

# **Guidelines for the Prevention of Sexual Misconduct and Abuse in Virginia Public Schools**

Approved by the Board of Education March 24, 2011

## **Introduction**

Responsibility for protecting students from sexual misconduct and abuse is shared by the school board, superintendent, administrators, teachers and other school board employees, school volunteers, parents, state agencies, and law enforcement.

The Virginia Board of Education developed *Guidelines for the Prevention of Sexual Misconduct and Abuse in Virginia Public Schools* to help local school boards create and implement policies and procedures that deter misconduct, provide accountability, and establish clear and reasonable boundaries for interactions among students and teachers, other school board employees, and adult volunteers.

## **School Board Responsibilities**

The local school board demonstrates its commitment to protecting students from sexual misconduct and abuse through:

1. Compliance with all state and local laws and regulations related to the screening of prospective employees for the conviction of barrier crimes and founded cases of child abuse and neglect;
2. Compliance with all state laws related to the reporting of suspected child abuse and neglect;
3. Compliance with all state laws and regulations related to reporting to the Virginia Department of Education of resignations and dismissals of licensed employees related to convictions of barrier crimes and founded cases of abuse and neglect;
4. The development, effective implementation and enforcement of clear and reasonable policies governing the interaction of students and school board employees and volunteers;
5. The establishment of channels for reporting by students and parents of suspected misconduct and abuse, and the prompt notification of law enforcement when criminal activity is alleged or suspected; and
6. Disclosure of formal reprimands and dismissals for violating school board policies on sexual misconduct and abuse prevention to school divisions seeking references.

## **Prevention Policy Elements**

By following school board policies addressing sexual misconduct and abuse, teachers, administrators, and other educators and employees provide a safe and healthy environment for teaching and learning. Local school board policies addressing sexual misconduct and abuse should include these elements:

1. Statement of purpose addressing the shared responsibility of the school board, superintendent, administrators, teachers and other school board employees, school volunteers, parents, state agencies, and law enforcement for the prevention of sexual misconduct and abuse;
2. Clear and reasonable rules governing communication and interaction between students and school board employees;
3. Clear procedures for reporting suspected misconduct and abuse;

4. Training of school personnel and volunteers and the dissemination of sexual misconduct and abuse prevention policies to school board employees, volunteers, students, and parents; and
5. Applicability to teachers and other employees of virtual school programs and other vendors providing instructional services to students.

In developing procedures for implementing local policies, school boards should take into consideration the strategies and tools educators use to interact with students and support instruction.

### **Guidance on Communication and Interaction**

School board policies should recognize the importance of communication and interaction in learning and instruction while establishing reasonable boundaries for educator-student relationships. Educators and other employees can protect themselves from misunderstandings and false accusations by adhering to division policies.

#### **In-Person Communication and Interaction**

School board employees and volunteers should avoid appearances of impropriety when interacting with students. Educators, other employees and volunteers should be aware of behaviors often associated with inappropriate conduct that can create an appearance of impropriety, including:

- Conducting ongoing, private, conversations with individual students that are unrelated to school activities or the well-being of the student and that take place in locations inaccessible to others;
- Inviting a student or students for home visits without informing parents;
- Visiting the homes of students without the knowledge of parents;
- Inviting students for social contact off school grounds without the permission or knowledge of parents; and
- Transporting students in personal vehicles without the knowledge of parents or supervisors.

Personal contact between adults and students must always be nonsexual, appropriate to the circumstances and unambiguous in meaning. Employees and volunteers should respect boundaries consistent with their roles as educators, mentors and caregivers. Violations of these boundaries include:

- Physical contact with a student that could be reasonably interpreted as constituting sexual harassment;
- Showing pornography to a student;
- Unnecessarily invading a student's personal privacy;
- Singling out a particular student or group of students for personal attention and friendship beyond the bounds of an appropriate educator/mentor-student relationship;
- Conversation of a sexual nature with students not related to the employee's professional responsibilities; and
- A flirtatious, romantic or sexual relationship with a student.

### **Electronic Communication**

Digital technology and social networking provide multiple means for educators and other school board employees to communicate with students and personalize learning. Local policies should ensure that electronic and online communications between employees, volunteers and individual students are transparent, accessible to supervisors and parents, and professional in content and tone.

As with in-person communications, educators and volunteers should avoid appearances of impropriety and refrain from inappropriate electronic communications with students. Factors that may be considered in determining whether an electronic communication is inappropriate include, but are not limited to:

- The subject, content, purpose, authorization, timing and frequency of the communication;
- Whether there was an attempt to conceal the communication from supervisors and/or parents;
- Whether the communication could be reasonably interpreted as soliciting sexual contact or a romantic relationship; and
- Whether the communication was sexually explicit.

Local policies should provide guidance to educators and other school board employees on how to maintain transparency and accessibility when communicating electronically with individual students.

Administrators, division technology staff, and division instructional staff should collaborate with parents to develop local policies and practices that deter misconduct by (i) defining parameters for electronic communications and social networking between educators and students and (ii) facilitating parental supervision of students' social networking and digital communications with educators and other school board employees.

### **Guidance on Reporting, Training, and Discipline**

School board employees and volunteers have an obligation to report violations of the division's policies for preventing sexual misconduct to the principal or his or her designee or to the division superintendent. This obligation is in addition to the statutory responsibility to report suspected abuse and neglect. School boards should establish clear channels for reporting suspected misconduct and abuse.

School boards also should provide training for employees and volunteers on the prevention of misconduct and abuse and disseminate information about relevant division policies to employees, volunteers, students, and parents.

Inadvertent and innocuous violations of local policies provide opportunities for additional counseling and training. Appropriate formal disciplinary action should always follow violations of local policies when the substance of the conduct or communication in question is found to be inappropriate, flirtatious, romantic or sexual.