



School District Policies Regarding Appropriate Teacher-Student Relationships: What's Missing and What Matters?

Kristan N. Russell
Prairie View A&M University

Melissa M. Burnham
University of Nevada, Reno

Sarah A. Trescher
University of Nevada, Reno

Victoria A. Knoche
Youth Justice Institute, the University of Albany

Abstract: Reports of sexual relationships between teachers and their students have risen across the country. This study qualitatively examines existing school district policies in Nevada to determine what the existing policies cover, how the potential consequences are outlined, whether the policies give teachers guidance on how to navigate tricky ethical situations, and lastly, what information is not covered within these policies. Our findings indicate that most districts use required boilerplate language about sexual harassment but lack specific guidance for navigating complex situations where boundaries seem to get crossed (e.g., social media). We conclude with recommendations for policy reform and continued education.

Keywords: *teacher-student relationships, teacher sexual misconduct, ethics training, policies, Nevada, school districts*

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Introduction

Sexual relationships between teachers and their students are on the rise across the country (Abbott, 2015). Reports indicate that approximately one in every ten students experiences sexual misconduct by a school district employee (Department of Justice, 2017; 9.6% of all students' 8th-

11th grade Shakeshaft, 2004). The Texas Education Agency (2018) found that the number of investigations of inappropriate relationships between teachers and students increased 42% between 2017-2018 and increased by 249% in the past decade.

Although there appears to be a clear uptick in cases based upon the media attention Nevada schools have received in the past decade, it is difficult to ascertain specific rates of educator sexual misconduct without a systematic reporting system. Accurate estimates of educator sexual misconduct rates can be difficult to obtain for two reasons. First, there is no federal-level database or collection system to track reporting (U.S. Government Accountability Office, 2014). Second, many of our prevalence estimates are based upon cases that made it to the legal system; however, it is possible that many cases would not be included in these estimates because they go unreported (Irvine & Tanner, 2007; Wurtele et al., 2019) or in some cases, teachers move school districts to avoid disciplinary action or legal repercussions (Reilly, 2016), also known as “passing the trash” (Irvine & Tanner, 2007).

Several high-profile cases (e.g., Mary Kay Letourneau, Debra Lafave) covered in the media have increased the public’s awareness of educator sexual misconduct (Abboud et al., 2020). A number of teacher sexual abuse cases that have occurred within the state of Nevada have received considerable media attention in recent years (see Ford, 2021; McAndrews, 2019; Shoro, 2019; and Sonner, 2019, for a few examples), raising concerns for students, parents, school district employees, and legislators (Whitaker, 2015, 2016). These mainstream media outlets often question why these relationships are happening and why teachers cross ethical boundaries with their students (see Bradshaw, 2016). One thing that could contribute to this apparent rise in inappropriate teacher-student relationships is a disparity of research evidence assessing school district and state-level laws and policies that are aimed at preventing, intervening, and responding to cases of sexual misconduct of educators (Grant, Wilkerson, & Henschel, 2018).

The increase in arrests for sexual relationships between teachers and students is particularly concerning to parents as they expect schools to be safe learning environments (National Coalition to Prevent Child Sexual Abuse and Exploitation, 2012) for their children, and the risk of sexual abuse by teachers jeopardizes student safety and learning (U.S. Department of Education, 2017). Teachers might utilize the power imbalance between themselves and their students to target their victims (Knoll, 2010; Sullivan & Beech, 2002). Sexual offenses, particularly offenses committed by an authority figure, can cause long-term trauma to the victims (Knoll, 2010; Sullivan & Beech, 2002). Further, social media and online communication platforms may be where many of these relationships are initiated and fostered (Texas Education Agency, 2016). It is evident that inappropriate relationships with teachers and students are a concern for many school districts, yet there does not appear to be a large focus on preventing these relationships from happening in the first place. Thus, the focus should be shifted from reactionary responses to these crimes to preventative measures to stop these relationships from occurring. In order to elicit these changes, policymakers, school personnel, and researchers must understand the current legislation and the role of school-district-level policies on teacher sexual abuse.

This present research is a case study of Nevada school district policies and is a first step in better understanding existing policies regarding relationships between teachers and students, as well as identifying areas that need to be better outlined within these policies. Nevada was chosen for this study due to the researchers’ connections to the education system, which ensured

access to all necessary documents for analysis. Further, by focusing the analysis on one state, we are better able to draw connections between the legislative and school district policy language.

State Laws and Repercussions

In the state of Nevada, the age of consent is 16 years old (NRS 200.364; adopted in 1997 and most recently revised in 2017; see Appendix A for a full description of laws). Thus, children ages 15 and under cannot legally consent to sexual intercourse. This law includes a ‘close in age’ or a ‘Romeo and Juliet’ exception in which adults can have consensual sex with children under the age of consent (16) if they are less than four years apart in age. If charged, a person who engages in consensual sexual intercourse with someone under the age of 16 risks up to 10 years in prison, up to \$10,000 in fines, and will be mandated to register as a tier three sexual offender on the Nevada State Registry. If the person being charged is under the age of 21, they can still be charged with statutory rape but with reduced punitive sanctions: up to one year in jail, up to \$2000 in fines, and tier one sexual offender registration.

Nevada State Law (NRS 201.540 & NRS 201.550; adopted in 1997 and most recently revised in 2017; described in Appendix A) prohibits all sexual contact (e.g., sexual intercourse, physical contact of genitals) between school teachers and their students, even if the student is older than the age of consent (i.e., 16 years old). In other words, all sexual contact is prohibited between school employees and students at that school, regardless of the student’s age. This law does not apply to teachers or school employees under the age of 21, though almost all teachers and employees exceed this age. Another exception to this law is if the student and teacher are legally married. If convicted, a teacher can face up to five years in prison and up to \$10,000 in fines. Further, teachers will be guilty of a category C felony. The Nevada legislature rationalized their expansion of sex offense laws to include teacher/school district employee-specific legislation by stating that students should be free from influence by individuals who have power and authority over them.

In addition to the legal ramifications of inappropriate conduct between teachers and students, school districts and licensing agencies can also impose punishments on the teachers. If accused or found guilty of sexual misconduct toward a student, school districts retain the right to impose hefty penalties, including suspension and termination. Teachers might also face the loss of their teaching license for violating the ethical policies set out by their license granting agency. In the state of Nevada, this agency is the Nevada Department of Education.

Why District Level Policies Matter

With one in every ten students experiencing sexual misconduct by a school district employee, identifying potential issues within existing policies is critical (Department of Justice, 2017). The most common recommendation in the literature is that each district should have written policies prohibiting any inappropriate relationships between educators and students (Shakeshaft, 2004). Further, they recommend that behaviors that could be considered misconduct should be clearly defined, with examples, to ensure there is no ambiguity (Shakeshaft, 2004). Most school districts have incorporated sexual harassment policies adhering to these recommendations; however, teacher violations of these policies appear to be continuing to rise (Abbott, 2015).

Research shows that early career teachers are more likely to engage in inappropriate sexual relationships with students (Robert & Thompson, 2019), highlighting the importance of ensuring district-level policies are clear to those entering the profession. Existing policies cannot

be effective if teachers and staff are unaware of them. Many school districts provide their policies or handbooks on their school website; however, anecdotal reports from case law and media demonstrate that many teachers are unaware of the policies or potential consequences of their relationships with their students (see Quinn, 2018 for an example). This raises concerns about the orientation process and expectations of teachers to read, understand, and abide by existing district policies. Additionally, studies show that school staff who read and understand the policies regarding their own behavior may remain unaware of how to identify such behaviors in others and how to report them (Grant, 2011). This highlights the need for comprehensive policies that not only outline expected behavior but also provide steps for responding to suspected violations (Shakeshaft, 2013).

Social media and online communication platforms might be where many of these relationships are initiated and fostered (Texas Education Agency, 2016; Whitaker, 2016). A recent investigation determined that approximately eighty percent of educator sexual misconduct cases involved private communication between a teacher and a student, such as texting or messaging over social media (Whitaker, 2016). Despite this, many school district level policies do not comprehensively cover appropriate use of social media and online communication between teachers and students. In 2015, Clark County School District in Nevada had no explicit policy forbidding online communication or texting between teachers and students, despite having more than thirty employees arrested for sexual misconduct in the previous decade, many cases of which involved private communications (Whitaker, 2015).

Mainstream media outlets have also identified social media and online communication as a potential ‘gray area’ in the districts’ policies and ethical guidelines, which may be contributing to such relationships occurring, as teachers do not have clear rules on how to navigate these online settings, particularly with regard to student interactions (e.g., Abbott, 2015; Fleming, 2014; Jimenez, 2019; McNeil, 2016). In a recent study of school sexual misconduct cases, 71% of offenders used technology to communicate with their victims (Henshel & Grant, 2018). In response to increased reporting of sexual misconduct and increased concerns, Clark County School District (CCSD) in the state of Nevada implemented a new social media policy in 2018 to regulate communication between teachers and students over electronic channels and to educate students on what to do if these boundaries are crossed (Ortiz, 2018). However, CCSD teacher arrests for sexual misconduct have continued to be highly publicized (e.g., Lupiani, 2019; Shoro, 2019; Torres-Cortez, 2019), drawing attention to whether these policies are sufficiently comprehensive to prevent such misconduct.

Laws and school district policies are important as they clarify the law, set the stage for what types of behavior will be accepted within that school district, provide specific examples of violations, and indicate what the repercussions will be for misbehavior. Policies can also be useful in reminding teachers or even making teachers aware of what behaviors are illegal and can lead to legal ramifications and/or licensure removal, not just consequences within their job at the school district. However, researchers have posited that existing policies are not sufficient to set clear guidelines in a changing world. For instance, is it appropriate for teachers to ‘friend’ their students on social media?

The teacher’s union in Nevada indicated that they are open to policy changes, while the S.E.S.A.M.E. (Stop Educator Sexual Abuse Misconduct & Exploitation) advocacy group supports a no-tolerance policy to prohibit this type of behavior and activity (Whitaker, 2016). Some experts have suggested guidelines for reforming policies which include recommendations such as (1) being clear and explicit regarding what constitutes sexual abuse and (un)acceptable

behaviors; (2) detailing how to report and prevent educator sexual abuse; and (3) explaining repercussions for violations (Shakeshaft, 2013). It is important to also note that the push for district policy reform does not appear to coincide with any comprehensive analyses of existing policies to identify what topics are and are not covered. In fact, some policies have already been amended but offending continues to persist, indicating a need to assess existing policies more comprehensively to identify what is already included, whether language about social media and/or electronic communication and other potential ‘gray areas’ for boundary-crossing are missing altogether, and if the existing language regarding these specific topics (e.g., social media) is too vague and might be a source of confusion. We believe that having a more comprehensive understanding of the existing state of school district policies in Nevada will allow for a more strategic approach to reform and can also provide insights into whether efforts need to be made beyond reform (e.g., better training to ensure teachers are aware of the policies).

Current Study

Despite the laws, district-level policies, and ethics training many teachers receive – inappropriate relationships between teachers and their students appear to be on the rise (Abbott, 2015). The state of Nevada has been highly publicized for such relationships (e.g., Lupiani, 2019; McAndrews, 2019; Shoro, 2019; Sonner, 2019; Torres-Cortez, 2019). Given the substantial repercussions of these inappropriate and illegal relationships, it is critical that school districts shift their attention from reactive to preventative measures (e.g., education and training, policy reform) so that the relationships do not occur in the first place. In this study, our primary goal is to comprehensively examine the school district policies in the state of Nevada to determine what aspects regarding these ethical boundaries are comprehensively covered and also to identify potentially important elements that are missing from these policies. We anticipate that policies will address explicit sexual relationships (e.g., no sexual contact with students) but may lack language around more contemporary issues such as how to navigate whether to ‘friend’ a student on social media. As such, this study addressed the following research questions.

RQ1: What are the current Nevada school district policies on school personnel relationships/interactions with students?

RQ2: Are the consequences of inappropriate relationships with students clearly outlined in the current Nevada school districts’ policies?

RQ3: Do Nevada school district policies provide explicit guidance to school personnel across various potential circumstances that they might have to navigate (e.g., social media use)?

RQ4: What is missing in the policies? (e.g., ‘friending’ students)

Method

There are 17 independent school districts and 678 schools operating within the state of Nevada (State of Nevada Department of Education, 2019). District information is summarized in Table 1. Complete policy handbooks¹ were acquired for each of these districts between December 2018 and April 2019.² Most of the policies were posted online for public access; all remaining policies were obtained through email by contacting the district administration. Each policy was then read and reviewed by the researchers in this study. All policy sections that were

¹ Of the policies obtained, 15 were complete handbooks with all policy sections, 1 district only provided the personnel policy section, and 1 district provided only the student and personnel policy sections.

² We attempted to obtain the most recent copies of all policies from each district. It is possible that policy sections have been updated since the time of data collection.

related to teacher-student relationships and personal interactions with students were selected for analysis. A preliminary coding scheme was developed by one of the researchers via an initial reading of the policies to gain familiarity with the content, in combination with reading the literature regarding boundary crossing and policy ‘gray areas.’ Our inquiry into the policies was two-fold. On the one hand, it was critical for our analyses that we captured what is present in the existing policies so we can determine what level of guidance is already being provided to teachers. If the districts are providing clear and comprehensive guidance in all areas, perhaps the issue would then lie within training, lack of reading and understanding the policies, or in some other explanation. On the other hand, we also wanted to determine if any of the key areas highlighted in the media and literature as being potential boundary-crossing areas (e.g., friending on social media) were missing from the guidelines, providing further evidence that there may be ‘gray areas’ that need further elucidating. Thus, in the final coding scheme, the codes were generated by both the researchers’ familiarity with the content and knowledge of factors the previous research deemed important (e.g., technology-based communication; Henschel & Grant, 2018).

We conducted a content analysis of the policies for all 17 school districts in Nevada. There were 19 primary themes, mostly related to broad policy sections and the inclusion of language around specific topic areas (e.g., sexual harassment) with a series of subthemes to code for more detailed intricacies within these policy sections. The policy documents were subjected to a systematic, line-by-line coding. An iterative approach was taken so that the coding scheme was flexible to allow for new codes to emerge.

Table 1
District Descriptions

District	District Size*	District Type
District 1	Small	Rural
District 2	Medium	Rural
District 3	Large	Urban
District 4	Very Small	Rural
District 5	Medium	Rural
District 6	Small	Rural
District 7	Small	Rural
District 8	Small	Rural
District 9	Very Small	Rural
District 10	Large	Urban
District 11	Small	Rural
District 12	Very Small	Rural
District 13	Very Small	Rural
District 14	Medium	Rural
District 15	Medium	Rural
District 16	Very Small	Rural
District 17	Medium	Rural

Note. Districts were sorted to be large, medium, and small. Large districts have over 50,000 students. Medium districts have between 49,999 and 5,000 students. Small districts have between 4,999 and 1,000 students. Very small districts are all districts with less than 1,000 students.

Next, the documents were examined and coded by two external coders. This coding was completed in Dedoose, which allowed us to examine inter-coder reliability (Dedoose, 2018). Our initial test of 25 excerpts yielded a Cohen's kappa statistic of .73, which indicates sufficient inter-coder agreement (Cicchetti, 1994). Coders then underwent a second training to examine the current coding scheme and address any differences in coding. The bulk of the errors occurred for excerpts that needed multiple codes but were instead only given one code by one of the coders. All disagreements in coding were resolved through discussion and consensus between the raters. Further, definitions were revised to be more specific for future coding.

Ethical approval by an Institutional Review Board (IRB) is not always necessary for qualitative assessment of existing records. However, since several school districts had to be contacted directly to acquire the policies, we sought and received IRB approval prior to data collection and analysis.

Findings

What is covered in the policies?

RQ 1. What are the current Nevada school district policies on school personnel relationships/interactions with students? Of the 17 districts, 100% had policies on general sexual harassment for the district and for student-specific sexual harassment. These policies were specific not only to teachers, but all persons employed with or volunteering for the school district. We also assessed the content covered within these policy sections. We found that 11 (64.71%) of the districts provided a definition for what 'sexual harassment' is, while 15 (88.24%) of the districts provided examples of sexual harassment.

(District 14) Sexual harassment is generally defined as unwelcome sexual advances, requests for favors and other verbal, non-verbal or physical conduct of a sexual or gender-directed nature when: 1. Submission is made either explicitly or implicitly a term or condition of the student's education or educational opportunities; 2. Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting the student's education or educational opportunities; or 3. That conduct or communication has the purpose or effect of substantially or unreasonably interfering with the student's education or educational opportunities, or of creating an intimidating, hostile or offensive educational environment

(District 6) Examples of behavior which constitute sexual misconduct include, but are not limited to: Making sexual advances or gestures toward a student; Coercing, forcing, or attempting to coerce or force sexual intercourse or any sexual act with a student; Engaging in sexual intercourse or any sexual act with any student; Touching oneself sexually or talking about one's sexual activity in front of students; Spreading rumors about or discussing students' sexual activity; and Sexually motivated or inappropriate touching, patting, grabbing, or pinching a student's body, whether that student is of the same or the opposite sex.

Fifteen (88%) Nevada school districts outlined general instructions for all individuals on how sexual harassment should be reported to the district. Thirteen (76%) districts had specific instructions for students on how to report sexual harassment if they have experienced it themselves or know of someone who has experienced sexual abuse.

(District 3) Sexual harassment or misconduct directed at a student may be reported by any individual using the District's online reporting tool (website ...); to a counselor, administrator, teacher or any other District staff member; to (...) the District's Civil Rights

Compliance Director/Title IX Coordinator (email: ...); or to a school police or local law enforcement officer.

While all of the policies referenced Nevada law, only 10 (58%) explicitly described NRS 201.540, which indicates that it is a felony for a person over 21 years of age, who is/was an employee or volunteer of the district to engage in sexual conduct with students 16 or older.

(District 11) The District acknowledge[s] the applicability of criminal statutes relating to sexual conduct toward a student, including NRS 201.540, which indicates that it is a felony for a teacher, administrator, coach, volunteer or teacher's aide or auxiliary nonprofessional employee who assists with instruction or supervision of pupils, to engage in sexual conduct with pupils ages 14 through 17.

Next, we examined districts' network policies because many media assessments of teacher misconduct identify online and technological outlets as being where a lot of inappropriate behavior takes place or where illegal relationships can start (e.g., Abbott, 2015; Fleming, 2014; Jimenez, 2019; McNeil, 2016). Sixteen (94%) of the school districts had a network policy, which dictates what is/is not permitted on the school district networks, for example, the prohibition of looking at or sharing obscene imagery (14 districts; 82%).

(District 8) Technology protection measures, installed and in continuous operation, that protect against internet access by both adults and minors to visual depictions that are obscene, child pornography or, with respect to the use of the computers by minors, harmful to minors;

RQ 2. Are the consequences of inappropriate relationships with students clearly outlined in the current Nevada school districts' policies? We explored if and how consequences are described in each district policy. We implemented several codes to capture whether the school district policies clearly outline the consequences of sexual harassment of students. The first of these captured if any general mention of consequences was made within the specific policy section itself; ten districts (58%) did mention consequences. Further, we implemented a code to capture whether the policy had specific language around possible termination of employment if sexual harassment of a student takes place. Nine (53%) of the school districts mentioned termination as a possible consequence.

(District 13) Any employee who is found to be in violation of this sexual harassment regulation will be disciplined up to and including termination.

Although all policies reference the Nevada law with regard to consequences of engaging in sexual harassment of students (and some of the policies describe the law), the descriptions tended to be vague, and none emphasized the legal and professional consequences of a relationship with a student, even if that student is of the legal age of consent. Teachers can not only lose their jobs but can lose their teaching license and be charged criminally.

Only one school district policy, District 17 (6%), indicated that employees can have their teaching license suspended or revoked if they are in violation of the sexual harassment policy: "If the employee is the holder of a license issued pursuant to chapter 391 of NRS, may recommend to the board of trustees of the schools [sic] district that the board submit a recommendation to the State Board for the suspension or revocation of the license." Fifteen (88%) of the school districts had a broad statement that outlines or explains the potential consequences for violating the sexual harassment policy.

RQ 3. Do Nevada school district policies provide explicit guidance to school personnel across various potential circumstances that they will have to navigate (e.g., social media use)? Of

the 17 districts, 11 (65%) had specific policy language about social media use. However, the content of these policies typically pertained to either the district employee using social networking during working hours or specific social media use as it relates to the district. Social media policies were vague and indicated that the school district does not take a position on employees' social media activities.

(District 4) The District takes no position on an employee's decision to start or maintain a blog or participate in other social networking activities. However, it is the right and duty of the District to protect itself, its employees, and students from unauthorized disclosure of information. The District's social networking policy includes rules, guidelines, and best practices for District- authorized social networking and personal social networking. The District will not request user names and passwords for personal social media accounts. This policy applies to all board members, administrators, management, employees, and volunteers. Blogging or other forms of social media or technology include, but are not limited, to video or wiki posting, sites such as Facebook and Twitter, chat rooms, personal blogs, or other similar forms of online communication journals, diaries, or personal newsletters not affiliated with the District. Unless specifically instructed, employees are not authorized and, therefore, restricted to speak on behalf of the District. Employees are expected to protect the privacy of the District, its employees, and students.

Only three school districts (18%) had explicit policies regarding "friending" students on social media accounts. Of those three districts, only two school districts (12%) had specific policies prohibiting "friending" or "following" students on their social media.

(District 3) Staff should not "friend", "follow", or otherwise interact with students individually or personally from social media accounts. For example, a teacher should not "friend" a former student of the teacher while that student remains enrolled in the District.

The third school district strongly discouraged "friending" but did not prohibit it:

(District 14) Employees are strongly discouraged from texting messaging using a personal phone number, and "friending" students on social media.

RQ 4. What is missing in the policies? Research notes that missing or 'gray areas' in district policies may be a source of confusion or may foster misbehavior among teachers. To determine if any of these 'gray areas' existed within Nevada school districts' policies, we utilized media reports and the literature to inform our coding scheme development to ensure all areas of potential boundary crossing were included in our codebook. There were several items in our original codes (e.g., friending; sexual harassment consequences – authorities, license, suspension; power as a factor of sexual harassment pertaining to students) we had hoped to see present that our analyses revealed were largely missing from the existing policies. Thus, the discussion below regarding the findings of research question #4 is uniquely situated around code absence rather than presence.

Ten (58%) districts made specific mention of consequences that would result if they violated the sexual harassment policy, with nine (52%) of those school districts mentioning termination as a possible consequence. However, we also had codes to capture two other important potential consequences: (a) language letting the teacher know that if they violated the policy, they would be reported to the authorities and (b) letting them know they would be reported to the state board and potentially lose their license to teach. For each of these, only one district (6%) mentioned these as potential consequences.

(District 17) If the employee is the holder of a license issued pursuant to chapter 391 of NRS, may recommend to the board of trustees of the school district that the board submit a recommendation to the State Board for the suspension or revocation of the license.

Only three districts (18%) had a policy specific to home visits. Surprisingly, the language within most of these policies encouraged home visits. These policy sections had vague guidelines and did not appear to have any additional information about ethical considerations to be made when making home visits. One school district did provide some detail about potential situations the teacher may have to navigate when conducting home visits, but they centered on interactions with parents and potential conflicts. The other districts provided reasoning for why home visits are encouraged.

(District 5) Home visits by teachers are encouraged by the Board in order that better communication between home and school can be realized. The Board believes that home visits yield a better understanding of the relationship between the classroom teacher and the student, so that a better educational experience will result for the student.

Further, only six (35%) of the districts had clear policies regarding the transportation of students in personal vehicles. The policy language within these sections was clear and consistent – transporting students in personal vehicles is prohibited in all situations unless under exceptional circumstances or prior approval by the districts. The only exception was one district whose policy stated that:

(District 1) Under no circumstances should students be transported in personal vehicles except during off-duty times.

Last, despite many districts having social media policies and almost all districts having network policies, only two (12%) of the districts had policies specific to social media use with regard to interacting with students. Similarly, two (12%) of the districts had language about whether a teacher is able to ‘friend’ their students on social media, both of which prohibit this behavior unless under special circumstances.

(District 2) Employees must not “friend” or otherwise connect current students to their personal blog or social networking site. Exceptions may be approved for employees with parental responsibilities.

(District 14) Employees are strongly discouraged from text messaging using a personal phone number, “friending” students on social media.

Discussion and Suggestions for Improvement

The purpose of this study was to examine existing Nevada school district policy, identify important areas that are missing or vague within the current policy content, and make recommendations for policy reform to address the identified issues. Many of the school districts included identical, general sexual harassment and student sexual harassment policy language. These policies generally defined sexual harassment, provide examples, mention potential consequences of policy violation, and reference relevant state law. However, most of the policies lacked any guidance or specific rules regarding how to navigate certain issues (e.g., social media ‘friending’ of students). This is problematic, as research and anecdotal reports point out that these ‘gray area’ situations (e.g., communicating through technology) are those in which boundaries are more likely to get crossed and where these relationships may begin (Henschel & Grant, 2018). Without clear boundaries outlined in the policies, teachers are left to operate under their best judgment in these situations. Given the rising rates of teacher-student sexual misconduct, letting teachers use their best judgment in ‘gray area’ situations does not appear to

be the best approach. Moving forward, school districts should aim to set clear rules within their policies surrounding social media and contact with students outside of the classroom, both in person and online. Nevada legislation could also require this language to be included within school district policies to explicitly state what is expected of district employees.

Though most district policies mentioned that violations of their sexual harassment policies will result in consequences, many lacked language specifying the nature of potential consequences, such as termination or being banned from employment within a district. Beyond school district-level consequences, the teacher may also lose their license, incur fines, be sentenced to jail time, and be mandated to publicly register as a sex offender in the state of Nevada. Media reports covering the cases of teachers who have been charged with sexual offenses often indicate that they were unaware they were breaking the law and of the potential consequences. Moving forward, school districts should clearly describe all potential consequences in district policies that may be experienced as a result of violating the policy—both as a result of school district action and from the criminal justice system if the offense is reported to authorities.

With the constant advancements being made with regard to electronic communication, revisiting policies regularly is necessary. Some school districts utilize apps outside of the classroom as teaching and tracking tools. These practices became even more common with the shift to remote learning during the COVID-19 pandemic. While these might be effective tools to promote learning in both traditional and remote-learning environments, clear rules must be established regarding their use to ensure that boundaries do not get crossed. For instance, New Jersey School Boards have all banned teachers from “friending” students on their social media accounts and prohibited any electronic communication between teachers and students unless through district computers or phones (Abbott, 2015; McGlone, 2014). Our results show that all districts within Nevada do not have similar policies (only 2 out of 17 school districts in our study had a similar policy). Following New Jersey School Boards’ lead might be beneficial in limiting teacher-student sexual relationships.

Further, school districts should implement routine ethical training and assess teacher knowledge regarding existing policies to ensure that they are familiar with the policies and are prepared to navigate situations that can pose potential ethical dilemmas. In 2015, The National Association of State Directors of Teacher Education and Certification (NASDTEC) published the Model Code of Ethics for Educators (MCEE). Since then, many states, including Nevada, have adopted this code of ethics. The MCEE could be used to develop specific trainings for educators on appropriate, and inappropriate, conduct with students. In the summary section of NASDTEC’s rationale for developing the MCEE, the authors note:

“By establishing the MCEE, NASDTEC provides a model of best practice which jurisdictions can adopt or adapt to help ensure states, EPPs, and LEAs are effectively equipping educators in ethical understanding and decision making so as not to violate the boundaries of professional practice. This critical work will lead to a more intentional emphasis, at national, state, and local levels, being placed on ethics and ethical preparation. Ultimately, not only will ethical violations in education be reduced, children will be safer in classrooms.” (https://www.nasdtec.net/page/MCEE_Rationale)

Within Principle III: Responsibility to Students, the MCEE specifically notes that the professional educator should “Acknowledg[e] that there are no circumstances that allow for educators to engage in romantic or sexual relationships with students” (p.3). Several webinars and podcasts are linked on the MCEE website to assist with teacher training.

In addition to in-service training, educator preparation providers should strive to infuse the MCEE into their coursework leading to teacher and administrator licensure. This practice would help to ensure that all future educators have a deep understanding of their ethical responsibilities as professionals. Adopting the MCEE into coursework at the state level is a good start, but as mentioned earlier, a substantial portion of educator sexual misconduct cases are perpetrated by early career teachers. Thus, we also recommend that states should strive to include knowledge of the MCEE in their educator licensing and re-certification regulations. Incorporating additional ethical leadership content into the teacher certification exams would hold educator preparation and professional learning providers accountable for covering the content of the MCEE.

Limitations and Future Research Directions

There are several limitations of the current study that need to be noted. First, this study was limited to the state of Nevada and, therefore, cannot be generalized to district policies across the country. Further, this study was limited to assessing the content of existing policies and did not assess supplemental materials and trainings the teachers may receive from the school district. Additionally, this study did not examine the dissemination of or teacher familiarity with the policies, which is important in understanding not only if the policies are lacking important information, but also if the existing policies are being distributed to teachers in a way that promotes long-term retention and comprehension.

Even if policy language is very clear and all potential ethical situations are covered, they are only effective if accessed, read, understood, and followed. Existing policies are already very lengthy and dense. For example, districts that provided their handbooks and policies to us often sent hundreds of pages. Policies are typically broken down for students, parents, employees, trustees, and the community. However, even the policies and regulations specific to employees only can be hundreds of pages in length and cover a range of topics from sexual misconduct to requesting time off. As such, it may be difficult for teachers to read and retain all relevant policy information. Future research needs to better examine how teachers receive training on the policies and if they are assessed in any way to ensure their familiarity. If research demonstrates a disconnect between the policy content and what teachers know, it would be beneficial to examine various methods of distribution (e.g., required reading of handbook, media/visual based distribution, etc.) to determine which method results in the most retention.

Further, research should examine teachers' ethical training background and continuing education specific to ethics. This will allow researchers to identify potential targets for better training (e.g., college-level courses). Researchers should examine what teachers currently believe about navigating ethical issues (e.g., friending students on social media) and their perceptions of the existing policies which address these scenarios. This will allow for a better understanding of how boundaries get crossed and how policies can be improved to address the issues.

A final limitation is highlighted by the teacher-shortage crisis, which was exacerbated by the COVID-19 pandemic. Understaffed schools are turning to desperate measures to cover classrooms, including the use of emergency contract teachers, increased use of substitutes, using administrators to periodically cover classes, teacher residency programs, and providing alternative and accelerated routes to teacher certifications. These various pathways to the classroom may complicate the training and education-based solutions proposed in this article. We recommend that every person serving in a teaching role, regardless of prior training and path

to the position, is held to the same expectation for knowing and abiding by professional teaching ethical standards and district ethics guidelines.

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Appendix A

NRS 200.364 Definitions. As used in NRS 200.364 to 200.3788, inclusive, unless the context otherwise requires:

1. “Forensic laboratory” has the meaning ascribed to it in NRS 176.09117.
2. “Forensic medical examination” has the meaning ascribed to it in NRS 217.300.
3. “Genetic marker analysis” has the meaning ascribed to it in NRS 176.09118.
4. “Offense involving a pupil or child” means any of the following offenses:
 - (a) Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540.
 - (b) Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550.
 - (c) Sexual conduct between certain employees or contractors of or volunteers for an entity which provides services to children and a person under the care, custody, control or supervision of the entity pursuant to NRS 201.555.
5. “Perpetrator” means a person who commits a sexual offense, an offense involving a pupil or child or sex trafficking.
6. “Sex trafficking” means a violation of subsection 2 of NRS 201.300.
7. “Sexual assault forensic evidence kit” means the forensic evidence obtained from a forensic medical examination.
8. “Sexual offense” means any of the following offenses:
 - (a) Sexual assault pursuant to NRS 200.366.
 - (b) Statutory sexual seduction pursuant to NRS 200.368.
9. “Sexual penetration” means cunnilingus, fellatio, or any intrusion, however slight, of any part of a person’s body or any object manipulated or inserted by a person into the genital or anal openings of the body of another, including sexual intercourse in its ordinary meaning. The term does not include any such conduct for medical purposes.
10. “Statutory sexual seduction” means ordinary sexual intercourse, anal intercourse or sexual penetration committed by a person 18 years of age or older with a person who is 14 or 15 years of age and who is at least 4 years younger than the perpetrator.
11. “Victim” means a person who is a victim of a sexual offense, an offense involving a pupil or child or sex trafficking.
12. “Victim of sexual assault” has the meaning ascribed to it in NRS 217.280.
(Added to NRS by 1977, 1626; A 1979, 572; 1991, 801; 1995, 700; 2009, 231, 1296; 2013, 2426; 2015, 2234; 2017, 2316, 2887, 2888)

NRS 201.540 Sexual conduct between certain employees of school or volunteers at school and pupil: Penalty; exception.

1. Except as otherwise provided in subsection 2, a person who:
 - (a) Is 21 years of age or older;
 - (b) Is or was employed by a public school or private school in a position of authority or is or was volunteering at a public or private school in a position of authority; and
 - (c) Engages in sexual conduct with a pupil who is 16 years of age or older, who has not received a high school diploma, a general educational development certificate or an equivalent document and:
 - (1) Who is or was enrolled in or attending the public school or private school at which the person is or was employed or volunteering; or
 - (2) With whom the person has had contact in the course of performing his or her duties as an employee or volunteer,

↪ is guilty of a category C felony and shall be punished as provided in NRS 193.130.
 2. The provisions of this section do not apply to a person who is married to the pupil at the time an act prohibited by this section is committed.
 3. The provisions of this section must not be construed to apply to sexual conduct between two pupils.
- (Added to NRS by 1997, 2522; A 2001, 703; 2013, 2098; 2015, 1445, 2242; 2017, 2320)

NRS 201.550 Sexual conduct between certain employees of college or university and student: Penalty; exception.

1. Except as otherwise provided in subsection 3, a person who:
 - (a) Is 21 years of age or older;
 - (b) Is employed in a position of authority by a college or university; and
 - (c) Engages in sexual conduct with a student who is 16 years of age or older, who has not received a high school diploma, a general educational development certificate or an equivalent document and who is enrolled in or attending the college or university at which the person is employed,

↪ is guilty of a category C felony and shall be punished as provided in NRS 193.130.
 2. For the purposes of subsection 1, a person shall be deemed to be employed in a position of authority by a college or university if the person is employed as:
 - (a) A teacher, instructor or professor;
 - (b) An administrator; or
 - (c) A head or assistant coach.
 3. The provisions of this section do not apply to a person who is married to the student at the time an act prohibited by this section is committed.
 4. The provisions of this section must not be construed to apply to sexual conduct between two students.
- (Added to NRS by 1997, 2523; A 2015, 1446; 2017, 2321)

Appendix B

Table 2
Example Codes, Definitions, and Excerpts

	Definition	Example Policies	Frequency of Theme <i>n</i> (%)
General Sexual Harassment Policies	Any broad policy language regarding the prohibition of sexual harassment within the district. Statements usually relate to ALL members of the district; teachers, staff, students, volunteers, etc...	In compliance with Title IX, [this] School District prohibits sex discrimination, including sexual harassment. No student on the basis of sex will be excluded from participation in, denied the benefits of, or be subjected to discrimination under any educational program or activity conducted by the District. The District will treat its students without discrimination on the basis of sex as this pertains to admission, course offerings, athletics, counseling, employment assistance, and extracurricular activities	17 (100%)
<i>Definitions</i>	Specific language defining “sexual harassment.”	<p>“Sexual Harassment” is defined as sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature that:</p> <ul style="list-style-type: none"> g. explicitly or implicitly bases an educational decision on the student’s submission to such advances, requests and other conduct; or h. that is sufficiently severe, persistent, or pervasive to create a hostile or abusive educational environment for the student 	12 (70.6%)
<i>Examples</i>	Specific examples provided for what “sexual harassment” is. Examples often talk about inappropriate behaviors, unwanted sexual advances, request for sexual favors, etc....	<p>“Sexual harassment includes, but is not limited to:</p> <ul style="list-style-type: none"> a) Making unsolicited written, verbal, physical, and/or visual contact with sexual overtones. (Written examples: suggestive or obscene letters, notes, or invitations. Verbal examples: derogatory comments, slurs, jokes, or epithets. Physical examples: assault, touching, impeding or blocking movement. Visual examples: leering, gestures, display of sexually suggestive objects or pictures, cartoons, or posters.) b) Continuing to express sexual interests after being informed that 	14 (82.3%)

	Definition	Example Policies	Frequency of Theme n (%)
		<p>the interest is unwelcome. (Reciprocal attraction is not considered sexual harassment.)</p> <p>c) Making reprisals, threats of reprisal, or implied threats of reprisal following a negative response. For example, either implying or actually withholding support for an appointment, promotion, or change of assignment suggesting a poor performance report will be prepared or suggesting probation will be failed.</p> <p>d) Engaging in implicit or explicit coercive sexual behavior which is used to control, influence, or affect the career, salary, and/or work environment of another employee.</p> <p>e) Offering favors or employment benefits, such as promotions, favorable performance evaluation, favorable assigned duties or shifts, recommendations, reclassifications, etc., in exchange for sexual favors.”</p>	
<i>Reporting</i>	Statement that includes instructions for how to report suspected/experienced sexual assault OR who to report to.	<p>Sexual harassment or misconduct directed at a staff member may be reported to the staff member’s first level supervisor who is not involved in the alleged harassment; the District’s Civil Rights Compliance Director / Title IX Coordinator; the Department of Labor Relations; or a school police or local law enforcement officer.</p> <p>ii. Staff complaints may also be filed with the Nevada Equal Rights Commission (NERC) or the U.S. Equal Employment Opportunity Commission (EEOC).</p>	15 (88.2%)
<i>Student Reporting</i>	Policy language specifically directing students how to report sexual assault they have experienced or how to report if one suspects that a student has been sexually assaulted.	Sexual harassment or misconduct directed at a student may be reported by any individual using the District’s online reporting tool [website name]; to a counselor, administrator, teacher or any other District staff member; to [name], the District’s Civil Rights Compliance Director/Title IX Coordinator [email address]; or to a school police or local law enforcement officer.	17 (100%)

	Definition	Example Policies	Frequency of Theme n (%)
Sexual Harassment – Students	Policy language that specifically refers to sexual harassment of students by staff, employees, etc. These codes are not used when it is just a broad review of sexual assault regarding district employees but rather, MUST be specific to the sexual harassment of students.	The District prohibits and will not tolerate any form of sexual misconduct (including sexual abuse, sexual molestation, and sexual harassment) toward students on the part of District employees, administrators, officials, volunteers, or third parties.	17 (100%)
<i>Age</i>	Policy language within the sexual harassment policies that mention age or minor-status of students	Staff and volunteers are prohibited from soliciting a romantic, intimate, or sexual relationship with a current District student or a graduate of a school within the District for one (1) year after the student’s graduation, regardless of the student’s age.	12 (70.6%)
<i>Power</i>	Policy language that mentions the power differential between teachers and students or the authority that teachers have over students.	It is unlawful for a person employed in a position of authority (teacher/instructor, administrator, coach or paraprofessional or auxiliary non-professional employee who assists licensed personnel) by a public or private school from engaging in sexual conduct with a pupil.	2 (11.8%)
<i>Law Describe</i>	Anytime the policy describes or explains specific laws that may relate to sexual misconduct of a student including those preventing lewdness against a child under 16, etc.. (EXAMPLES: NRS 201.540, NRS 201.230, NRS 200.366, NRS 200.368, NRS 201.560)	Any conduct or communication that is immoral conduct within the meaning of NRS391.311(4) including but not limited to sexual assault, statutory sexual seduction, incest, commission of certain sexual acts in public, open or gross lewdness, indecent exposure, and lewdness with a minor.	10 (58.9%)
<i>Laws - Reference</i>	This is coded for anytime the policy	See NRS 201.540	8 (47%)

	Definition	Example Policies	Frequency of Theme n (%)
	refers to laws that may relate to sexual misconduct of students. (EXAMPLES: NRS 201.540, NRS 201.230, NRS 200.366, NRS 200.368, NRS 201.560)		
<i>Teacher Law - Describe</i>	Specific statement indicating that relationships between teachers and students are a violation of the state law. Use this code if they specifically outline the illegality of this type of relationship (not just reference the law itself without explaining it). (NRS 201.540)	The District acknowledges the applicability of criminal statutes relating to sexual conduct toward a student, including NRS 201.540, which indicates that it is a felony for a teacher, administrator, coach, volunteer or teacher's aide or auxiliary nonprofessional employee who assists with instruction or supervision of pupils, to engage in sexual conduct with pupils ages 14 through 17.	10 (58.8%)
<i>Teacher Law - Reference</i>	This is coded for anything the policy refers to the law regarding relationships between teachers and their students by policy name (NRS 201.540).	See NRS 201.540	8 (47%)
Sexual Harassment – Consequences	This is any statement that broadly outlines or explains the potential consequences and/or punishments one might incur for violating the sexual harassment policy.	If it is determined that illegal harassment has occurred, the District will take remedial action commensurate with the severity of the offense. This remedial action may include, but is not limited to, verbal and/or written reprimands, counseling, transfers, suspension without pay, and/or termination. Action will also be taken to defer any future harassment	15 (88.2%)
<i>Authorities</i>	Mention that sexual harassment of students will be	As required by NRS 432B.220, in situations where there is reasonable cause to believe that a child has been abused or neglected, a	1 (5.8%)

	Definition	Example Policies	Frequency of Theme n (%)
	reported to the appropriate authorities by the school.	school administrator, teacher, librarian, or counselor must report this to child welfare services or a law enforcement agency within 24 hours.	
<i>License</i>	Policy language indicating that employees and teachers will experience potential loss of teacher license if they violate the sexual harassment policy.	If the employee is the holder of a license issued pursuant to chapter 391 of NRS, may recommend to the board of trustees of the school district that the board submit a recommendation to the State Board for the suspension or revocation of the license.	1 (5.8%)
<i>Suspension</i>	Policy language indicating that employees and teachers may experience potential suspension if they violate the sexual harassment policy.	Any school district action taken pursuant to this policy will be consistent with requirements of applicable collective bargaining agreements, Nevada Revised Statutes and [...] School District policies. The [...] County School District will take such disciplinary action it deems necessary and appropriate, including warning, suspension, or immediate discharge to end sexual harassment and prevent its recurrence.	4 (23.5%)
<i>Termination</i>	Statement indicating that employees and teachers may experience potential termination if they violate the sexual harassment policy.	Subject to discipline, up to and including dismissal.	10 (58.8%)
<i>Retaliation</i>	Statement regarding the prohibition of retaliation against someone who reports sexual harassment.	The District will not tolerate any form of retaliation toward any person who reports alleged sexual misconduct in good faith, assists another in filing a complaint, or provides truthful statements during an investigation	11 (64.7%)
Network Policy	Policy language specifically around network policy (e.g., using resources for school related purposes only). This code is specific to the	It shall be the responsibility of all staff to educate, supervise and monitor appropriate usage of the online computer network and access to the Internet in accordance with this policy, CIPA, the Neighborhood Children's Internet Protection Act, and the Protecting Children in the 21st Century Act.	16 (94.1%)

	Definition	Example Policies	Frequency of Theme n (%)
	network/internet of the district. This also includes use of district devices (which usually use the school district network) including cellphones, laptops, etc..		
<i>Bullying</i>	Statement about the prohibition of bullying on district networks specifically.	Using a District technology resource to actively engage in procuring or transmitting material that is in violation of District policies and regulations and/or applicable state and federal laws and regulations, to include those related to bullying, cyber-bullying, harassment, discrimination or hostile work environment	11 (64.7%)
<i>Obscenity</i>	Statement about prohibiting the sending/receiving obscene language and/or images over district networks specifically.	Parents/legal guardians are encouraged to provide proper guidance to students regarding electronic communications, including the use of the Internet, and the importance of Internet safety, as well as discouraging improper conduct such as: Sending or displaying offensive messages or pictures of themselves or others and/or linking them to teachers, other staff or students; Using obscene or vulgar language toward teachers, staff or students;	14 (82.3%)
Social Media Policy	Policy language that generally refers to appropriate use/behavior of social media.	Access to social media for individual use during working hours is prohibited. This policy extends to student teachers and substitute teachers.	11 (64.7%)
<i>Friending</i>	Specific language around whether or not the teachers & staff may/may not “friend,” “follow,” or “add” their students over social media platforms.	Employees may be flattered when students ask for access to social network sites or other personal information; however, employees are strongly discouraged from text messaging using a personal phone number, “friending” students on social media or contacting students or parents/legal guardians with personal email addresses. Fraternalization between employees and students via the Internet is prohibited except for legitimate email exchanges pertaining to	3 (17.6%)

	Definition	Example Policies	Frequency of Theme n (%)
		educational matters (such as class assignments).	
	<i>Friending Permitted</i>	Statement that encourages and/or allows “friending,” “following,” and “adding” of students in certain scenarios.	n/a
	<i>Friending Prohibited</i>	Statement that prohibits “friending,” “following,” and “adding” of students regardless of the situation.	2 (11.8%)
Electronic Communication	Specific statement regarding electronic communication between teachers and students outside of class. May relate to communication over emails, texts, apps, etc...	The District recognizes that technological advances fast outpace the District’s ability to keep up. The District also acknowledges that boundaries may be blurred between acceptable and inappropriate behavior between employees and students in this arena, particularly for young teachers who may have become accustomed to the use of the latest technology to communicate with professors	2 (11.8%)
Personal Transportation	Specific language around the transportation of students in school district employees’ personal vehicles.	Under no circumstances should students be transported in personal vehicles except during off-duty times.	6 (35.3%)
Home Visits	Policy language regarding the visitation of students in their homes.	In order to maximize parental involvement and participation in their children’s education, arranging school meetings at a variety of times, or conducting in-home conferences between teachers or other educators, who work directly with participating children, and with parents who are unable to attend those conferences at school.	3 (17.6%)

	Definition	Example Policies	Frequency of Theme <i>n</i> (%)
<i>Home Visits Encouraged</i>	Statement that encourages home visits with students in certain scenarios.	Home visits by teachers are encouraged by the Board in order that better communication between home and school can be realized. The Board believes that home visits yield a better understanding of the relationship between the classroom teacher and the student, so that a better educational experience will result for the student.	3 (17.6%)
<i>Home Visits Prohibited</i>	Statement that prohibits home visits with students regardless of the situation.	n/a	0

Author Notes

Kristan N. Russell, Ph.D.

Prairie View A&M University

knrussell@pvamu.edu

<https://orcid.org/0000-0002-6256-8879>

Melissa M. Burnham

University of Nevada, Reno

mburnham@unr.edu

<https://orcid.org/0000-0002-2570-0092>

Sarah A. Trescher

University of Nevada, Reno

satrescher@gmail.com

Victoria A. Knoche

Youth Justice Institute, the University of Albany

tknoche@albany.edu

<https://orcid.org/0000-0002-1352-9339>



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