



Perpich Center for Arts Education

Adopted: June 2018

Revised: _____

For Reference Only

MSBA/MASA Model Policy 423

Orig. 1999

Rev. 2009

423 EMPLOYEE-STUDENT RELATIONSHIPS

I. PURPOSE

The Perpich Center for Arts Education (agency) is committed to an educational environment in which all students are treated with respect and dignity. Every agency 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. GENERAL STATEMENT OF POLICY

A. This policy applies to all agency employees at all times, whether on or off duty and on or off of agency locations.

B. At all times, students will be treated by teachers and other agency employees with respect, courtesy, and consideration and in a professional manner. Each agency 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 must be mindful of their inherent positions of authority and influence over students. Similarly, other agency employees also may hold positions of authority over students and must be mindful of their authority and influence over students.

D. Sexual relationships between agency employees and students, without regard to the age of the student, are strictly forbidden and may subject the employee to criminal liability.

E. Other 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 school 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. Agency employees shall, whenever possible, employ safeguards against improper relationships with students and/or claims of such improper relationships. [Note: Such safeguards may include the following: avoiding altogether or minimizing physical contact, keeping doors open when talking or meeting with a student one-on-one, and/or making sure that such meetings with a student take place in rooms with windows and/or others nearby.]

G. Informal and social involvement, including social media for non-school related reasons with individual students may be considered unprofessional, not compatible with agency-student relationships, and inappropriate.

H. Agency employees will adhere to applicable standards of ethics and professional conduct in Minnesota law.

III. REPORTING AND INVESTIGATION

A. Complaints and/or concerns regarding alleged violations of this policy shall be handled in accordance with Perpich Policy 103 (Complaints –Students, Employees, Parents, Other Persons) unless other specific complaint procedures are provided within any other policy of the agency.

B. All employees shall cooperate with any investigation of alleged acts, conduct, or communications in violation of this policy.

IV. AGENCY ACTION

Upon receipt of a report, the agency will take appropriate action. Such 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 Professional Education Licensing and Standards Board (PELSB) or the appropriate licensing authority and appropriate agencies responsible for investigating reports of maltreatment of minors and/or vulnerable adults. Agency action taken for violation of this policy will be consistent with requirements of applicable collective bargaining agreements, Minnesota and federal law, and agency policies.

V. 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 agency 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. Stat. § 626.556 (Reporting of Maltreatment of Minors)

Minn. Stat. § 626.557 (Reporting of Maltreatment of Vulnerable Adults)

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

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

Cross References:

MSBA/MASA Model Policy 103 (Complaints – Students, Employees, Parents, Other Persons)

MSBA/MASA Model Policy 306 (Administrator Code of Ethics)

MSBA/MASA Model Policy 413 (Harassment and Violence)

MSBA/MASA Model Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)

MSBA/MASA Model Policy 507 (Corporal Punishment)