflict of interest arises when

an employee or any of the following individuals has a financial or other interest in or a tangible benefit from the entity selected for the contract:

1. A member of the employee's immediate family;
2. An employee's partner; or
3. An entity that employs or is about to employ the employee or one of the individuals listed in one or two above.

Employees shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or parties to agreements or subcontracts. Situations in which the interest is not substantial or the gift is an unsolicited item of nominal value must comply with State law and Board policy 2:105, *Ethics and Gift Ban*.

Guidance Counselor Gift Ban

Guidance counselors are prohibited from intentionally soliciting or accepting any gift from a *prohibited source* or any gift that would be in violation of any federal or State statute or rule. For guidance counselors, a *prohibited source* is any person who is (1) employed by an institution of higher education, or (2) an agent or spouse of or an immediate family member living with a person employed by an institution of higher education. This prohibition does not apply to:

1. Opportunities, benefits, and services available on the same conditions as for the general public.
2. Anything for which the guidance counselor pays market value.
3. A gift from a relative.
4. Anything provided by an individual on the basis of a personal friendship, unless the guidance counselor believes that it was provided due to the official position or employment of the guidance counselor and not due to the personal friendship. In determining whether a gift is provided on the basis of personal friendship, the guidance counselor must consider the circumstances in which the gift was offered, including any of the following:
 - a. The history of the relationship between the individual giving the gift and the guidance counselor, including any previous exchange of gifts between those individuals.
 - b. Whether, to the actual knowledge of the guidance counselor, the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift.
 - c. Whether, to the actual knowledge of the guidance counselor, the individual who gave the gift also, at the same time, gave the same or a similar gift to other school district employees.
5. Bequests, inheritances, or other transfers at death.
6. Any item(s) during any calendar year having a cumulative total value of less than \$100.
7. Promotional materials, including, but not limited to, pens, pencils, banners, posters, and pennants.

A guidance counselor does not violate this prohibition if he or she promptly returns the gift to the prohibited source or donates the gift or an amount equal to its value to a 501(c)(3) tax-exempt charity.

Outside Employment

Employees shall not engage in any other employment or in any private business during regular working hours or at such other times as are necessary to fulfill appropriate assigned duties.

Incorporated
by reference: 5:120-E (Code of Ethics for Ill. Educators)

LEGAL REF.: U.S. Constitution, First Amendment.
2 C.F.R. §200.318(c)(1).
5 ILCS 420/4A-101, Ill. Governmental Ethics Act.
5 ILCS 430/, State Officials and Employee Ethics Act.
30 ILCS 708/, Grant Accountability and Transparency Act.
50 ILCS 135/, Local Governmental Employees Political Rights Act.
105 ILCS 5/10-22.39, 5/10-23.13, 5/22-5, 5/22-85.5, and 5/22-93.
325 ILCS 5/, Abused and Neglected Child Reporting Act.
720 ILCS 5/11-25, Criminal Code of 2012.
775 ILCS 5/5A-102, Ill. Human Rights Act.
23 Ill.Admin.Code Part 22, Code of Ethics for Ill. Educators.
Pickering v. Board of Township H.S. Dist. 205, 391 U.S. 563 (1968).
Garcetti v. Ceballos, 547 U.S. 410 (2006).

CROSS REF.: 2:105 (Ethics and Gift Ban), 2:265 (Title IX Sexual Harassment Grievance Procedure), 4:60 (Purchases and Contracts), 4:165 (Awareness and Prevention of Child Sexual Abuse and Grooming Behaviors), 5:90 (Abused and Neglected Child Reporting), 5:100 (Staff Development Program), 5:125 (Personal Technology and Social Media; Usage and Conduct), 5:200 (Terms and Conditions of Employment and Dismissal), 5:290 (Employment Terminations and Suspensions), 7:20 (Harassment of Students Prohibited)

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