Definition of Sexual Conduct:

“Sexual conduct” means any verbal or physical conduct by a school employee that:

(A) Is sexual in nature;

(B) Is directed toward a kindergarten through grade 12 student;

(C) Has the effect of unreasonably interfering with a student’s educational performance; and

(D) Creates an intimidating, hostile or offensive educational environment.

Description of conduct that may constitute sexual conduct:
Please note that this is not an exhaustive list.

1. A student older than [second grade] sitting on a staff member’s lap
2. Holding hands with a student older than [second grade]
3. Staff performing back rubs on a student
4. Kissing students
5. Touching students frequently
6. Commenting on students’ bodies or appearance in a sexual manner
7. Exchanging romantic gifts or communications with a student
8. Showing pornography and obscene or suggestive photos to the student
9. Videotaping or photographing a student in revealing or suggestive poses
10. Discussing/writing about sexual topics unrelated to curriculum with students, making sexual jokes, gestures, pictures and innuendos or engaging in inappropriate banter with students (e.g. discussion of student’s dating behavior)
11. Sharing your own sexual exploits or marital difficulties
12. Intentionally invading the student’s privacy (e.g. walking in on him/her in the bathroom intentionally)
13. Going to the student’s home without parent supervision
14. Using e-mail, text-messaging, or instant messaging to discuss sexual topics with individual students
15. Dating students

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i The above description of conduct is provided as suggestions.

ii The second grade limitation “cut off” is a suggestion derived from a U.S. Dept. of Education publication.