



Ask the Attorney

An ounce of prevention...

Q: *I'd like to help my peers with resources so they don't get into situations that could lead to false accusations from students. Do you have any recommendations for avoiding situations where we as teachers could be accused of misconduct?*

A: As a new school year gets underway, it is a good time to review some tips for avoiding accusations of misconduct.

School districts and the State Board for Educator Certification will investigate virtually all accusations so you need to make sure that your behavior can withstand scrutiny. Some of these tips are just common sense, but you might be surprised at the number of employees whose conduct raises questions and makes them vulnerable to accusations and disciplinary action, even if they did not actually engage in any misconduct or impropriety.

Personal contact with particular students, such as phone calls, emails, text messaging and personal notes, tends to cause suspicions about the existence of an inappropriate relationship. Avoid it.

SBEC has recently amended its regulations governing the grounds for taking action against an educator's certification to include a broad definition of "solicitation of a romantic relationship." This term is defined as "deliberate or repeated acts that can be reasonably interpreted as soliciting a relationship characterized by an ardent emotional attachment or pattern of exclusivity."

Such acts include "behavior, gestures, expressions, communications with a student that are unrelated to the educator's job duties...including statements of love, affection or attraction." Such behavior includes "making inappropriate comments about a student's body, engaging in conversations regarding the sexual problems, preferences, or fantasies of either party, and inappropriate hugging, kissing, or excessive touching."

So it's wise to maintain your professional boundaries. Source: Title 19, Texas Administrative Code, Section 249.14(m).

Some other tips...

- If a student appears soliciting a relationship with you, report your concerns to the principal or counselor immediately.
- Be careful about the circumstances under which you are alone with students, particularly after school or when other people are not around. If you meet with students alone in your classroom or office, keep your door open. If you are working before or after school doing tutoring, for example, see if there is another teacher who will be providing tutoring at the same time.
- Do not invite your students to your home, even with the permission of the parents. If students wish to have a get-together that you wish to attend, arrange for it to be at some place like a restaurant or a student's house with a parent chaperone.

- Do not transport students to and from school or school events in your personal vehicle, even with the permission of the parents. Besides making you vulnerable to the types of accusations discussed above, there is potential legal liability for injuries resulting from an accident.

- Be prudent about the material that you place, or allow to be placed on Web sites such as Facebook or MySpace. Yes, you have the right to express yourself but you do not necessarily have the right to work for a particular school district. For example, a standard provision in school district policies allows non-renewal of a contract for any activity that, because of publicity given it, or knowledge of it among students, faculty and the community, impairs or diminishes the employee's effectiveness in the district.

Ask yourself if you would want your students or their parents viewing such material, because chances are they will.

- Be very careful with any money that you handle on behalf of your students, such as an activity fund. If you do not want this responsibility, don't take it. If you do have this duty, you must discharge it in a responsible manner.

This means among other things, reviewing your district and campus policies and following those policies to the letter. If the policies are not clear, ask questions and confirm directives in writing.



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