



## **BURLINGTON-EDISON SCHOOL DISTRICT**

### **Duty to Report Protocol – District Staff**

The purpose of this protocol is to provide all staff members with information to increase their awareness of their role in protecting children from sexual abuse and inappropriate conduct by adults.

#### **APPLICABLE LAW**

Washington state law, RCW 28A.400.317 *Physical abuse or sexual misconduct by school employees “Duty to report” Training* states that; A certificated or classified school employee who has knowledge or reasonable cause to believe that a student has been a victim of physical abuse or sexual misconduct by another school employee, shall report such abuse or misconduct to the appropriate school administrator...

Child abuse may include physical injury, sexual abuse, sexual exploitation, or negligent treatment or maltreatment. The report must be made at the educator’s first opportunity, but in no case later than within 48 hours.

Additionally, if you become aware of an adult engaging in behavior with students which may be construed as “sexual grooming behavior,” you must report the matter immediately to your principal or another administrator if the principal is somehow involved in the conduct.

Please review the list below. While not exhaustive; it gives examples of behaviors that cause concern based on the profiles of educators who became sexual abusers. The bottom line is that such behaviors cross the line from professional and caring into personal and dangerous and can, at the very least, give the impression of a pattern of behavior consistent with grooming. It is with rare exception that any of the behaviors described in the “Over Friendly” column would be considered acceptable.

#### **ADULT-STUDENT BOUNDARIES - CROSSING THE LINE**

<b>Friendly</b>	<b>Overly Friendly</b>
Appropriate personal space	Invading personal space – too close
Reasonable eye contact	Maintaining intense eye contact
Appropriate comments regarding academic and social environment	Compliments more personal or physical in nature, i.e. “you have great legs,” “you should wear that sweater more often”; condoning inappropriate topics for discussion; condoning verbal comments with sexual overtones.
Student aides work in a learning environment with duties appropriate to the academic environment	Student aides assigned duties that meet personal needs of teachers
Conversations with students support learning and growth for student – “confidant of the student”	Conversations with students become personal in nature and confidential – “confidant of the teacher”
Appropriate use of student conferences in a manner consistent with educational purpose	Pattern of spending time alone with student in conferences beyond educational expectations
Student-teacher relationship centered on school events and activities	Student-teacher relationship maintained outside school events, taking student(s) to lunch, gifts, outside social activities, consistent rides home or receiving or writing personal notes

## ADULT-STUDENT BOUNDARIES - CROSSING THE LINE

Friendly	Overly Friendly
Maintain fair and equal treatment of all students with occasional exceptions	Pattern of covering for or providing excuses for special students, writing passes repeatedly for favored students to cover tardies or absences.
Student teacher communication appropriate and understood by general population	Student-teacher communication has implied messages and inside understandings not commonly understood by general population.
Leaders of extracurricular activities maintain clear standards around gender issues and harassment	Leaders of extracurricular activities encourage atmosphere of loose and inappropriate boundaries around gender and harassment issues
A pat on the back, shoulder or arm	Shoulder massage, lingering touches, requesting affection "give me a hug," "give me a kiss"
Exercising good judgment on whether to touch students or under what circumstances, sensitive to individual and cultural preferences	Touching of students who may misinterpret the touch due to individual circumstances, cultural standards or developmental stage.
	Teachers acting as helpers for serious student problems without appropriate training in effective advising.

**Staff members who observe conduct which may be inappropriate must take action. By doing so, they protect children, their colleagues, and the profession.**

## STAFF DUTIES

Your responsibilities are two-fold:

1. *Do not engage in the behaviors* described above or behaviors like them which could be mistaken for grooming behaviors. Keep your interactions with students on a professional level. Refer students who need emotional or other support to appropriately trained staff such as counselors. Staff can be caring while maintaining an appropriate level of professional decorum.
2. *Report the Concern:* If a staff member observes any adult engaging in the behaviors described above with students, or in other behaviors which raise concerns:
  - a. Inform your principal or director at your earliest opportunity. Do not attempt to determine for yourself whether the behavior you have observed has a plausible, innocent explanation. You may not understand the entire situation, and allowing the conduct to continue could be bad for both the staff member and students.
  - b. It is not recommended to confront or discuss the matter with the suspected individual. If you do choose to inform the person of your concern, you should *still inform your principal or director*. Your report to the administrator gives them the responsibility for any appropriate follow-up.

Maintain confidentiality. Failure to do so may impede official investigations, should one be necessary, and foster untrue rumors. Also, because you owe a legal duty of confidentiality to students, you cannot share your concerns to anyone other than the appropriate administrator, Child Protective Services or the police.

- c. If you desire, and it is possible and appropriate, an attempt will be made to maintain confidentiality about your report to administration, but it is not guaranteed.
- d. Document your report for your own records.

# Recommendations Regarding Touching Students

Touching children in the school setting has positive educational aspects. However, touching children carries a risk that the educator may be accused of improper touching. Thus, an educator must exercise conscious judgment in determining whether to touch students and under what circumstances.

To exercise good judgment regarding touching, the educator must consider several factors:

## 1. Age of the child

- a. Kindergarten - second *grade*: It is virtually impossible to avoid touching students of this age in a classroom. However, as students grow older, the acceptability of touching and hugging decreases.
- b. *Middle Grades*: Female children are extremely conscious of their sexuality from grades four through nine. The most numerous accusations of improper touching in the schools occur in this age group, who, according to one psychologist, are preoccupied with sexuality. Females of this age are very sensitive regarding their breasts and often view a touch on the shoulder or back as sexual in nature. Girls in this age group are also extremely sensitive regarding remarks about their clothing and physical appearance. Typically, school employees get into trouble with this age group for patting knees, putting arms around shoulders, putting hands on waists, "looking at me funny" and snapping or rubbing bra straps.
- c. *Higher grades*: *Very little* touching is acceptable with this age group. Educators most often get into trouble with this group when they attempt to counsel troubled children, especially about sexual or romantic matters. If it is not in your job description to counsel students, it is best not to do so.

## 2. Educator's Gender

- a. Males are perceived as sexual aggressors and almost all accusations are leveled against male educators. Male educators must review their behavior very carefully to be certain it cannot be misinterpreted.

## 3. Cultural/Personal Factors

- a. Some individuals and some cultures are very uncomfortable with any sort of touching. Educators need to be sensitive to students' individual and cultural preferences.
- b. If a student indicates by word or action that he/ she is not comfortable with touching, the educator should avoid physical contact with that student unless such contact is absolutely necessary for safety reasons.
- c. Children who have previously been sexually abused may misperceive a neutral touch as a sexual touch.

Some actions, even if not tainted with improper motive, are **common** trouble areas. Such actions should be avoided when possible:

1. Repeated *one-to-one contact* with *an individual* student. For example, where a teacher assigns a single child (or even two children) to come early to the gym to help him set up for the day's classes. A better solution is to assign this privilege (chore) to two students, one male and one female, for a quarter, two other students should be selected in subsequent quarters.
2. *Social activities with* students - taking a student or two to the movies, inviting students to your home, visiting students while they baby-sit. If you intend to use an out-of-school activity as a reward for behavior or academic performance, notify parents and your principal in writing well in advance of the educational purpose of the reward.

3. *Driving* students in cars. Students who are in cars with educators often say they were molested.
4. Giving *gifts* to students. If you wish to give gifts to reward students, discuss such gifts with the principal before they are given. Never give a student an expensive gift or a personal gift such as perfume or flowers. Notify parents and principal in writing of the reward system and its educational purpose.
5. Writing *cards*, notes or letters to students. Be particularly careful what is written in annuals. Use professional, distant, name format, such as "Thomas Brown," rather than "Tom" or "Brownie." Do not tell or write students that you "love" them.

**Other actions will be grounds for discipline and are very difficult to explain:**

1. Any request for affection: "give me a hug," "give me a kiss," etc.
2. Any touching except on the shoulders, back and arms. Even this is dangerous with girls in grades four through twelve. Avoid lingering touches, such as shoulder massages,
3. Requests for sex or for dates.
4. Any lascivious or sexual remarks of any sort, even those that are jokes.
5. Remarks about body parts - "you have great legs," "I wish my wife was built like you," "I'm bigger than your boyfriend." Remarks about appearance and dress are also questionable, (e.g. "You're a pretty girl," or "You should wear that sweater more often.").
6. Touching girls and boys in a different fashion. For example, hugging girls but not boys. Even if this is not sexual behavior, it is sexist behavior and may be grounds for discipline.
7. Sexual contact with any student. For certificated employees a "student" includes:
  - a) anyone currently supervised by the educational practitioner,
  - b) anyone currently under the age of 18 whom the educational practitioner has ever supervised.
  - c) anyone enrolled in any school or district served by the educational practitioner,
  - d) anyone enrolled in any school or district who is attending an activity at which the educational practitioner is performing duties.

This definition could also be imposed on classified employees.

8. Sexual contact with a former student. Wait at least a year after graduation, and be sure the student is 18 years old. Even so, such contact with former students is dangerous to job security.
9. Giving alcohol to students or former students under age 21. Lending identification to underage students so they can obtain alcohol.