

CMS EMPLOYEE HANDBOOK SECTION 7: *Staff/Student Professional Boundaries*

Board Policies referenced in this section include G-0650 and G-0750

Staff are required to maintain appropriate professional, moral, and ethical relationships in their conduct with students and shall serve as positive role models for students at all times, whether on or off Clovis Municipal School District property, both during and outside of school hours. The District encourages healthy relationships between students and staff that promote student achievement and success. At the same time, clear and reasonable boundaries for interactions between students and staff are necessary to protect students from sexual misconduct and abuse and protect staff from misunderstandings or false accusations. A teacher is in a position of trust and power; therefore, their actions must always be guided by the principle of what is in the best interest of students.

Staff have a responsibility to provide and support an atmosphere conducive to learning through consistent and fairly applied discipline and the maintenance of professional physical and emotional boundaries with students. These boundaries shall be maintained regardless of the student's age, perceived consensual nature of the relationship or activity, location of the activity, or whether the staff member directly supervises the student. For staff whose children are students in the District, these expectations are not intended to violate or otherwise intrude upon the usual parent/child or other family relationship. However, the existence of a parent/child or other family relationship does not supersede the staff member's duty to attend to his or her professional responsibility to serve the interests of the District, its student population, and the local community. Should the staff member believe these duties are in conflict, (s)he shall discuss it with their supervisor to resolve the issue.

Personal contact between students and staff must always be professional, non-sexual, appropriate to the circumstances, and unambiguous in meaning. A boundary invasion is an act, omission, or pattern of behavior by a staff member that does not have an educational purpose, abuses or compromises, or has the potential, to the staff/student professional relationship.

Staff shall establish and maintain appropriate personal boundaries with students and not engage in any behavior that is prohibited by law, regulation, Board Policy, or that creates the appearance of prohibited behavior. Staff shall be required to maintain professional and ethical relationships with students that are conducive to an effective, safe learning environment. These expectations address a range of behaviors that include not only unlawful or improper interactions with students, but also precursor grooming and other boundary-blurring behaviors that have the intention or effect of leading to more egregious misconduct.

It is the staff member's responsibility to maintain a professional relationship with students and their families, and to report to their principal, Employee Services Department, or other appropriate administrator when they suspect, recognize, or observe the development of, non-professional or potentially inappropriate personal relationships with students and/or their families.

DEFINITIONS

Duty of Care – A common law concept that refers to the responsibility of staff to provide children and young people with an adequate level of protection against harm. It is usually expressed as a duty to take reasonable care to protect children and young people from all reasonably foreseeable risk or injury.

Electronic Communications – A communication transmitted by means of an electronic device including, but not limited to, a telephone, cellular telephone, computer, computer network, personal data assistant, or pager. Electronic communications include, but are not limited to, emails, texts, instant messages, and communications made by means of an Internet website, including social media and other networking websites.

Hazing - Any action intentionally or recklessly taken or situation intentionally or recklessly created through which individuals are forced to perform, participate in, or endure actions which endanger the mental, physical, or academic health or safety of a student. This may include, but not be limited to, such actions which result in physical injury, assault or battery, kidnapping or imprisonment, intentionally placing a student at risk of mental or emotional harm, degradation, humiliation, intimidation or coercion, the compromising of moral or religious values, forced consumption of any liquid or solid, placing an individual in physical danger or at risk, or impairment of or interference with physical liberties or academic endeavors.

Inappropriate Boundary Invasion – An act, omission, or pattern of such behavior by a school employee or other adult that invades or is designed to result in an invasion of a student’s physical or emotional boundaries, *which does not have a legitimate educational purpose*, and results in abuse of the staff/student’s professional relationship.

Legitimate Educational Purpose or Reason – Matters or communications related to teaching, counseling, athletics, extracurricular activities, treatment of a student’s physical injury or other medical needs, school administration, or other purposes within the scope of the staff member’s job duties, including performing a task specified in his or her job description or contract agreement, a task related to a student’s education or to discipline of a student, providing a service or benefit related to the student or student’s family, or maintaining the safety and security of the school community.

Professional Boundaries – Appropriate professional, moral, and ethical relationships with students, on or off District property, that have a legitimate educational purpose or reason, both during and outside of school hours.

Staff – For purposes of these expectations, the term “staff” is defined to include all District employees, including but not limited to, all administrators, counselors, teachers, nurses, librarians, student support specialists, support staff, non-instructional staff, coaches, employees of virtual school programs, to include but not be limited to, distance learning, online programs, and vendors and/or independent contractors providing instructional services to, or who may have direct, unsupervised contact with students, as well as all substitutes, student teachers, interns, practicum students, volunteers, volunteer coaches, and community members.

These expectations apply to District employees, volunteers, student teachers, and independent contractors and their employees who interact with students, are present on school grounds, and who may have unsupervised access to students.

Independent contractors doing business with the District will ensure employees who have direct interaction with, or unsupervised access to students, or are present on school grounds, are informed of the provisions of these expectations and complete a criminal background check, which complies with NMSA 1978 Section 22-10A-5.

These expectations are not intended to interfere with appropriate personal or family relationships between staff and students and their families that exist independently of the District, nor to interfere with participation in civic, religious, or other outside organizations that include District students.

The interactions and relationships between staff and students should be based upon mutual respect and trust, an understanding of the appropriate boundaries between staff and students in and outside of the educational setting, and consistency with the educational mission of the District.

Staff will not intrude on a student's physical and emotional boundaries unless the intrusion is necessary to serve an educational, physical, mental, and/or emotional health purpose or to prevent the immediate risk of injury or harm to the student.

Staff shall use good judgment in their relationships with students beyond their work responsibilities and/or outside the school setting and shall avoid excessive informal and social involvement with individual students. Any appearance of impropriety should be avoided. Intimate relationships between staff and students are prohibited. In addition to regular classroom instruction and extracurricular activities, appropriate occasions when staff may interact with students beyond the school day include tutoring to improve students' academic skills, mentoring that provides students with positive role models, and hosting school-sanctioned or school-sponsored activities and events that reinforce positive behaviors.

One-on-one tutoring and mentoring offered during school or non-school hours must take place at the school or at an off-site location approved by the principal or appropriate administrator. When one-on-one tutoring and mentoring takes place away from the school, written permission from the parent/guardian must be obtained. Volunteers on school property must be under the supervision of a District staff member at all times.

During a school or instructional-related events and school-sanctioned or sponsored activities during non-school hours, staff must maintain the ethical standards applicable to their professions.

MANAGING PROFESSIONAL BOUNDARIES

Working in Local Communities - Staff working in local communities face additional challenges in managing professional boundaries. They are more likely to have social relationships with the parents/guardians of children and young people with whom they work; therefore, more likely to share social and sporting events or membership at various community clubs, organizations, or associations.

This means staff will have legitimate reasons, on occasion, to attend social events with the children and young people with whom they work, visit their homes, or be visited in the company of their parents/guardians. These social engagements are an important part of community life and a positive contribution to the well-being of staff.

Following the guidelines below will assist staff in enjoying social engagements without compromising professional responsibilities. The guiding principles in managing professional boundaries are:

- Staff should avoid being alone or in unsupervised settings with children and young people.
- Staff should conduct themselves in a way that will not give an individual reason to question their suitability to work with children and young people, and that will not create fear, discomfort, humiliation, or intimidation for children and young people in their professional relationships.
- Consuming alcohol may lessen a staff member's capacity to judge when a professional boundary is at risk.
- Staff should politely refuse to discuss matters relating to the workplace and should not discuss children and young people's learning or social progress, other than at times set aside specifically for that purpose.

Any concern a staff member has about whether or not a situation may be compromising or breaching a professional boundary should be reported to the principal, Employee Services Department, or other appropriate administrator and an approved plan of action developed, implemented and monitored.

REPORTING VIOLATIONS, INAPPROPRIATE OR SUSPICIOUS CONDUCT

Staff members are required to immediately notify the principal, Employee Services Department, or other appropriate administrator if they become aware of a situation that may constitute a violation of the law or Board

Policy. This obligation is in addition to the statutory responsibility to report suspected abuse and neglect under the law as implemented by Policy JLF, “Child Abuse Neglect and Reporting,” or its equivalent.

Students and parents/guardians are strongly encouraged to notify the principal, Employee Services Department, or other appropriate administrator if they believe a staff member may be engaging in conduct that violates appropriate boundaries, puts a student at risk, or which may violate the law.

Anonymous complaints involving inappropriate boundary invasions by staff members will be investigated as if a student, parent, or staff member reported the violation.

INVESTIGATION

Allegations of inappropriate conduct shall be promptly investigated in accordance with the procedures utilized for complaints of harassment.

It is understood that some reports will be based on rumors or misunderstandings; the mere fact that the reported staff member is cleared of any wrongdoing shall not result in disciplinary action against the reporter or any witnesses. If as a result of an investigation, an individual, including the reported staff member, reporter, or witness is found to have intentionally provided false information during the investigation or hearings, or if any individual intentionally obstructs the investigation or hearings, this may be addressed as a violation of applicable laws, regulations, and Clovis Municipal School District Policies. Obstruction includes, but is not limited to, violation of “no contact” orders, attempt to alter or influence witness testimony by threat or intimidation, and destruction of or withholding evidence. Intimidation of a witness is a violation of the NM Criminal Code and appropriate law enforcement authorities notified immediately upon discovery.

DISCIPLINARY ACTION

A violation of these expectations and Board Policy by a staff member may result in disciplinary action up to and including discharge or termination of employment. The New Mexico Public Education Department will be notified in cases of termination of employment for sexual misconduct or abuse. Consistent with the New Mexico Public Education Department’s guidelines, the District will disclose formal reprimands or dismissals in violation of expectations to potential employers seeking references, regardless if prior to the conclusion of the investigation, the staff member resigned.

RETALIATION

Retaliation against students or staff members who report an improper staff/student relationship, alleged harassment, or participate in any related proceedings is prohibited and appropriate action will be taken.

INAPPROPRIATE BEHAVIOR INITIATED BY A STUDENT

In the event a student initiates inappropriate behavior toward a staff member, the staff member must immediately document and report the incident to the principal, Employee Services Department, or other appropriate administrator. If applicable, the appropriate administrator will intervene and communicate with the student and his/her parent/guardian regarding the alleged inappropriate behavior, and implement necessary discipline or guidance.

TRAINING

The District shall provide annual training regarding District expectations and Board Policies to current and new employees, and Board Members.

The District, at its sole discretion, may require independent contractors and their employees who interact with students or are present on school grounds to receive training on expectations, District procedures, and provide them a copy of Board Policy.

EXCEPTIONS

An emergency situation or legitimate educational reason may justify deviation from professional boundaries set forth in these expectations. If a deviation occurs, the staff member shall be prepared to articulate the reason and must demonstrate that (s)he has maintained an appropriate staff/student relationship.

Nothing in these expectations shall set aside or void existing state laws or Board Policies relating to the topics covered herein. The expectations shall serve as a supplement to existing Board Policy.