

**MOUNT DESERT ISLAND REGIONAL SCHOOL SYSTEM - AOS #91
STAFF CONDUCT WITH STUDENTS POLICY**

The Mount Desert Island Regional School System - AOS #91 Board expects all staff members, including teachers, coaches, counselors, administrators and others, including volunteers, to maintain the highest professional, moral and ethical standards in their conduct with students. All students have a right to be safe at school, most especially in their interactions with staff.

The interactions and relationships between staff members and students should be based upon mutual respect and trust, predicated by an understanding of the appropriate boundaries between adults and students in an educational setting, and consistent with the educational mission of the school.

MDIRSS/-AOS #91 affirms our intention to create a climate of respect, inclusion, and equity for all. We acknowledge that historical and societal biases shape our school policies, culture, and interpersonal interactions, including those between staff and students. We commit to swift intervention when any incidents or problems are reported. We commit to repairing the harm caused to individuals and to school communities when there are incidents or patterns of harmful conduct. We strive to create a school district where all students are safe and welcome and able to access educational opportunities.

Staff members are expected to consider the power differential and maintain clear professional behavior in their interactions with and conduct with students. Staff are also expected to maintain professional behavior in all interactions with other staff in which students are present. Staff members are encouraged to discuss issues with their administrators or supervisors whenever they are unsure whether their own conduct or interactions may constitute a violation of this policy. If staff witness or hear of conduct that may be a violation, they are required to discuss it with an administrator.

The Board recognizes, is appreciative of, and wishes to be supportive of the manner in which staff members attempt to care for students in a personalized and caring manner, and in no way wishes to place unnecessary barriers to the myriad of times, places and positive ways that staff work to serve our students. The Board also realizes that in a small community, especially when many teachers are parents or relatives of our students, many sorts of informal and outside relationships with students are healthy and normal. The board does not wish to interfere with these.

By attempting to legislate behavior in this realm, the Board is primarily attempting to make explicit its intolerance for behavior motivated or prompted by an unwillingness or inability to respect the physical and emotional health of our students. The Board knows that simply by adopting policy it can not mandate safe and appropriate behavior to those bent on doing otherwise, but conversely, it wishes to explicitly state that its support for collegial relationships or its decision to not ban outright many sorts of student/teacher interactions should in no way be seen as a plausible defense to harmful contact with students.

Prohibited Conduct

Examples of unacceptable conduct by staff members that are expressly prohibited include but are in no way limited to the following:

- Any type of sexual or inappropriate physical contact with a student, or any conduct that might be considered harassment under the Board's policy¹ on harassment and sexual harassment of students;
- Using sexual banter, allusions, jokes or innuendos, sexually suggestive, flirtatious, overly

intimate, or unduly coarse language with students;

- Touching students other than as a reasonable person would consider to be professionally appropriate ie. a brief hug to console a distraught student or celebrate an achievement
- Commenting upon students' bodies or appearance in an overly familiar way.
- Encouraging or allowing a student to confide to the staff member or sharing with a student the staff member's personal or family problems and/or relationships or other private matters with the intent or result that the staff member's relationship with the student blurs the professional boundaries between student and teacher, and as a consequence is or may become unhealthy or unsafe for the student. Staff members are expected to promptly refer acute or serious chronic problems expressed by students to administrative, counseling or health care staff.
- Disclosing personal, sexual, family, employment concerns, or other private matters to one or more students.
- Singling out a particular student or students for personal attention and friendship beyond the normal teacher-student relationship.
- "Friending" students, "following" students or engaging in any other interactions on social networking sites or through any digital applications (outside of any school-approved activity). In the case of friendships between families, any contact with students on social media/digital applications must be with the knowledge of the parents/guardians.
- Asking a student to keep a secret.
- Addressing students with terms of endearment, pet names or otherwise in an overly familiar manner.
- Permitting students to address the staff member in an overly familiar manner.

Conduct Requiring Administrative Approval

Before engaging in activities like the following, staff members shall review the activity with the principal or appropriate other supervisor.

- Inviting or allowing students to visit the staff member's home, or visiting a student's home unless on official school business, or done in another context, such as a parent or other relative or when such contact is tangential to the purpose of the visit.
- Maintaining personal contact with a student by telephone, e-mail, Instant Message, Internet chat rooms or other communications media beyond contact regarding homework or other legitimate school business, unless such contact is linked to a legitimate relationship with the student outside the school.
- Exchanging personal gifts beyond customary student/teacher gifts unless the exchange occurs as part of a legitimate relationship with the student outside the school.
- Socializing with students outside of school-sponsored or community-organized events unless the socializing is explicitly pre-approved of by a parent or guardian of the child, arises out of a legitimate relationship with the student outside of the school, or is incidental to socializing with other adults.

Staff members are encouraged to discuss issues with their building administrator or supervisor whenever they are unsure whether particular conduct may constitute a violation of this policy.

Reporting Suspected Violations - Individuals will not be retaliated against for reporting suspected discrimination or harassment, or for participating in an investigation.

Students and/or parents or guardians are encouraged to notify the principal and/or superintendent if they believe a teacher or staff member may be engaging in conduct which violates this policy.

Support will be provided to those who experience direct and indirect harm from staff conduct that violates this policy, during and after the resolution of a particular complaint as needed and desired by the harmed student(s).

Staff members are required to notify promptly the appropriate building administrator or superintendent if they become aware of a situation that may constitute a violation of this policy. If a report is made to a building or other administrator, the administrator will immediately notify the Superintendent and Title IX officer.

Neither students, parents, guardians nor other staff should undertake an investigation before notifying administrators. They need only have reasonable grounds to suspect that a violation may be occurring to make a referral.

Disciplinary Action

Staff violations of this policy shall result in disciplinary action up to and including termination. Violations involving sexual or other abuse will also result in referral to the Department of Health and Human Services, the District Attorney and/or law enforcement. In addition, the Department of Education will be notified if a credential holder is disciplined, suspended or terminated for violations that endanger the health, safety or welfare of a student, or if a credential holder leaves their employment for any reason prior to the conclusion of an investigation of such a violation.

Policy to be Included in Handbooks

This policy shall be included in all employee, faculty, student and volunteer handbooks.

Cross Reference:

ACAA - Harassment and Sexual Harassment of Students

GCSA/GCSA-R – Employee Use of School-Issued Computers, Devices and the Internet

JLF - Reporting Child Abuse and Neglect

Legal Reference: 20-A MRSA § 13025
22 MRSA § 4011-A
17-A MRSA § § 253; 255(A); 260

Adopted: 01/23/17

Revised: 06/13/22

¹ Sexual Harassment Under Board Policy

Examples of types of conduct that are prohibited in the district include but are not limited to those listed below. These types of conduct may constitute sexual harassment under Title IX or Maine law when they satisfy their definitions but are prohibited as a matter of Board policy whether or not they violate the law.

- Unwelcome leering, sexual flirtations, or propositions;
- Unwelcome sexual slurs, epithets, threats, verbal abuse, derogatory comments, or sexually degrading descriptions;
- Graphic verbal comments about an individual's body, unwanted sexual comments or questions, or overly personal conversation;
- Sexual jokes, derogatory posters, notes, stories, cartoons, drawings, pictures, obscene gestures, or computer-generated images of a sexual nature;

- Spreading sexual rumors;
- Teasing or sexual remarks about students enrolled in a predominantly single-sex class or activity;
- A pattern of comments or behaviors relating to students' bodies, appearance, or gender that create an environment where students of a particular sex or gender may not be comfortable in a class or activity.
- Massaging, grabbing, fondling, stroking, or brushing the body;
- Touching an individual's body or clothes in a sexual way;
- Impeding or blocking an individual's movements or any physical interference with school activities when directed at an individual on the basis of sex or gender expression;
- Displaying sexually suggestive objects;
- Sexual assault, sexual battery, or sexual coercion;
- Sexual violence which is the perpetration of a sexual act on a person without their affirmative consent;
- Sharing of sexually explicit pictures; or
- Electronic communications containing comments, words, or images described above.

Definitions Discrimination / Harassment

1. **“Discrimination”**: Treating individuals differently, or interfering with or preventing them from enjoying the advantages or privileges afforded to others because of their membership or targeted/perceived membership in a protected category.

Examples include (but not limited to):

1. disparities in access to educational programs, including extra- curriculars, honor societies and classes.
2. disparities in discipline, including severity of consequences for misbehavior
3. disparities in the application of school policies, such as dress code enforcement or congregating in informal spaces

2. **“Harassment”**: Harassment based on membership in a protected category is a form of prohibited discrimination. Oral, written, graphic, electronic or physical conduct relating to an individual's actual or perceived membership in a protected category that has a negative impact on a student and interferes with or limits that individual's ability to participate in the school unit's programs or activities by creating a hostile, intimidating or offensive environment.

Examples include (but not limited to):

1. a pattern or repeated teasing or joking about a person based on their identity
2. using racial epithets or images
3. threatening a person with violence if they don't conform to particular ways of expressing their gender identity (note : threats of violence can also be criminal violations under Maine's Hate Crime laws)

Harassment that rises to the level of physical assault, battery and/or abuse, and/or bullying behavior is also addressed in Board Policies JICIA – Weapons, Violence and School Safety and JICK – Bullying.