

MINNETONKA SCHOOL DISTRICT

POLICY #423: EMPLOYEE STUDENT RELATIONSHIPS

I. PURPOSE

The Minnetonka School District is committed to an educational environment in which all students are treated with respect and dignity. Every 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. DEFINITIONS

- A. Student-- “student” includes any individual who receives educational instruction or services from the District.
- B. District Employee-- “employee” is any individual who performs services for the District as a paid or non-paid adult or volunteer and is not classified as a student employee within the District.

III. GENERAL STATEMENT OF POLICY

- A. This policy applies to all District employees at all times, whether on or off duty and on or off of District locations.
- B. At all times, students will be treated by teachers and other District employees with respect, courtesy and consideration and in a professional manner. Each 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 and student teachers must be mindful of their inherent positions of authority and influence over students. Similarly, other District employees also may hold positions of authority over students of the District and must be mindful of their authority and influence over students.
- D. Sexual relationships between District employees and students, without regard to the age of the student, are strictly forbidden and may subject the employee to criminal liability.

- E. District employee actions that violate this policy include, but are not limited to, the following:
 - 1. Dating students.
 - 2. Having any interaction/activity of a sexual 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 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. District employees shall, whenever possible, employ safeguards against improper relationships with students and/or claims of such improper relationships.
- G. Excessive informal and social involvement with individual students is unprofessional, is not compatible with employee-student relationships, and inappropriate.
- H. District employees will adhere to applicable standards of ethics and professional conduct in Minnesota law.
- I. District employees must gain parental consent and authorization through the Superintendent, or designee, before communicating with students through means outside of the District communications channels or electronic technology network. The request for consent must define the methods and purpose of the communication. This applies to the use of employee's personal phones or email accounts, text messaging, or other digital electronic communication technologies.

IV. REPORTING AND INVESTIGATION

- A. Complaints and/or concerns regarding alleged violations of this policy shall be handled at the building and/or District level.
- B. All employees shall cooperate with any investigation of alleged acts, conduct or communications in violation of this policy.

V. SCHOOL DISTRICT ACTION

Upon receipt of a reported violation, the District will take appropriate action to investigate and determine if a violation has occurred. If so, resulting 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. District action taken for violation of this policy will be consistent with requirements of applicable collective bargaining agreements, Minnesota and federal law and District policies.

VI. 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 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. Rules Part 3512.5200 (Code of Ethics for School Administrators)

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

Cross References:

Policy #212: Criminal or Civil Action Against School District, School Board Member, Employee, or Student

Policy #427: Harassment and Violence Policy

Policy #414 Mandated Reporting of Child Neglect or Physical or Sexual Abuse

Approved: January 7, 2010