

Lewis Center for Educational Research

**BP 5031: STUDENTS
 STAFF STUDENT INTERACTION**

Adopted: December 13, 2010

Revised: August 12, 2019

The Lewis Center for Educational Research (“LCER”) recognizes its responsibility to make and enforce all rules and regulations governing student and staff behavior to bring about the safest and most effective learning environment possible. While the use of appropriate touching is part of daily life and is important for student development, teachers and other staff members must ensure that they do not exceed appropriate behavior. If a child or other staff members specifically requests that he or she not be touched, then that request must be honored without question.

I. CORPORAL PUNISHMENT

Corporal punishment shall not be used as a disciplinary measure against any student. Corporal punishment includes the willful infliction of, or willfully causing the infliction of, physical pain on a student.

For purposes of this policy, corporal punishment does not include an employee’s use of force that is reasonable and necessary to protect the employee, students, staff or other persons, or to prevent damage to property. Excessive force is prohibited.

For clarification purposes, the following examples are offered for direction and guidance of School personnel:

A. Examples of PERMITTED actions (NOT corporal punishment)

1. Stopping a student from fighting with another student
2. Defending yourself from physical injury or assault by a student
3. Forcing a pupil to give up a weapon or dangerous object
4. Preventing a child from committing an act of vandalism
5. Requiring an athletic team to participate in strenuous physical training activities designed to strengthen or condition team members or improve their coordination, agility, or physical skills
6. Engaging in group calisthenics, team drills, or other physical education or voluntary recreational activities

B. Examples of PROHIBITED actions (corporal punishment)

1. Hitting, shoving, pushing, taping or physically restraining a student as a means of control
2. Making unruly students do push-ups, run laps, or perform other physical acts that cause pain or discomfort as a form of punishment
3. Paddling, swatting slapping, grabbing, pinching, kicking, or otherwise causing physical pain

II. STAFF/STUDENT INTERACTION

A. Purpose

It is the purpose of this policy to provide additional specificity to the standards of conduct embodied in current School ethics-related rules and regulations so that the staff of the school will better understand the prohibitions and behavior boundaries incumbent upon them.

The rules of conduct set forth in this policy are not intended to serve as an exhaustive list of requirements, limitations, or prohibitions on staff conduct and activities established by School. Rather, they are intended to:

1. Alert staff to some of the more sensitive and often problematic matters involved in faculty/staff-student relationships
2. Specify boundaries related to potentially sexual situations and conduct that is contrary to accepted norms of behavior and in conflict with duties and responsibilities of staff
3. Provide staff with clear guidance in conducting themselves in a manner that reflects high standards of professionalism

It is important for the School to maintain a school-wide culture in which students and staff understand their responsibility to report misconduct without fearing retaliation from students, staff, or administration. In order to prevent abuse and/or exploitation, students and staff must know that the administration will support them when they report possible misconduct.

Although this policy gives clear direction regarding appropriate conduct between staff and students, each staff member is obligated to avoid situations that could prompt suspicion by parents, students, colleagues, or school leaders. One helpful standard that can be quickly applied when assessing whether your conduct is appropriate is to ask yourself, *“Would I be doing this if the student’s family, or my colleagues or family, were standing next to me?”*

B. Boundaries

For the purposes of this policy, the term “boundaries” is defined as acceptable professional behavior by staff members while interacting with a student. Trespassing the boundaries of a student/teacher relationship is deemed an abuse of power and a betrayal of public trust.

C. Acceptable and Unacceptable Behavior

Some activities may seem innocent from a staff member’s perspective, but can be perceived as flirtation or sexual insinuation from a student or parent point of view. The objective of the following lists of acceptable and unacceptable behaviour is not to restrain innocent, positive relationships between staff and students, but to prevent relationships that could lead to, or may be perceived as, inappropriate or sexual misconduct, or “grooming.” Grooming is defined as an act or series of acts by a sexual predator to gain physical and/or emotional control by gaining trust (of staff and/or family and a minor) and desensitizing the minor to various forms of touching and other intimate interaction.

Staff must understand their own responsibility for ensuring that they do not cross the boundaries as written in this policy. *Disagreeing with the wording or intent of the established boundaries will be considered irrelevant for disciplinary purposes.* Thus, it is crucial that all employees learn this policy thoroughly and apply the lists of acceptable and unacceptable behaviour to their daily activities. Although good-natured, heartfelt interaction with students certainly fosters learning, student/staff interactions must always be guided by appropriate boundaries regarding activities, locations, and intentions.

D. Unacceptable Behaviors

The following non-exhaustive list of behaviors shall be considered in violation of this policy:

1. Giving gifts to an individual student that are of a personal and intimate nature (including photographs); or items such as money, food, outings, electronics, etc. without the written pre-approval of the assigned administrator. It is recommended that any such gifts be filtered through the Vice Principal or Principal along with the rationale therefor
2. Kissing of ANY kind
3. Massage [Note: Prohibited in athletics unless provided by massage therapist or other certified professional in an open public location. Coaches may not perform massage or rub-down. Permitted in special education only as instructed under an IPE or 5040 Plan.]
4. Full frontal or rear hugs and lengthy embraces
5. Sitting students on one's lap (grades 3 and above)
6. Touching buttocks, thighs, chest or genital area
7. Wrestling with students or other staff members except in the context of a formal wrestling program
8. Tickling or piggyback rides
9. Any form of sexual contact
10. Any type of unnecessary physical contact with a student in either a public or private situation
11. Intentionally being alone with a student on campus or away from the school
12. Furnishing alcohol, tobacco products, or drugs – or failing to report knowledge of such
13. "Dating" or "going out with" a student
14. Remarks about physical attributes or physiological development of anyone. This includes comments such as ("Looking fine!" or "Check out that [body part]."
15. Taking photographs or videos of students for personal use or posting online other than for school purpose
16. Either partially or fully undressing in front of a student or asking a student to undress with the intent to view/expose private body parts
17. Leaving the campus alone with a student for lunch
18. Sharing a bed, mat, or sleeping bag with a student
19. Making or participating in sexually inappropriate comments; sexual jokes or jokes/comments with sexual innuendos, overtones or double-entendres
20. Seeking emotional involvement (which can include intimate attachment) with a student beyond the normative care and concern required of an educator
21. Listening to or telling stories that are sexually oriented
22. Discussing your personal troubles or intimate issues with a student
23. Becoming too involved with a student so that a reasonable person may suspect inappropriate behavior

E. Unacceptable Behaviors without Parent and Supervisor Permission

The following behavior should only be exercised when a staff member has parent and supervisor permission:

1. Giving students a ride to/from school or school activities without the express, advance written permission of the assigned administrator and the student's parent or legal guardian
2. Being alone in a room with a student at the school with the door closed and/or windows blocked from view
3. Allowing students in your home and/or in rooms within your home without a signed parental permission for a pre-planned or pre-communicated educational activity which must include another educator, parent, or designated school volunteer
4. Sending emails, text messages, or letters or posting messages or replies on social networking websites to students if the content is not about school activities

F. Acceptable and Recommended Behaviors

1. Pats on the back, high fives, fist bumping, hand slapping and handshakes
2. Touching face to check temperature, wipe away a tear, remove hair from face or other similar type of contact
3. Touching a student for the purpose of guiding them along a physical path
4. Helping a student up after a fall
5. Engaging in a rescue or the application of Cardio Pulmonary Resuscitation (CPR) or other emergency first-aid
6. Placing TK through second grade students on one's lap for purpose of comforting the child for short duration only
7. Holding hands while walking with small children or children with specific disabilities
8. Assisting with toileting of small or disabled children in view of another staff member
9. Touch required under an IEP or 504 Plan
10. Reasonable restraint of a violent person to protect self, other, or property
11. Obtaining formal written pre-approval from your supervisor to take students off school property for activities such as field trips or competitions; including parent's written permission and waiver form for any sponsored after-school activity whether on or off campus
12. Emails, text messages, phone conversations, and other communications to and with students, if permitted, must be professional and pertain to school activities or classes (communicating shall be initiated via transparent [non-private] school-based technology and equipment)
13. Keeping the door wide open when alone with a student
14. Keeping reasonable and appropriate space between you the students
15. Stopping and correcting students if they cross your own personal boundaries, including touching legs, or buttocks, frontal hugs, kissing, or caressing
16. Keeping parents informed when a significant issue develops about a student, such as a change in demeanor or uncharacteristic behavior
17. Keeping after-class discussions with a student professional and brief
18. Immediately asking for advice from fellow staff or administrators if you find yourself in a difficult situation related to boundaries
19. Involving your supervisor in discussion about situations that have the potential to become more severe (including, but not limited to, grooming or other red flag behaviors observed in colleagues, written material that is disturbing, or a student's fixation on an adult)
20. Asking another staff member to be present, or within close supervisory distance, when you must be alone with a student after regular school hours
21. Making detailed notes about an incident that could evolve into a more serious situation later
22. Recognizing the responsibility to stop "Unacceptable Behaviors" of students and/or co-workers
23. Prioritizing professional behavior during all moments of student contact/interactions
24. Asking yourself if any of your actions, which could be contrary to these provisions, are worth sacrificing your job and career

G. Duty to Report

When any employee, parent or student becomes aware of another staff member (or volunteer, guest, vendor) crossing the boundaries specified in this policy, or has a suspicion of misconduct, he/she must report the matter immediately to the School administration. Reasonable suspicion means something perceived in spite of inconclusive or slight evidence. It is based on facts that would lead a reasonable person to believe the conduct occurred. Prompt reporting of observations falling into the unacceptable range of adult behavior with students is essential to protect students, the staff member, any witnesses, and the school as a whole. It is the duty of School administration to thoroughly investigate and remediate the situation as necessary. Employees must also report to the administration any awareness or concern of student behavior that crosses appropriate boundaries, or where a student appears to be at risk for sexual abuse.

H. Investigating

School administration will promptly investigate and document the investigation of allegation of sexual misconduct or inappropriate behavior, using such staff support or outside assistance, as he/she deems necessary and appropriate under the circumstances, and in accordance with LCER complaint policies. Throughout this fact finding process, the investigating administrator, and all others privy to the investigation, shall protect the privacy interests of any affected student(s) and/or staff member(s) including any potential witnesses, as much as possible and insofar as legally possible. Staff members who have violated this policy will be subject to disciplinary action, up to and including, release from at-will employment, and will be reported to authorities as appropriate.

I. Child Abuse/Sexual Abuse Reporting (Mandatory Reporting)

If, within your professional capacity or within the scope of your employment, you observe or gain possession of knowledge that a child has been a victim of child abuse or sexual abuse, or you reasonably suspect it, **California Penal Code Section 11166 requires YOU to immediately report this information or suspicion directly to a child protective agency or the police.** The report shall be made by phone as soon as possible and a subsequent written report must be sent within 36 hours of your knowledge or suspicion of the abuse. Internal reporting to school administration occurs after the phone-in report. Failure to meet these obligations can result in a monetary fine and/or jail.