

Policy #: <b>423</b>
<b>Title: EMPLOYEE-STUDENT RELATIONSHIPS/FRATERNIZATION</b>
Date of Initial Approval: 08-17-2012
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Reviewers: MSA Human Resources; MSA Superintendent

**I. PURPOSE**

The Minnesota State Academies (MSA) is committed to an educational environment in which all students are treated with respect and dignity. Every MSA employee is to provide students with appropriate guidance, understanding, and direction while maintaining a standard of professionalism and acting within accepted standards of conduct. Employees must set appropriate boundaries with students and conduct themselves in a manner that will maintain a professional relationship with students at all times. This policy is designed to protect both staff and students and to assure the safety and well-being of all MSA students and staff. Decisions regarding this policy are subject to the discretion of the Directors and the Superintendent after considering the listed issues below:

1. The student's best interests
2. The school's best interests
3. The employee's safety and liability
4. The school's liability

**II. GENERAL STATEMENT OF POLICY**

- A. This policy applies to all MSA employees at all times, whether on or off duty and on or off of the MSA campuses. Employees are defined as the following:
1. Any individual employed by MSA, including student teachers, substitutes, interns, and practicum students
  2. Any employees, agents, and owners/partners of contractors or agencies
  3. Any volunteers
- B. At all times, students will be treated by teachers and other MSA employees with respect, courtesy, and consideration and in a professional manner. Each MSA employee is expected to exercise good judgment and professionalism in all interpersonal relationships with students. Such relationships must remain on a teacher-student basis or an employee-student basis. MSA employees must be mindful of personal conduct in situations where students might be present. MSA employees must also be mindful of FERPA expectations for confidentiality and communication with parents, friends, and family members, especially with social media.
- C. Teachers and administrators must be mindful of their inherent positions of authority and influence over students. Similarly, other MSA employees also may hold positions of authority over students and must be mindful of their authority and influence over students.

- D. Employees are prohibited from engaging in any of the following types of conduct, regardless of whether the conduct occurs during or outside of school hours. The following list of prohibited conduct does not, and is not intended to, constitute the entire list of conduct for which discipline may be imposed.
1. Engaging in any romantic, sexual, or intimate relationships between MSA employees and students, without regard to the age of the student, including dating, flirting, sexual contact, inappropriate physical displays of affection, or sexually suggestive comments, regardless of whether staff or student initiates the behavior, whether the relationship is consensual, or whether the student had parent permission, and including any activity that gives the perception of such behaviors or relationships.
  2. Fostering, grooming, encouraging, or participating in inappropriate emotionally or socially intimate relationships in which the relationship is outside the boundaries of the reasonable, professional employee-student relationship and in which the relationship could reasonably cause a student to view the employee as more than an employee or any activity that gives the perception of an inappropriate relationship.
  3. Allowing any student/child to visit their home, or visiting a student/child's home, for reasons other than appropriate visits with approval by parents/legal guardians. (Other professional or educational reasons may require specific approval from the MSA Directors and/or the Superintendent)
  4. Initiating or continuing communications with students for reasons unrelated to any appropriate purpose, including oral, signed, or written communication, telephone and videophone calls, electronic communication (such as texting, instant messaging, e-mail, chat rooms, Facebook, or other social networking sites), webcams, or photographs. Electronic and online communications with students should utilize MSA-established e-mail and other classroom resources that are accessible to supervisors and professional in their content and tone. (The only exceptions to this are emergency situations that may have serious safety ramifications)
  5. Permitting any student or child to reside in their home unless they are parents, relatives, or legal guardians. For unique situations that are in the student's best interests, written permission must be obtained from the Superintendent.
  6. Making presentations of personal gifts, clothing, cash, or meals/snacks to students and/or their families unless through school-sponsored donations and approved by the Director and/or Superintendent. Employees should be cautious about participation in student fundraising, ensuring that they do not favor a particular student when purchasing items during fundraising activities.
  7. Allowing any student to travel in their personal vehicle for school-related or non-school-related matters unless specific approval is given by the Directors or Superintendent to provide for the safety and care of the student.

8. Sharing excessive personal information and or beliefs on non-school related issues (e.g. marriage, dating, sex, mental health, suicide, religion, etc.) Those issues are best handled by professional mental health providers (school counselors, school social workers, personal counselors, psychiatrists, psychologists, and so forth). Staff members may provide support for students in gathering information and resources.
  9. Providing alcohol (regardless of age) or drugs – either prescription or illegal – (except for those provided in accordance with instructions/procedures from the MSA nursing department) to students, including failing to take reasonable steps to prevent such access from occurring. This includes partaking in excessive alcohol consumption and/or illegal drug use when students are present.
  10. Accompanying a student to a non-school-related activity without parent, director, and superintendent approval.
  11. Committing or attempting to induce students to commit an illegal act or act of immoral conduct which may be harmful to others or bring discredit to the Minnesota State Academies.
  12. Participating in excessive informal and social involvement with individual students – this is unprofessional and incompatible with appropriate employee-student relationships.
- E. MSA employees shall, whenever possible, employ safeguards against improper relationships with students and/or claims of such improper relationships. Employees need to be mindful of general standards and boundaries for teaching and working with students. Detailed guidelines have been established in Appendix 423-B to support employees in their work with students. MSA employees who are employed outside of the academies in positions that support students (i.e. Personal Care Attendants, Daycare Providers, or Respite Care Providers) must communicate this with their supervisor so that they may be assigned to different students during their work shifts at MSA. Whenever possible, MSA administrators will establish a rotation of assignments to manage the length of time a staff member is assigned to an individual student.
- [Note: Such safeguards include the following: avoiding or minimizing physical contact; keeping doors open when talking or meeting with students one-on-one; and/or making sure that such meetings with a student take place in rooms with windows and/or others nearby.]***
- F. MSA employees or board members who have children or relatives attending classes at MSA must develop a plan (refer to Procedure #3100) to address how the employee/board member will interact with the child, the child's teacher(s) and support staff, and supervisors. (Appendix 423-A) Employees who have children or relatives that are students at MSA must be mindful about maintaining professional relationships with their children or relatives while at work and with their co-workers and supervisors, including consideration of the appearance of favoritism.
- G. MSA employees will adhere to applicable standards of ethics and professional conduct in Minnesota law.

**III. REPORTING AND INVESTIGATION**

- A. All MSA employees have a duty to report suspected violations of this policy. Any person with knowledge or suspicion of an improper relationship between employees and a student must immediately report the conduct to their supervisor, the human resources department, or the school social worker. Employees who make a good faith effort to report any suspected fraternization violation, or who cooperate with inquiries or investigations related to the accusation shall be protected from retaliation.
  
- B. Complaints and/or concerns regarding alleged violations of this policy shall be handled by the MSA Human Resources Department. Results of the investigation will be shared with the employee's supervisor for follow-up action. Suspected criminal activity will be referred to the local police department for investigation. Suspected child abuse must be reported under the directions outlined in MSA Policy #414.
  
- C. All employees shall cooperate with any investigation of alleged acts, conduct, or communications in violation of this policy.

**IV. MINNESOTA STATE ACADEMIES ACTION**

Upon receipt of a report, the Minnesota State Academies 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 appropriate professional licensing authority and appropriate agencies responsible for investigating reports of maltreatment of minors and/or vulnerable adults. MSA actions in response to violations of this policy will be consistent with requirements of applicable collective bargaining agreements, Minnesota and federal law, and MSA 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 Minnesota State Academies are not required to defend and indemnify the employee for damages in Minnesota State Academies-related litigation.

**VI. EXCEPTION**

If any employee feels there should be an exception to this policy, written permission must be obtained from the Superintendent.

**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 Policy 211 (Criminal or Civil Action against School District, School Board Member, Employee, or Student)*  
*MSBA/MASA Policy 306 (Administrator Code of Ethics)*  
*MSBA/MASA Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)*  
*MSBA/MASA Policy 413 (Harassment and Violence)*  
*MSBA/MASA Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)*  
*MSBA/MASA Policy 415 (Mandated Reporting of Maltreatment of Vulnerable Adults)*  
*MSBA/MASA Policy 421 (Gifts to Employees)*

**Appendixes:**

*Appendix 423 A – Plan to address Employee-Student Familial Relationship(s)*  
*Appendix 423 B – General Standards and Boundaries for Teaching and Working with Students.*