



## Is this Behavior Appropriate?

### Suggestions for addressing gray areas involving employee-to-student interactions

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Most educator-to-student interactions are carried out in a professional and caring manner. However, some interactions are clearly inappropriate. Others fall into gray areas, where behavior that seems harmless at first glance becomes inappropriate in a school context.

Employees who witness questionable behavior may not want to report it. They may question what they saw. They may be afraid of damaging relationships with their coworkers. Regardless of their concerns, school employees have a duty to protect students' well-being.

Because gray areas can be difficult to address, here are some tips and scenarios that may help your district establish boundaries of behavior between employees and students.

### Pay attention to inappropriate behaviors displayed by employees

Managing the risks associated with inappropriate relationships requires collaboration. Make sure employees understand the importance of keeping their eyes and ears open. If an inappropriate relationship exists between an employee and a student, red flags can show up in both parties' behavior.

#### Employee red flags

- Does the employee focus on this student more than any other student? Does the employee seem to favor this student?
- Does the employee always seem to isolate him/herself with the student? Are they often seen together in secluded places?
- Is this behavior an appropriate response to the situation, or does it occur frequently, for no obvious reason?
- Do the employee's actions cross the boundaries of decency (i.e., hugging too long or too frequently, inappropriately touching, or making comments about the student's appearance)?
- Does the employee give the student rides home, especially without the parents' permission?
- Have there been complaints or rumors about the employee's behavior?

#### Student red flags

- Has the student admitted to or bragged about being in an inappropriate relationship with the employee?
- Does the student seem standoffish in the employee's presence or enamored with the employee?
- Does the student tease the employee as if he/she is a peer?



- Do the student and employee make jokes or references that only they understand?
- Does the student make positive or negative comments about the employee? What is being said regarding these comments?

All employees should consistently be aware of these interactions, not as a form of distrust among their co-workers, but to develop awareness and sensitivity to what is going on in their schools. This will help ensure all employees are conducting themselves appropriately and students are in a safe environment.

Employees must also understand sexual grooming. In grooming behavior an abuser gains a child's trust to prepare him/her for sexual abuse. For example, the abuser might get the victim used to inappropriate touching or sexual conversations.

Examples of grooming might include an employee:

- Spending time alone with a student
- Frequently asking a student to stay late after class
- Regularly offering a student rides home after school

### Consider the context of the interaction

If a male teacher hugs a sobbing five-year-old girl who fell off a swing, does the interaction constitute sexual harassment? What if the same teacher hugs a 16-year-old girl who is crying because she did not make the cheer team? What if he frequently consoles her one-on-one after school? In any of these situations, the teacher might genuinely care about the student and want to help. But the teacher's intention is not the only factor you should consider in evaluating inappropriate behavior.

The [United States Department of Education's Office for Civil Rights](#) (OCR) states that "school personnel should consider the age and maturity of students when responding to allegations of sexual harassment. [OCR's] guidance explains that age is relevant in determining whether sexual harassment occurred in the first instance, as well as in determining the appropriate response by the school."

You should always consult your district policy and administrative procedures when addressing inappropriate interactions with students. However, if your policies or administrative procedures do not provide guidance on certain behaviors, evaluate conduct on a case-by-case basis.

There might be no sexual intent in the case of the teacher who consoles the 16-year-old aspiring cheerleader. Still, most would agree that frequent hugs and one-on-one, personal meetings between a teacher and a student are not appropriate and should be strongly discouraged.

Similarly, it is reasonable to expect a five-year-old child to need comfort after falling off a swing. Hugging is a common form of comfort, especially for children. However, some employees might take advantage of the student's vulnerability and behave inappropriately. A student's age does not negate the importance of establishing boundaries; age simply provides context in determining the appropriateness of certain behavior.



Unless indicated in your district's policies, there may be no clear-cut formula for determining what behavior is deemed inappropriate. Your district must rely on policy, common sense, and its culture. To the extent possible, use training, handbooks, and administrative regulations to clarify for employees when specific actions are prohibited altogether. This might seem extreme, but plainly listing unacceptable behavior can help you avoid confusion.

### [Address inappropriate interactions initiated by a student](#)

It is not always the employee who initiates an inappropriate interaction. Employees should be alert and trained to immediately and effectively respond when a student makes inappropriate contact. Under state law, school district policy must include provisions instructing employees about the proper method of reporting improper electronic communications to an appropriate administrator when initiated by a student. (See TASB Policy DH(LEGAL) and (LOCAL)). In addition, employees should feel comfortable reporting any inappropriate interactions with students, regardless of the medium. District policy must also allow employees to choose not to give students their personal email or telephone number. The employee should avoid doing anything the student might misinterpret as a mutual interest.

### [Encourage good-faith reporting](#)

Because some inappropriate behavior is not easily recognized, employees may feel hesitant about reporting their suspicions. However, an employee reporting what he or she thinks is improper behavior represents a good-faith effort to ensure the student is not in danger.

Encourage employees to promptly report behavior that seems to go against school policy or even societal norms of appropriateness to their supervisor or the appropriate school official to prompt a thorough investigation. Make sure employees understand they will not be punished for making good-faith reports.

### [Let's get practical: Evaluating employee-to-student interactions](#)

Consider the following scenarios and best practices regarding behaviors that may cross boundaries of appropriateness. Keep in mind that your local policies and administrative procedures may require stricter or broader obligations than those discussed in these scenarios.

#### [After-class hangouts](#)

**Scenario #1:** A high school history teacher and one of his students are always seen together, even during lunch. Sometimes, the student stays late after school and the teacher takes her home. Fellow teachers have noticed their interaction but are not sure how to approach the situation. Others just don't want to get involved.

**Best practice:** Your employees should be trained on their duties for reporting behavior they suspect is inappropriate, especially if such behavior constitutes child abuse. Training should address who the employee should report to, the steps for reporting, and the appropriate time frame for making reports. While it only applies to principals and superintendents, there should be some discussion of State Board



for Educator Certification (SBEC) requirements to keep your employees well informed. Employees should also be informed of the consequences of not reporting suspected abuse. Even with no proof of wrongdoing, employees should understand good-faith reporting and the protection they are afforded against retaliation.

**Scenario #2:** A teacher always asks a particular student to stay after class. The principal notices this and asks why the student must stay late. The teacher responds that the student is having trouble with some of the subject matter and needs tutoring.

**Best practice:** Employees should be encouraged to ask questions when something does not seem right. In this scenario, the principal should inquire more about the student's need for tutoring. This may reveal flaws in the teacher's explanation for the student staying after class. For instance, the inquiry may reveal the student as one who excels in class or who knows the subject matter well. This would bring into question the teacher's actual motive for the student staying after class and may call for more investigation. Because some inappropriate actions will not be apparent, asking questions can uncover situations that merit intervention.

#### Compliments and comments

**Scenario #3:** A young teacher frequently makes comments to male students about how handsome they are and how they will make some girl happy one day. She often says she wishes guys looked like them when she was in high school.

**Best practice:** Making inappropriate comments that can be viewed as sexual in nature is considered sexual harassment, which is prohibited by law and your local policies, including Policies DH, FFH, and FFG. Training employees on appropriate communication with students will help draw a clear boundary between what is appropriate and what is not. Even if a teacher does not intend for interactions to be sexual in nature, these types of comments violate district policy. It is always best to restrict comments and compliments to students' academic achievements, not their appearance.

**Scenario #4:** A teacher often tells her students how smart and creative they are. She gives them high-fives and fist bumps when they do well on class projects and assignments. She does this for male and female students.

**Best practice:** Giving students positive reinforcement is appropriate unless the comments and actions violate your district's policies, they are sexual in nature, or the student(s) objects.

#### Comforting a student

**Scenario #5:** Gerald, a second-grade student, is seen crying by his teacher. He tells the teacher another student pushed him down and called him names. The teacher hugs Gerald, explains that he will be fine, and promises to have a talk with the other student.



**Best practice:** Acts of comfort are not always sexual in nature. To differentiate between those that are and those that are not, you should consider the type of act, the student’s age, and the situation prompting the act. In this case, it is reasonable to expect a second-grader to need some level of support after experiencing hurt or disappointment. While there are other ways to provide comfort, hugging is a common form of encouragement, especially for younger children. Although some districts may prohibit hugs altogether, others may not. When comforting students of any age, it might be more appropriate to give brief side hugs rather than longer hugs involving more physical contact. Also, a good practice is for any adult to ask for a student’s permission before initiating a hug.

**Scenario #6:** Mr. Smith noticed Kera, a tenth-grade student, sobbing in the hallway. He asked her what was wrong, and Kera informed Mr. Smith that she just broke up with her boyfriend. Mr. Smith gave Kera a side hug as she continued to cry. He told her there were many “fish in the sea.” He also said she was pretty, and she would have no problem finding another boyfriend.

**Best practice:** While this situation does not provide a clear picture as to whether the teacher genuinely wants to comfort Kera or has an unprofessional interest in her, the teacher’s comment regarding Kera’s appearance and ability to find another boyfriend crosses the line between neutral, comforting behavior and intimate topics.

Consider also how gender shapes our perceptions of behavior. If a female teacher were to do and say the same thing, she may be considered motherly, while a male teacher may be considered flirtatious. Here, the best practice would be to simply not hug, compliment, or have any kind of physical contact with students. The teacher could lend the student a listening ear and offer words of encouragement that do not reference the student’s looks or her future dating opportunities. The teacher may also refer the student to a school counselor.

#### Teasing and rumors

**Scenario #7:** A high school cafeteria worker notices a teacher and student teasing, tickling, and occasionally hugging each other in the lunchroom. This is the first time she has seen the two interact, and she is not sure whether she should report the behavior.

**Best practice:** Any school employee witnessing potentially inappropriate behavior should report the behavior to an appropriate administrator. In this scenario, teasing, tickling, and occasional hugging cross the boundaries of appropriate employee-to-student interaction. They also constitute overly familiar touching, which may be a red flag for sexual grooming or indicate the existence of an inappropriate relationship. Employees who witness questionable behavior should report it to their supervisor or a designated official such as a Title IX coordinator for a thorough investigation.

**Scenario #8:** Rumors about an 18-year-old male high school student and his female math teacher have been circulating the high school for months. Students and teachers have heard of the two spending a lot of time together in-between classes, and even off-campus. While no one knows for sure whether the two are in a romantic relationship, it has been strongly implied.



**Best practice:** Rumors can be worth looking into, especially regarding a potential employee-to-student relationship. Students may know more about situations happening within their school, and they could be good sources of information. Encourage your employees to report to the Title IX coordinator if they hear a rumor about behavior that might violate law or district policy, even if it is later proven to be untrue. Note that under Texas Education Code section 21.12, a sexual relationship between an educator and a student is a crime, even if the student is 18 years old.

#### Other resources

- [How to Reduce the Risk of Inappropriate Employee-to-Student Relationships](#)
- [How to Keep Sexual Harassment Out of Your Schools](#)

#### Expert advice from the Fund

Fund members with [Legal Liability](#) coverage have access to expert advice, training, and resources on liability risks such as inappropriate relationships, cyberbullying, and discrimination.

For more information on liability risks, please contact TASB Legal Liability Risk Consultant Charli Searcy at [charli.searcy@tasb.org](mailto:charli.searcy@tasb.org). If you need legal advice or have questions about your policies, we encourage you to contact [TASB Legal Services](#) at 800.580.5345 and [TASB Policy Service](#) at 800.580.7529.

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