

## **PROFESSIONAL BOUNDARIES AND PREVENTION OF SEXUAL MISCONDUCT AND ABUSE**

Albemarle County Public Schools (“ACPS”) prioritizes the safety and well-being of its students. To that end, ACPS shall provide students with a safe and supportive learning environment and make every effort to protect them from unwelcome behavior, inappropriate activity, sexual misconduct, and abuse. This policy applies to all ACPS employees, practicum/student teachers, school volunteers, community partners, and vendors providing instructional, health, and school-related services to students. This policy is not intended to interfere with appropriate pre-existing personal relationships between adults and students and their families that exist independently of the Division or to interfere with participation in civic, religious, social, or other outside organizations that include ACPS students.

### **I. Definitions**

- A. Adult - ACPS employees, school volunteers, practicum/student teachers, community partners, and vendors providing instructional, health, and school-related services to students.
- B. Dual Relationship - a relationship where an adult has interactions with an ACPS student through personal, social, or business/professional connections outside of the Division.
- C. Grooming - a pattern of behavior through which an adult intentionally develops trust, emotional dependence, secrecy, or inappropriate familiarity with a student, the student's family, or other adults for the purpose of facilitating sexual misconduct, abuse, exploitation, or inappropriate boundary violations.
- D. Emergency Situation - an unanticipated, unavoidable operational necessity relating to health, safety, or security of an urgent nature requiring immediate action.
- E. Legitimate Educational Reason - matters or communications related to teaching, counseling, school-related mentoring, behavioral and social-emotional intervention/support, athletics, co-curricular and non-curricular student activities, school administration, or other purposes within the scope of the adult's assigned job duties.
- F. Legitimate Health-related Reason - matters directly related to addressing a student's well-being, including treatment of a student's physical injury or other medical, emotional, psychological, or social need within the scope of the adult's assigned duties.
- G. Unambiguous Communications - communications by adults to students that are clear and concise, absent of innuendo, double-meanings, veiled references, or other communication that could be interpreted as inappropriate. Adults should

communicate in ways that are easy for a student to interpret as appropriate and professional.

## **II. Healthy Student-Adult Relationships**

ACPS supports healthy relationships between students and adults that promote student achievement and success. Adults must always maintain educational-focused relationships with all students, both in and out of school. Clear and reasonable boundaries for interactions between students and adults are necessary to protect students from boundary violations from adults, inappropriate activity, sexual misconduct and abuse, and to protect adults from misunderstandings and false accusations.

The Division understands that adults may have dual relationships with students and their families. Adults are expected to exercise appropriate personal and professional judgment in these circumstances with the understanding that professional boundaries exist within the school environment that may differ from contexts when not on duty or performing essential functions of their role(s).

## **III. Sexual Misconduct and Abuse Prohibited**

As described in Policy GBC, Standards of Conduct, adults are prohibited from engaging in sexual misconduct and abuse of students, regardless of the age of the student or the proximity in age of the employee to the student. Prohibited behaviors include, but are not limited to, dating, making sexual advances, seeking romantic or sexual relationships, having conversations of a sexual nature not related to the adult's professional responsibilities, unwanted touching/contact, grooming behavior, and sexual contact.

## **IV. Maintenance of Professional Boundaries**

Professional adult/student boundaries must be consistent with the legal and ethical duty of care that adults performing services for ACPS have for all students. Adults are required to maintain an atmosphere conducive to learning by consistently maintaining professional boundaries within and outside of the educational setting. Any action that abuses or compromises the adult/student professional relationship, physically or emotionally, is prohibited. Adults must ensure their communication and behavior is unambiguous in professionalism and appropriateness for students, taking into account children's different levels of development in understanding language and behavior.

### **A. Inappropriate Boundary Violations**

Inappropriate boundary violations can take various forms. Inappropriate behaviors may include, but are not limited to:

1. Kissing a student in any manner.
2. Touching or embracing a student in a way that could be considered unwelcome, offensive, aggressive, or sexual in any way.

3. Discussing details of a student's romantic relationship that are sexual in nature, unless as part of a staff member's responsibilities with ACPS whereby the staff member is a mental health professional or school nurse whose job duties include supporting the mental or physical health of students, or is an employee appropriately investigating sexual misconduct allegations.
4. Sharing personal information of a sexual nature with a student or sharing personal struggles that have the potential to cause discomfort or place a burden on the student.
5. Accessing a student's personal information unless there is a bona fide mental health or educational purpose for which the adult is responsible for addressing.
6. Referencing the physical appearance or clothes of a student in a way that could be interpreted as sexual.
7. Discussing or exposing any part of the body that is covered or typically covered by clothing.
8. Using sexual slurs, making sexual or derogatory comments, gestures, innuendos, or jokes.
9. Privately giving or receiving any gift without approval of the principal/supervisor or parent/guardian.
10. Granting special privileges, rewards, or opportunities to a specific student beyond those typically provided as incentives to promote and recognize achievement and behavior.
11. Taking a student out of class without a specific, legitimate reason approved by administration.
12. A pattern of grooming behavior or other concerning behavior exhibited toward a student(s).

#### B. In-Person Contact and Communication

Personal contact between adults and students must be non-sexual, appropriate to the circumstances, and unambiguous in meaning. Regardless of intentions, adults should avoid the appearance of impropriety in their interactions with students.

Prohibited behaviors that can create an appearance of impropriety include, but are not limited to:

1. Conducting ongoing, private conversations with individual students that are unrelated to the adult's role with ACPS in supporting academics, school activities, or the well-being of students.
2. Meeting with a student outside of regular school events and activities for any reason (e.g., tutoring, coaching, counseling, mentoring, having conversation) without consent of the parent/legal guardian.
3. Transporting students in personal vehicles without the knowledge and consent of parents/guardians and supervisors. On a case-by-case basis, building principals, assistant principals, athletic directors, or division department heads may make exceptions to the requirement of parent/guardian permission in the event of an emergency.

4. Taking a student out of class without a legitimate educational or health-related reason approved by a building principal or assistant principal. Parent/guardian consent must be granted if occurring on a consistent, regular schedule.
5. Going to a student's home, seeking out, or arranging a meeting with a student outside of the school setting without a legitimate educational reason.
6. Any behavior that would lead a student to believe that the adult is interested in them romantically and/or sexually.

C. Limits on One-on-One Interactions

One-on-one meetings with students shall be limited to employees with a legitimate educational or health reason to do so. When meeting one-on-one with students for educational purposes, all adults shall ensure they are in a space accessible and visible to other adults. Meetings must occur in a space designated by the school administration as an appropriate area for adult/student meetings, and this must be a space with an open door or uncovered windows that allow the student to be visible by other adult staff.

Per Virginia Code 8VAC20-720-50 Licensed School Counselors may provide short duration personal or social counseling to students that is needed to maintain order, discipline, or a productive learning environment without affirmative parental consent.

For all other services with counselors, special educators, and other staff whose job duties include regular one-on-one meetings with students, staff will provide parents with an annual notification that describes the services provided and the parameters under which any one-on-one meetings take place as part of those services. Parents shall be able to opt-out of these services by returning the form documenting their decision to the building principal or designee.

For all other adults, except for time-sensitive and emergency situations, adults shall notify parents or legal guardians in writing prior to one-on-one meetings for educational reasons. In the case of emergency situations, the adult shall notify school administration and the student's parent or guardian in writing afterwards that same day, except in cases of collaboration with the local department of social services and law enforcement per School Board Policy GAE/JHG Child Abuse and Neglect Reporting and the Code of Virginia §63.2-1509 et seq.

All adults shall document when one-on-one meetings occur with students in a division-managed digital system. This digital documentation system will be monitored by principals, department heads, and division leaders and will be capable of producing lists of one-on-one meetings with students. Parents/Guardians shall be provided a list of one-on-one meetings with their child upon request of such list in writing directed to the building principal.

Adults shall not be alone with an individual student out of view or in ~~an inaccessible~~ a location with a closed door unless necessary to serve a legitimate health-related

reason (e.g. school nurse, special education preschool/health-related teaching assistant) and in a space designated for such purposes (e.g. nurse's office; changing/diapering student).

In the case of unaccompanied minors without a parent or legal guardian available, the person to whom the parent or guardian has assigned educational power of attorney shall be contacted regarding matters addressed in this policy. In the case of adult students whose parents are unable to be contacted or living in a different country or state, the adult will contact their supervisor for the issues covered in this policy.

#### D. Adults Supervising Student Employees

In some cases, students may be employed by ACPS and be supervised by an ACPS staff member. Students participating in internships, apprenticeships, work-based learning experiences, summer employment, temporary employment, volunteer service, or other Division-sponsored work shall remain subject to the professional boundaries and student protection requirements of this policy and regulation.

Adults supervising student employees shall maintain professional boundaries appropriate to both the supervisory employment relationship and the educational relationship. The employment relationship shall not diminish the Division's responsibility to protect students from inappropriate conduct or boundary violations. Adults supervising student employees shall:

- maintain interactions that are professional, observable, and appropriate to the work assignment;
- limit one-on-one interactions to legitimate work-related purposes;
- avoid unnecessary isolation of student employees;
- use Division-approved communication methods;
- document work schedules and assigned supervisors; and
- immediately report suspected violations of this policy to the supervisor/program manager or building administrator.

#### E. Electronic Communication

Any electronic communication between adults and students must be transparent, accessible to supervisors and parents/guardians, non-sexual in nature, professional in content and tone, and unambiguous in meaning. Per ACPS Social Media Policy [GDB](#), staff members are prohibited from communicating with students through personal social media platforms.

Adults may not “friend” or “follow” students or accept “friend” or “follow” requests from students on private/personal social media accounts. Additionally, adults shall not post photos of students to their private/personal social media accounts. If a staff member wishes to maintain a social media presence for professional/instructional purposes, they shall create a separate account that is fully viewable by the public and strictly professional in nature. Per ACPS Policy JO Student Records, no personally identifiable information of students, including photos, shall be posted to professional

social media accounts if the adult has opted out of this authorization during registration. Adults must comply with any parent/guardian request to remove photos and posts of their child regardless of previous consent.

Adults must restrict one-on-one, electronic communications with individual students to accounts, systems, and platforms that are provided by and accessible to Albemarle County Public Schools. These systems must provide access to parents/guardians to observe all communication with their child. In the case of a communication system that does not automatically allow access to parents/guardians (e.g., email), the parent/guardian must be included in the communication. If an adult must contact a student via email and their parent's email is unavailable, the adult shall include their direct supervisor in the communication. Adults shall not use personal phones to communicate with students unless using an application provided by ACPS that allows for accessibility to parents/guardians.

## **V. Reporting of Violations**

Albemarle County Public Schools employees are required to report any case of suspected sexual misconduct or abuse in writing to the building principal or department head and to the Title IX Coordinator, per School Board Policy [GBA](#), Prohibition Against Harassment and Retaliation. This requirement is in addition to the requirements for reporting cases of suspected child abuse or neglect under School Board Policy [JHG/GAE](#), Child Abuse and Neglect Reporting.

Additionally, ACPS employees are required to report in writing suspected incidents of violations of this policy regarding professional boundaries, in-person, one-on-one, and electronic communications with students to the building principal and concurrently to the Human Resources Department. At the beginning of each school year, the principal will share this policy with parents/guardians and include contact information for the school's human resources partner as a channel for reporting. A system for reporting concerns anonymously shall also be shared with the school community at the beginning of each school year.

Albemarle County Public Schools employees who are not based in a school are to immediately report suspected incidents of violations of this policy to their department head or designee and to the department's human resources partner.

Retaliation against anyone reporting or thought to have made a report is prohibited. Any employee found to have committed an act of retaliation shall be subject to discipline, up to and including dismissal, per policy GBCA. Reports of retaliation shall be made to ACPS Human Resources.

## **VI. Investigation and Consequences for Violations**

The Title IX Coordinator shall be consulted about all suspected acts of sexual misconduct or abuse and will coordinate the appropriate ACPS response. The principal or department

head shall partner with Human Resources to investigate suspected violations of the professional boundaries, in-person, one-on-one, and electronic communications portions of this policy. Albemarle County Public Schools employees are subject to disciplinary action per Policy [GBCA](#), Employee Discipline, for founded violation of this policy.

When or if an adult (as defined in Section I of this Policy) is suspended or terminated for sexual molestation, physical or sexual abuse or rape of a child, or due to having become the subject of a founded case of child abuse or neglect, the Superintendent, or Superintendent's designee, shall inform the School Board, in writing, within 24 hours. The School Board shall determine whether the Superintendent will inform the families of ACPS students who may have come in contact with said adult, based on consultation with the Albemarle County Police Department and/or the Albemarle County Commonwealth's Attorney. Per Virginia code § 22.1-313, Albemarle County Public Schools will also notify the State Superintendent of Instruction within 10 business days of such dismissal or the acceptance of such resignation from licensed personnel ~~an~~ employee.

Consistent with the Virginia Department of Education Guidelines, Albemarle County Public Schools will disclose to school divisions seeking references any formal reprimands or dismissals for violating this policy. Additionally, Albemarle County Public Schools employees must follow School Board Policy [GCDA](#), Effect of Criminal Conviction or Arrest or Founded Complaint of Child Abuse and Neglect, which prohibits assistance to School Board employees, contractors, or agents in obtaining a new job when the employee is the subject of criminal charges or founded complaints of child abuse and neglect.

## **VII. Responsibilities for Training, Awareness, and Prevention**

Albemarle County Public Schools is committed to fostering a culture of student safety through ongoing education, awareness, and prevention.

- A. Community Partners and Contractors. Organizations providing instructional, mentoring, counseling, health, or other direct services to students shall certify compliance with this policy, verify that personnel have received appropriate training with all applicable background check and reporting requirements, and designate a supervisory contact. The Albemarle County Public Schools employee responsible for the partnership or contract will be responsible for attaining the certification.
- B. Employees. All employees shall complete annual training regarding professional boundaries, prevention of sexual misconduct and abuse, grooming behaviors, appropriate one-on-one interactions, electronic communications, mandatory reporting requirements, and reporting procedures established by the Division.
- C. Parents and Guardians. Each school year, the Division shall provide parents and guardians with information regarding this policy, expected professional boundaries

- between adults and students, available reporting procedures, and resources to support conversations about student safety.
- D. Student Teachers, Interns, and Practicum Students. Individuals placed in ACPS through institutions of higher education shall acknowledge receipt of this policy and comply with all Division expectations regarding professional boundaries and student safety.
  - E. Students. Students shall receive age-appropriate instruction regarding personal safety, healthy boundaries, trusted adults, recognizing concerning behaviors, and how to seek help or report concerns.
  - F. Superintendent. The Superintendent shall direct training and communication programs to ensure all employees, volunteers, community partners, and organizations/individuals engaging with students are aware of this policy and trained on establishing professional boundaries and preventing sexual misconduct and abuse.
  - G. Volunteers. Prior to working with students, volunteers shall receive orientation regarding professional boundaries, expected standards of conduct, reporting responsibilities, and procedures for reporting concerns.

Adopted:  
Equity Review:

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| Legal Refs.: | Complaints and reports of suspected child abuse or neglect, Code of Virginia 22VAC40-705-40<br>Decision of school board, Code of Virginia § 22.1-313<br>Education Amendments of 1972, Title IX (20 U.S.C. §1681 et seq.)                                                                                                                                                                                |
| Cross Ref:   | GAE/JHG, Child Abuse and Neglect Reporting<br>GBA, Prohibition Against Harassment and Retaliation<br>GBC, Standards of Conduct<br>GBCA, Employee Discipline<br>GCCBA, Acceptance of Gifts<br>GCDA, Effect of Criminal Conviction or Arrest or Founded Complaint of Child Abuse and Neglect<br>GDA, Responsible Use of Technology<br>GDB, Social Media<br>IJ, Counseling Services<br>JO, Student Records |