



**FOREST LAKE AREA SCHOOLS
FOREST LAKE, MN 55025**

January 8, 2015

AGENDA ITEM: 13.3

TOPIC: Professional Behavior #409

BACKGROUND: This policy needed to be updated.

PROCESS: The School Board Policy Committee has reviewed this policy. They are recommending that it be replaced with the MSBA Model Policy entitled "Employee-Student Relationships".

RECOMMENDATION: First reading of this policy.

- ~~1. Teachers shall comply with all rules and regulations adopted by the School Board or its representatives which are not inconsistent with the provision of the Master Agreement.~~
- ~~2. The School Board recognizes the Code of Ethics for Minnesota Teachers and its Criteria of professional behavior.~~
- ~~3. The School Board or its representative shall notify the teacher in writing of alleged delinquencies, indicate expected correction, and indicate a reasonable period for correction. Alleged breaches of discipline or the Code of Ethics for Minnesota Teachers shall be promptly reported to the offending teacher.~~
- ~~4. After the initial meeting between teacher and administrator, a teacher shall be entitled to have present a designated member of the exclusive representative when he is being reprimanded, warned or disciplined for any infraction of rules or delinquency in professional performance. The administrator shall notify the teacher in writing of his rights to representation by the exclusive representative when it is decided by the administrator that withholding of increment, lane change or dismissal seems probable. When a request for such representation is made, no action shall be taken with respect to the teacher until such representative of the exclusive representative is present.~~

EMPLOYEE-STUDENT RELATIONSHIPS

I. PURPOSE

The school district is committed to an educational environment in which all students are treated with respect and dignity. Every school district employee is to provide students with appropriate guidance, understanding, and direction while maintaining a standard of professionalism and acting within accepted standards of conduct.

II. GENERAL STATEMENT OF POLICY

- A. This policy applies to all school district employees at all times, whether on or off duty and on or off of school district locations.
- B. At all times, students will be treated by teachers and other school district employees with respect, courtesy, and consideration and in a professional manner. Each school district employee is expected to exercise good judgment and professionalism in all interpersonal relationships with students. Such relationships must be and remain on a teacher-student basis or an employee-student basis.

- C. Teachers must be mindful of their inherent positions of authority and influence over students. Similarly, other school district employees also may hold positions of authority over students of the school district and must be mindful of their authority and influence over students.
- D. Sexual relationships between school district employees and students, without regard to the age of the student, are strictly forbidden and may subject the employee to criminal liability.
- E. Other actions that violate this policy include, but are not limited to, the following:
1. Dating students.
 2. Having any interaction/activity of a sexual or romantic nature with a student.
 3. Committing or attempting to induce students or others to commit an illegal act or act of immoral conduct which may be harmful to others or bring discredit to the school district.
 4. Supplying alcohol or any illegal substance to a student, allowing a student access to such substances, or failing to take reasonable steps to prevent such access from occurring.
- F. School district employees shall, whenever possible, employ safeguards against improper relationships with students and/or claims of such improper relationships. Employees are encouraged to exercise awareness and appropriate minimization of situations with students involving physical contact, meeting in rooms with closed doors or one-on-one, or meeting with students in areas not visible to others.
- G. Excessive informal and social involvement with individual students is unprofessional, is not compatible with employee-student relationships, and is inappropriate. Employees are strongly encouraged to minimize or avoid contact with students on any form of social media (with the exception of group electronic communication for scheduling or other time-sensitive communication) not readily accessible to other students or adults, and to avoid electronic connection with students on forms of social media whose purpose is not solely dedicated to school functions.
- H. School district employees will adhere to applicable standards of ethics and professional conduct in Minnesota law.

III. REPORTING AND INVESTIGATION

- A. Complaints and/or concerns regarding alleged violations of this policy shall be handled in accordance with the district's procedures. Generally, complaints about employee actions should be directed to the building principal or program director.
- B. All employees shall cooperate with any investigation of alleged acts, conduct, or communications in violation of this policy.

IV. SCHOOL DISTRICT ACTION

Upon receipt of a report, the school district will take appropriate action. Such action may include, but is not limited to, warning, suspension, exclusion, expulsion, transfer, remediation, termination, or discharge. It also may include reporting to appropriate state or federal authorities, including the Board of Teaching or the appropriate licensing authority and appropriate agencies responsible for investigating reports of maltreatment of minors and/or vulnerable adults. School district action taken for violation of this policy will be consistent with requirements of applicable collective bargaining agreements, Minnesota and federal law, and school district policies.

V. SCOPE OF LIABILITY

Employees are placed on notice that if an employee acts outside the performance of the duties of the position for which the employee is employed or is guilty of malfeasance, willful neglect of duty, or bad faith, the school district is not required to defend and indemnify the employee for damages in school-related litigation.

Legal References: Minn. Stat. § 13.43, Subd. 16 (School District or Charter School Disclosure of Violence or Inappropriate Sexual Contact)
Minn. Stat. § 122A.20, Subd 2 (Mandatory Reporting to Minnesota Board of Teaching)
Minn. Stat. § 122A.40, Subds. 5(b) and 13(b) (Mandatory immediate discharge of teachers with license revocations due to child or sex abuse convictions)
Minn. Stat. §§ 609.341-609.352 (Defining "intimate parts" and "position of authority" as well as detailing various sex offenses)
Minn. Stat. § 626.556 (Reporting of Maltreatment of Minors)
Minn. Stat. § 626.557 (Reporting of Maltreatment of Vulnerable Adults)
Minn. Rules Part 3512.5200 (Code of Ethics for School Administrators)

Minn. Rules Part 8700.7500 (Code of Ethics for Minnesota Teachers)

Cross References: MSBA/MASA Model Policy 103 (Complaints – Students, Employees, Parents, Other Persons)
MSBA/MASA Model Policy 211 (Criminal or Civil Action Against School District, School Board Member, Employee, or Student)
MSBA/MASA Model Policy 306 (Administrator Code of Ethics)
MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)
MSBA/MASA Model Policy 413 (Harassment and Violence)
MSBA/MASA Model Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)
MSBA/MASA Model Policy 415 (Mandated Reporting of Maltreatment of Vulnerable Adults)
MSBA/MASA Model Policy 421 (Gifts to Employees and School Board Members)
MSBA/MASA Model Policy 507 (Corporal Punishment)

REVISED: 2/11/74