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### Purpose

The purpose of this policy is to provide all staff, students, volunteers, and community members with information to increase their awareness of their role in protecting children from inappropriate conduct and failure to maintain appropriate boundaries by adults. 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 San Diego County Office of Education (SDCOE) staff, volunteers, and community members relative to their conduct with students in schools and programs under the jurisdiction of the San Diego County superintendent of schools.

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. The behaviors addressed herein include in-person interactions, text messages, and communication through social media sites, including but not limited to, Facebook, Instagram, Snapchat, Twitter, and WhatsApp.

### General Standards

The governing board expects adults to maintain the highest professional, moral, and ethical standards in their interaction with students. Employees are required to maintain an atmosphere conducive to learning, through consistently and appropriately applied discipline, as well as establishing and maintaining professional boundaries.

The interactions and relationships between employees and students should be based upon mutual respect and trust, and an understanding of the appropriate boundaries between adults and students in and outside of the educational setting. Relationships between adults and students should also be consistent with the educational mission of SDCOE.

Employees will not intrude on a student's physical and emotional boundaries unless the intrusion is necessary to serve a legitimate educational purpose. Violations of emotional boundaries include, but are not limited to: an employee showing favoritism toward a student; mismanaging feelings of frustration toward a student; failing to recognize that

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an employee is not a peer, parent, therapist, or friend to a student; and inquiring about overly sensitive or personal topics without a legitimate educational purpose for doing so.

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 employment duties.

#### 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 employee may be professional and there is a legitimate education 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;
2. Inviting or allowing individual students to visit the employee’s home;
3. Remaining on campus with student(s) after the last administrator leaves the school site; and/or
4. Visiting a student’s home unless home visits are a required and expected duty of the adult.

Whenever possible, employees should avoid these situations. If unavoidable, these activities should be pre-approved by the appropriate administrator. If not pre-approved, the employee must report the occurrence to the appropriate administrator within 48 hours.

#### Electronic Communications

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

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Electronic and other communications with students shall be for legitimate educational purposes only. Employees shall not maintain personal contact with a student outside of school by phone, letter, electronic communication, or other means (beyond legitimate educational purposes) without including the parent/guardian and/or school principal.

When available, SDCOE email and communication devices shall be used when communicating electronically with students. The use of SDCOE email or other SDCOE communication devices shall be in accordance with SDCOE 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 will 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 SDCOE for this purpose, without the prior written approval of the school principal.

### Boundary Violations

A boundary violation by an employee is an act or omission that does not have a legitimate educational purpose and has the potential to abuse the employee-student relationship. Examples of employee 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 professional staff-student relationship.
2. For non-guidance/counseling staff, encouraging students to confide their personal or family problems and/or relationships.

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If a student initiates such discussions, employees shall be attentive to the student's concerns but shall disclose to the student that they must immediately provide any information shared by the student to the appropriate guidance/counseling staff and notify the student that such guidance/counseling staff is in the best position to serve the student's concerns. In either case, employee involvement should be limited to a direct connection to the student's school performance.

3. Addressing students or permitting students to address staff members with personalized terms of endearment, pet names, or otherwise in an overly familiar manner.
4. Maintaining personal contact with a student outside of school by phone, email, instant messenger or Internet chat rooms, social networking websites, such as Facebook, or letters beyond homework or other legitimate school business without including the parent/guardian.

This prohibition specifically includes "friending" or "following" students on social media unless the social media page is dedicated to legitimate school business. This also specifically includes the posting of student images or other personally identifiable information of students on an adult's personal website.

5. 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.
6. Touching students or initiating inappropriate physical contact without a legitimate educational purpose.

Legitimate purposes could include the following: (a) assisting an injured student; (b) assisting a student with special needs who requires assistance with toileting or other physical assistance; (c) appropriate coaching instruction; (d) appropriate music instruction; or (e) to protect the safety of students or staff.

7. Socializing or spending time with students (including but not limited to activities such as going out for beverages, meals, movies, shopping, traveling,

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recreational activities, or visiting the student's home) outside of school-sponsored events, except as participants in organized community activities.

8. Transporting student(s) in a personal vehicle in a non-emergency situation and without proper written authorization forms in advance.
9. 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, omission, or pattern of such behavior by an adult that does not have a legitimate educational purpose and results in abuse of the staff-student professional relationship.

#### A. Romantic or Sexual Relationships

Employees 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;

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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; or
10. Any type of conduct that would be considered harassment under Board Policy and/or Administrative Regulation 5131.1.

*\*No educational or other reason shall ever justify deviation from the above policy.\**

**B. Social and Other Interactions**

Employees are prohibited from engaging in social and other interactions with students which abuse the student/staff professional relationship.

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, drugs or tobacco to a student, or being present where any student is consuming these substances;
3. Disclosing personal, sexual, family, employment, or other private matters and concerns to one or more students;
4. Sharing personal secrets with a student;
5. Unnecessarily invading a student's privacy (e.g., walking in on the student in the bathroom);
6. Taking a student out of class without a legitimate educational purpose;

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7. Giving a student a ride alone in a vehicle in a non-emergency situation without prior notification to and/or approval from the school principal as described above; or
8. Engaging in harassing or discriminatory conduct prohibited by other SDCOE policies or by state or federal law and regulations;

#### Exceptions

An emergency situation or a legitimate educational purpose may justify deviation from professional boundaries set out in this policy. The employee shall 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.

There may be circumstances where there is an appropriate pre-existing personal relationship between an employee and a student's family that exists independently of the employee's position with SDCOE (e.g., when their children are friends). This policy is not intended to interfere with such relationships or to limit activities that are normally consistent with such relationships. Employees are strongly encouraged to maintain professional boundaries appropriate to the nature of the activity.

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 SDCOE 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.

#### Duty to Report

When an employee observes conduct or has knowledge of another employee violating this policy that creates a reasonable suspicion of child abuse (including sexual abuse), or when an employee has reasonable suspicion of an adult harming or endangering a child, the employee shall report the conduct to San Diego County's Department of Child

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Support Services in accordance with state law and SDCOE Board Policy and Administrative Regulation 5141.2 – Child Abuse Reporting Procedures.

An adult who observes or has knowledge of another adult's violation of this policy shall immediately report the information to the site supervisor. If the supervisor is the subject of the report, the adult will report instead directly to the director of Human Resource Services. The supervisor who receives a report must document, in writing, the concern and provide a copy of the documentation to the director of Human Resource Services.

#### Investigation

Whenever SDCOE 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 intervention shall be considered and implemented when necessary to protect student safety and/or the integrity of the investigation.

#### Disciplinary Action

Any employee who is found to have engaged in conduct in violation of law, this policy, or other board policies shall be subject to disciplinary action up to and including dismissal. In the case of a certificated employee, the employee may be subject to a report to the Commission on Teacher Credentialing. The county superintendent of schools or designee shall notify local law enforcement as appropriate.

An employee who has knowledge of but fails to report inappropriate employee conduct may also be subject to discipline.

A volunteer, student teacher, independent contractor, or an employee of an independent contractor who violates this policy may be prohibited from working or serving in schools and programs under the jurisdiction of the San Diego County superintendent of schools for an appropriate period of time or permanently, as determined by the county superintendent of schools or designee.



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Confidentiality and Retaliation

SDCOE prohibits retaliation against anyone who files a complaint under this policy. Any employee who retaliates against any such complainant, reporter, or other participant in SDCOE's complaint process shall be subject to discipline.

Reporting employees are specifically advised of the following:

1. Reporting employees are neither permitted nor responsible for investigating whether the conduct is inappropriate; and
2. Reporting employees are required to maintain confidentiality.

Confidentiality protects both the student(s) and the adult who is the subject of the report. Failure to maintain confidentiality may impede the investigation and foster untrue and potentially harmful rumors. Nothing in this policy shall prevent any represented employee from consulting with his/her exclusive representative.

**Administrative Regulation: 5141.2**

**Legal Reference: Education Code  
44691, 44807, 49001  
Penal Code  
152.3, 288, 11164 – 11174.3  
California Code of Regulations, Title 5  
4650**