

# Portland Public School District 1<sup>st</sup> Reading

**DATE: October 2, 2018**

## **Public Comment for: Policy Professional Conduct between Staff and Students**

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The Portland Public School District is providing Notice of Proposed Revised Policy and Public Comment to offer interested parties reasonable opportunity to submit data or comments on the proposed policies noted below.

Public comment may be submitted in writing directly to the district or through the district website noted below. Written comments must be submitted by 5:00pm on the Last Date for Comment listed below.

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**1<sup>st</sup> Reading by: Rita Moore, Chair**, Portland Public School Board

**Summary:** Professional Conduct between Staff and Students

**Draft Policy Web Site:** <http://www.pps.net/Page/boardpolicies>

(click on blue "draft policy" box)

**Recommended for 1st Reading by:** Board of Education

**Policy Contact:** Rosanne Powell, Board Office Manager

**Last Date for Comment:** October 23, 2018

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**Last Date for Comment: October 23, 2018**



# Staff Analysis and Report to the Board

**Date:** September 27, 2018

**To:** The Board of Education

**From:** Liz Large

**Subject:** Professional Conduct between Staff and Students Policy

## **BACKGROUND**

The development of this policy was spurred by one of the recommendations in the Whitehurst Investigation Report. The investigators determined that the District had not provided clear guidance to employees as to what were appropriate boundaries between staff and students. This policy seeks to remediate this concern.

## **RELATED POLICIES/BEST PRACTICES**

As noted above, one of the recommendations coming out of the Whitehurst Investigation Report was to develop a boundary policy to provide clear expectations for adults working with students. We looked to a variety of sources to help us to develop this policy, including looking at the boundary policies of other school districts. We also relied on the U.S. Department of Education's Training Guide to help us to craft this policy. The guide can be found here: <https://rems.ed.gov/docs/ASMTtrainingGuide.pdf>

## **ANALYSIS OF SITUATION**

A key finding in the Whitehurst report was the "District's failure to recognize an educator's sexual conduct with students, failure to investigate it thoroughly, and failure to take action to ensure a safe educational environment by removing the offending educator." Report at p. 9. Approval of this policy will provide an important component in remediating the failures identified in the report. The policy outlines expectations for personal behavior as well as training to all employees to better ensure a safe educational environment for our students. Failure to approve this policy would leave the District without an important tool for self-regulation and enforcement.

## **FISCAL IMPACT**

The policy provides for mandatory training for all employees. The District has already begun this work with improvements of our online training. The cost of updating the system as well as providing District-wide training to all employees will be significant in the first few years of implementation.

## **COMMUNITY ENGAGEMENT (IF APPLICABLE)**

General Counsel's office worked with the following stakeholders in developing this policy:

- Students
- Principals and vice-principals
- Human Resources

- Director of athletics and coaches
- Virtual Scholars outreach coordinators
- Multiple Pathways administrators
- Special education department
- Senior Directors and Area Superintendents
- Joy Ellis, co-author of the Whitehurst Investigation Report
- Title IX Coordinator
- OSBA
- Community members

We also provided copies of the policy to PAT, PAPSA and PFSP and invited their input.

### **TIMELINE FOR IMPLEMENTATION/EVALUATION**

The District has already begun training employees of the expectations outlined in this policy. Our web-based professional learning platform has been updated to include enhanced mandatory training videos, and we have begun training various departments within the District. Administrators received an initial training in August and School Compliance Officers will have receive a more intensive training in early October. Athletic Directors received a training in September, and Nutrition Services will be trained in late October. Scheduling of additional training is ongoing.

### **BOARD OPTIONS WITH ANALYSIS**

Approve the policy in its current iteration.

Approve the policy after changes are made based on public and employee comment.

Reject the policy and require further revision with stakeholder engagement.

Reject the policy.

### **STAFF RECOMMENDATION**

The Whitehurst Implementation committee, the Chief of Staff's Office, the Department of Human Resources, and the General Counsel's Office recommend approval of this policy.

**I have reviewed this staff report and concur with the recommendation to the Board.**



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**Guadalupe Guerrero**  
**Superintendent**  
**Portland Public Schools**

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September 27, 2018

**Date**

### **ATTACHMENTS**

- A. Policy
- B. Resolution



# Professional Conduct between Staff and Students

### 1. PURPOSE

The Board recognizes the extraordinary dedication and care provided by staff in their daily work with students. A hallmark of this commitment is the development of strong relationships between staff and students. Unfortunately, these relationships can sometimes be misused. The purpose of this policy is to provide all staff interacting with our students with information to increase their awareness of their role in protecting children from inappropriate conduct or boundary violations. It is also to establish clear expectations of staff in their interactions with students. For purposes of this policy, staff includes all District employees, coaches, substitutes, contracted service providers working directly with students, and volunteers in their interactions with students in District schools and programs.

### 2. GENERAL STANDARDS

The Board expects staff to maintain the highest professional, moral, and ethical standards when interacting with students. In a school-related setting, the interactions and relationships between staff and students must be based upon mutual respect and trust, as well as an understanding of the appropriate boundaries between staff and students in and outside the educational setting.

The Board also recognizes the unique role volunteers play in students' lives and that many have relationships outside the school setting. As such, volunteers are not subject to some of the provisions of this policy, however, the District still expects them to maintain appropriate conduct with students when they are engaged in District authorized activities.

### 3. GUIDELINES FOR INTERACTIONS BETWEEN STAFF AND STUDENTS

Staff is required to complete annual training provided by the District on sexual conduct prevention to establish appropriate professional boundaries for student-staff interactions. Staff is expected to use good judgment in their relationships with students at all times. This includes when staff interact with students beyond the staff's work responsibilities and/or outside the school setting. Staff must avoid any appearance of impropriety, including excessive informal and social involvement with individual students.

Staff members are expected to recognize potential boundary violations and are encouraged to discuss issues with the Title IX Director or their school compliance officer whenever they are unsure whether particular conduct may constitute a violation of this policy. Staff members are also expected to bring their concerns to their supervisor's attention when he/she has reason to believe a student is or may be becoming overly attached to or interested in them.



# Professional Conduct between Staff and Students

### 4. BOUNDARY VIOLATIONS

A boundary violation is behavior or interaction by a staff member with a student that has no legitimate educational purpose and has the potential to abuse or cause harm to the student. Staff is expected to refrain from boundary violations, a.k.a. “boundary invading” behavior.

#### **A. ROMANTIC OR SEXUAL RELATIONSHIPS:**

Staff is strictly prohibited from dating a student or entering or attempting to enter into a romantic or sexual relationship with a student, regardless of that student’s age. The following conduct is prohibited at all times:

1. Having any sexual physical contact with a student;
2. Engaging in a romantic or sexual relationship with a student, even if the student is no longer a minor;
3. Discussing, writing, texting, transmitting, and/or displaying material to students about sexual topics unrelated to curriculum, making sexual jokes or innuendos or engaging in inappropriate banter with a student;
4. Flirting with or propositioning a student;
5. Any type of conduct that would be considered sexual harassment under the District’s Non-Discrimination/Anti-Harassment Policy (1.80.020-P).

#### **B. OTHER PROHIBITED SOCIAL INTERACTIONS:**

The following interactions have serious potential to abuse the staff-student relationship and are prohibited at all times:

1. Inviting individual students to the staff’s home without proper chaperones and parental notice and approval;
2. Maintaining personal contact with a student outside of school in person or by phone, email, Instant Messenger, or Internet chat rooms, social networking web sites, or letters (beyond homework or other legitimate educational purpose) without notice and approval of District administrator/supervisor and parent/guardian;
3. Favoring a student or students by giving them special privileges, or exchanging gifts or other favors;
4. Socializing where students are consuming alcohol, drugs, or tobacco;
5. Sending or accompanying a student on personal errands or travel unrelated to any legitimate educational purpose;



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6. Disclosing intimate, sexual, or other private matters to a student;
7. Sharing personal secrets with a student;
8. Addressing certain students or permitting certain students to address staff with personalized terms of endearment, pet names, or otherwise in an overly familiar manner.
9. Permitting students to engage in boundary-invading behaviors with staff, *e.g.*, students giving shoulder massages to staff, or letting students over the 2<sup>nd</sup> grade sit on a Staff's lap.

### **C. SOCIAL MEDIA INTERACTION:**

As with all forms of communication, staff is expected to maintain professional boundaries with students when communicating via social media. All communication between staff and students must be for legitimate education-related purposes only and as transparent as possible. Staff 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). Staff should have no expectation of privacy when communicating to students on a social media platform.

District staff must maintain separate accounts for professional and personal social media use and may follow or accept requests to connect from current students, or non-staff former students, only through their professional social media presence established consistent with the requirements set forth in the Social Media Administrative Directive (X.XX.XX).

All communications with students must be through a PPS-provided email address or on District-approved social media platforms, as described in the District's Acceptable Use Policy (8.60.40) and Social Media Administrative Directive (X.XX.XXX). District staff are prohibited from communicating with current students through social media directly or through private messaging tools without both District approval and parental notice. Likewise, when communicating for professional purposes with other staff or community members, District staff must use their PPS-provided email address and other communication systems and may not use private messaging.

The use of group text messaging has become a convenient tool for coaches and other staff working with students to relay information. Staff shall use this method of communication only with both District approval and parental notice. Text messages to individual students shall contain only information with a legitimate educational purpose and with notice to the District and to parents/guardians.

### **D. IN-PERSON INTERACTION:**



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- **One-on-one access to students:**

There may be times when staff members are alone with a student. Staff should avoid one-on-one meetings with students out of the view of others and take care to meet students in a public space, such as libraries or open classrooms, whenever possible. If this is not possible, staff members should meet in places observable by others, such as offices or classrooms with windows and unlocked, ajar doors. To maintain transparency, it is also good practice to let others know when and where meetings with a students will occur, *e.g.*, giving notice of when students can come in for additional help.

- **Overly personal communication with students:**

While connecting with students and building a rapport is an important component to the staff-student relationship, staff should take care not to demonstrate or express professionally inappropriate interest in a student's personal life. Staff is expected to promote equitable treatment of all students. Staff should not pull students out of class without a legitimate educational purpose.

Unless in a counseling position or for a legitimate educational purpose, staff should not encourage students to disclose to them significant details about their personal or family problems or relationships. We recognize that forming a relationship with students is an important aspect of teaching; however, staff should not engage in these discussions with students when its purpose is to meet the staff's personal needs rather than the student's needs.

- **Traveling with or transporting students:**

Coaches, chaperones, and other staff should take care when transporting students to athletic events and other extracurricular activities. Staff needs to notify the District and the student's parent/guardian of the travel itinerary and may not transport students in a personal vehicle in a non-emergency situation without advance authorization by the District. (If an emergency situation arises that requires a staff member to transport a student without prior approval, the staff member shall alert a direct supervisor and the parent of the situation as soon as practicable.)

When traveling out of town, staff must follow the procedure outlined in the Field Trips Administrative Directive (6.50.011-AD). Staff is prohibited from entering a student's hotel room without another staff member or chaperone present absent an emergency.

- **Physical contact with students:**

Staff should not touch students or initiate any physical contact without a legitimate educational



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purpose. For example, staff should not initiate hugs, touch student's torso or hair, or pat buttocks. There are times when staff have a legitimate educational purpose to initiate physical contact with a student. For example, staff members may be required to assist an injured student or a student with special needs who requires physical assistance. Likewise, staff members may need to touch a student's arms or hands to redirect them in an activity. Coaches, music teachers, and other instructors may have a need for physical contact as a method of instruction. Staff needs to be aware of a student's physical boundaries and limit physical contact to only that which is necessary. Any physical redirection of students must be pursuant to the District's Physical Restraint and Seclusion procedures.

- **Respecting student privacy:**

Staff must honor a student's physical and emotional boundaries unless the intrusion is necessary to serve a legitimate educational purpose or an emergency. For example, staff members should not invade a student's privacy by entering a restroom unless it falls within a staff member's regular job duties under an established written protocol.

### E. EXCEPTIONS

An emergency or a legitimate educational purpose may justify a deviation from the professional boundaries set out in this policy. Any staff who deviates from the policy should be prepared to articulate the reason for the deviation and must demonstrate that an appropriate relationship was maintained with the student at all times. Staff must ensure that any deviation is narrowly tailored to the circumstances and must report the deviation to their supervisor within 24 hours. For purposes of this policy, "legitimate educational purpose" includes matters or communications related to teaching, counseling, athletics, extracurricular activities, safety, treatment of a student's physical injury or other medical needs, or other purposes within the scope of the staff member's job or volunteer duties.

The District recognizes that a staff member may have a pre-existing personal relationship with a student's family that originated independently of the staff member's role at the District. This policy is not intended to interfere with or restrict the ability to maintain these healthy relationships; however, staff is strongly encouraged to maintain professional boundaries appropriate to the nature of the relationship.

### 5. DUTY TO REPORT POSSIBLE VIOLATIONS

Students and/or parents/guardians are strongly encouraged to notify the principal or other appropriate administrator if they believe a staff member may be engaging in conduct that violates this policy. Reports may be made anonymously.





# Professional Conduct between Staff and Students

Staff is required to promptly notify the School Compliance Officer, the Title IX Director, and Human Resources if they believe this policy has been violated.

Any staff member who has reasonable cause to believe that another staff member has engaged in grooming or sexual conduct with a student must immediately notify Human Resources and the Title IX Director. Additionally, any staff member who has reasonable cause to believe that another staff member has engaged in sexual abuse with a student must fulfill the mandatory reporting requirements to the Department of Human Services.

Staff who fail to report violations of this policy, or any other policies regarding grooming, sexual conduct, or sexual abuse of students, may be subject to discipline up to and including dismissal. Violations of this policy may result in disciplinary action up to and including dismissal, consistent with the District's policies, acceptable use agreement, and collective bargaining agreements, as applicable. Violations of this policy by volunteers or contracted service providers may result in a prohibition from working or serving in school programs, trespass, or contract cancellation. The District shall notify law enforcement of any potentially unlawful conduct, as appropriate.

### 6. CONFIDENTIALITY AND RETALIATION

Reporting staff members are specifically advised the following:

1. Reporting staff members are neither permitted nor responsible for investigating whether the conduct is inappropriate;
2. Reporting staff members are required to maintain confidentiality; and
3. Reporting staff members must directly notify a supervisor, not a peer, of the conduct.

Confidentiality protects both the student(s) and the staff member who is the subject of the report. Failure to maintain confidentiality may impede the investigation and foster untrue and potentially harmful rumors.

False reports are regarded as a serious offense and may result in disciplinary action or other appropriate sanctions.

The District prohibits retaliation against anyone who makes a good-faith report under this policy. Any staff who retaliates against any complainant, reporter, or other participant in an investigation may be subject to discipline, up to and including dismissal.

The Superintendent or his/her designee shall develop an annual training for all staff and ensure ongoing review of procedures to support this policy.