

PORT TOWNSEND SCHOOL DISTRICT

Staff Protocols

For All Personnel in Dealing with Inappropriate Behavior by Adults with Students

The purpose of this protocol is to provide all staff members with information regarding what is deemed appropriate and inappropriate behaviors in regards to student interactions, and to increase staff awareness of their role in protecting children from inappropriate conduct and sexual abuse by adults.

Since it may not be possible to determine whether boundary invasion behaviors are in fact sexual grooming until it is too late, boundary invasions behaviors engaged in by school employees, which are inappropriate or have questionable educational benefit, are prohibited.

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.

If you become aware of an adult engaging in behavior with children at school which may be construed as inappropriate boundary invasion, or “sexual grooming behavior” you **must** report the matter immediately to your principal or the District Title IX Officer if the principal is somehow involved in the conduct.

The following behaviors of actions may be deemed inappropriate boundary invasion behavior:

♦ Taking an undue interest in a student (e.g.: having a “special” friend or a “special relationship” with a particular student).	♦ Favoring certain students by giving them special privileges.
♦ Intentionally allowing the student to get away with inappropriate behavior.	♦ Hugging, kissing, or other physical contact including when the student does not want this attention.
♦ Engaging in peer-like behavior with students.	♦ Touching students for no educational or health reasons (e.g.: being overly “touchy”).
♦ Giving gifts or money to the student.	♦ Having personal secrets with a student.
♦ Initiating or extending contact with students beyond the school day and school approved activities.	♦ Taking the student on outings, away from protective adults, including personal outings.
♦ Visiting the student’s home without supervisor’s approval.	♦ Inviting individual students to the teacher’s personal home.
♦ Being alone with the student behind closed doors at school.	♦ Talking to the student about the educational practitioner’s personal problems.
♦ Talking to the student about the student’s personal problems to the extent that the adult becomes a confidant of the student when it is not the adult’s job to do so.	♦ Using email, text-messaging, social networking sites, or instant messaging to contact and/or discuss personal topics or interests with students.
♦ Giving students rides in staff member’s personal vehicle in a non-emergency situation.	♦ Talking with a student about sexual topics that are not related to a specific curriculum.
♦ Showing pornography to the student.	♦ Telling sexual jokes to students.
♦ Engaging in talk with students containing sexual innuendo or banter.	♦ Invading the student’s privacy (e.g.: walking in on the student in the bathroom).

Or any combinations of the above or similar conduct.

This list is not an exhaustive list. If a staff member engages in such behaviors, there may be great cause for 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 with rare exceptions are not acceptable.**

Staff members who observe such conduct must understand that such behaviors are inappropriate and take action, in doing so they protect children, the staff member, and the profession.

STAFF DUTIES

Your role in preventing sexual abuse of students is two-fold: first, to avoid engaging in behaviors which could be mistaken for grooming behaviors; and second, to report situations where such behaviors take place.

1. *Do not engage in the behaviors* described above or behaviors like them. Keep your interactions with students on a professional level. If the students' needs are not met in the classroom, consult the building MTSS protocols for direction on how to obtain help for the student. 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, inform your principal or the appropriate person at the District Office at your earliest opportunity.
 - a. Do not wait or mull things over or 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. DO NOT confront or discuss the matter with the suspected individual. Do not inform the person of your concern, unless it is a situation where immediate intervention is necessary to protect a child.

Maintain Confidentiality. Failure to do so may impede official investigations and foster untrue rumors. You owe a legal duty of confidentiality to students on matters which a reasonable person would want to remain confidential. Therefore, you are directed not to tell your concerns to anyone other than the appropriate administrator, Child Protective Services or the police. If approached by anyone other than the appropriate administrator, CPS or the police, or a person conducting an official investigation on behalf of the District, you may not discuss the matter unless otherwise permitted in writing by the administrator in charge of the matter.

- c. If you desire, and it is possible and appropriate, confidentiality will be maintained about the report to administration.
 - d. Document who you notified, where and when, and what you reported for your own records.
3. RCW 26.44 *Mandatory Reporting Duties for Educators:* Washington law requires educators to ensure that a report is made to the proper law enforcement agency of any situation where the educator has reasonable cause to believe that a child has suffered abuse or neglect.
 - Failure to make such a report may constitute a gross misdemeanor and be punishable under law.
 - Failure to report child abuse may also result in disciplinary action by the District.

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. Generally report intra-family abuse to Child Protective Services (866) 363-4276 (24-hr/7-day call center) and other abuse to law enforcement.

Please note that educators must also report the situation to an appropriate administrator and document action which has been taken to the Title IX Office.

4. If you observe misconduct between students, you shall take appropriate action to intervene. "They are not my students," "It's my lunch time," "It is the duty monitor's or principal's job," or "I am in a hurry" are unacceptable excuses for not intervening.

Any questions about anything related to this process may be referred to your site principal or the following:

- ♦ Compliance Coordinator for State Law (RCW 28A.640):
Darrell Thomas
1610 Blaine St, Port Townsend WA 98368
(360) 379-4548

- ♦ Title IX Coordinator:
Darrell Thomas
1610 Blaine St, Port Townsend WA 98368
(360) 379-4548

Additional information can be found at any of the following external agencies:

- Washington State Commission for Human Rights: <http://www.hum.wa.gov>
- Director of the Office for Civil Rights, Dept. of Ed: <http://www.ed.gov/about/offices/list/ocr/index.html>
- Department of Health and Human Services: <http://www.hhs.gov/ocr/index.html>

Any student, staff or community member who violates this policy by engaging in conduct defined above that directly or indirectly causes intimidation, harassment or physical harm to another student or staff member, on a school campus or at a school activity, will be subject to appropriate disciplinary action.

Policy: 5253/5253P - Adopted: June 20, 2019

STUDENTS

Child Abuse, Neglect, and Exploitation- Prevention

Child abuse, neglect and exploitation are violations of children's human rights and an obstacle to their educational development. The Board directs that staff shall be alert for any evidence of child abuse, neglect or exploitation.

For purposes of this policy, the term "child" means anyone under the age of 18 and/or any current student of the district, including home-schooled students or any other person classified as a student in the district's database.

"Child abuse, neglect, or exploitation" means:

- A. Inflicting physical injury on a child by other than accidental means, causing death, disfigurement, skin bruising, impairment of physical or emotional health, or loss or impairment of any bodily function;
- B. Creating a substantial risk of physical harm to a child's bodily functioning;
- C. Attempting, committing, or allowing any sexual offense against a child as defined in the criminal code. This definition also includes any communications with a child for immoral purposes or viewing, possessing, or distributing any sexually explicit images of a child. It also includes intentionally contacting, directly or through the clothing, the genitals, anus or breasts of a child unless the contact is necessary for the child's hygiene or health care. This also includes a child's intentional or coerced contact with anyone's genitals, anus, or breasts;
- D. Committing acts that are cruel or inhumane regardless of observable injury. These acts may include, but are not limited to, instances of extreme discipline demonstrating a disregard of a child's pain or mental suffering;
- E. Assaulting or criminally mistreating a child as defined by the criminal code;
- F. Failing to provide food, shelter, clothing, supervision or health care necessary to a child's health or safety;
- G. Engaging in actions or omissions resulting in a substantial risk to the physical or mental health or development of a child; or
- H. Failing to take reasonable steps to prevent the occurrence of the preceding actions.

Children (including other students), family members, and any other adult can engage in child abuse, neglect, or exploitation. This may include incidents of student on student misconduct. Staff should report all incidents of abuse regardless of the age of the person who engages in it.

Subject to the definition above, staff should not focus on a person's mental status to determine if she or he has committed child abuse, neglect, or exploitation. The law governing mandated reporting does not allow for exceptions for people with medical conditions that may mitigate the intent for committing child abuse, neglect, or exploitation.

When feasible, the district will provide community education programs for prospective parents, foster parents and adoptive parents on parenting skills and on the problems of child abuse and

methods to avoid child abuse situations. The district will also encourage staff to participate in in-service programs that address the issues surrounding child abuse.

The Superintendent will develop reporting procedures and provide them to all staff on an annual basis. The purpose is to identify and timely report all evidence of child abuse, neglect or exploitation to the proper authorities. Staff will receive training regarding reporting obligations during their initial orientation and every three years after initial employment.

All staff are responsible for reporting all suspected cases of child abuse, neglect, and exploitation to the proper authorities and/or the appropriate school administrator. Under state law, staff are free from liability for reporting a reasonable suspicion of child abuse, neglect, or exploitation. However, failing to report the incident may result in criminal liability regardless of whether the authorities determine the incident is provable in a subsequent legal proceeding.

Staff need not verify a report that a child has been abused, neglected, or exploited. Any conditions or information that may be reasonably related to abuse, neglect, or exploitation should be reported. Legal authorities have the responsibility for investigating each case and taking appropriate action under the circumstances.

Cross References:	Policy 4310	Relations with the Law Enforcement and Child Protective Agencies
Legal References:	RCW 13.34.300	Relevance of failure to cause juvenile to attend school as evidence under neglect petition
	RCW 26.44.020	Definitions
	RCW 26.44.030	Reports - Duty and authority to make - Duty of receiving agency – Duty to notify – Case planning and consultation – Penalty for unauthorized exchange of information – Filing dependency petitions – Investigations – Interviews of children – Records – Risk assessment process
	RCW 28A. 620.010	Purposes
	RCW 28A. 620.020	Restrictions –Classes on parenting skills and child abuse prevention encouraged
	RCW 43.43.830(6)	Background checks - Access to children or vulnerable persons - Definitions
	RCW 28A.320.160	Alleged sexual misconduct by school employee – Parental notification – Information on public records act.
	RCW 28A.400.317	Physical abuse or sexual misconduct by school employees – Duty to report - Training
	WAC 388-15-009	What is child abuse or neglect?
	AGO 1987, No. 9	Children - Child Abuse - Reporting by School Officials - Alleged Abuse by Student
Management Resources:	<i>Policy News, April 2010</i>	
	<i>Policy News, June 2015</i>	
	<i>Policy News, February 2007</i>	Physical Abuse and Sexual Misconduct Notice Requirements
	<i>Policy News, June 1999</i>	23% of districts out-of-compliance on child abuse policies

Date: 4/23/70; 11/17/88; 12/20/99; 10/28/02; 5/23/05; 10/9/07; 4/24/17

PORT TOWNSEND SCHOOL DISTRICT NO. 50

STUDENTS

Child Abuse, Neglect, and Exploitation Prevention

Each school principal shall develop and implement an instructional program that will teach students:

- A. How to recognize the factors that may cause people to abuse, neglect, or exploit children;
- B. How one may protect oneself from incurring these forms of maltreatment; and,
- C. What resources are available to assist an individual who does or may encounter an abuse situation.

To facilitate such a program, staff development activities may include such topics as:

- A. Child growth and development;
- B. Identification of child abuse, neglect, and exploitation;
- C. Effects of child maltreatment on child growth and development;
- D. Personal safety as it relates to potential child abuse, neglect, and exploitation;
- E. Parenting and supervision skills;
- F. Life situations/stressors which may lead to child maltreatment; or
- G. Substance abuse.

Reporting Responsibilities

Staff are expected to report every instance of suspected child abuse, neglect, or exploitation. Since protection of children is the paramount concern, staff should discuss any suspected evidence with the principal, nurse, or supervisor regardless of whether the condition is listed among the indicators of abuse or neglect.

Staff are reminded of their obligation as district employees to report suspected child abuse, neglect, or exploitation. Professional staff are reminded of their legal obligation to report these incidents. Staff are also reminded of their immunity from potential liability for doing so. The following procedures are to be used in reporting instances of suspected child abuse, neglect, or exploitation:

- A. When there is reasonable cause to believe that a student has suffered abuse, neglect, or exploitation staff or the principal will immediately contact the nearest office of the Child Protective Services (CPS) of the Department of Social and Health Services (DSHS). If the situation is urgent and CPS cannot immediately respond, staff will immediately contact the local law enforcement agency. This contact must be made within forty-eight (48) hours. Staff will also advise the principal or supervisor regarding instances of suspected abuse, neglect, or exploitation as well as reports that have been made to CPS or law enforcement. In his/her absence the report will be made to the nurse or counselor.

A staff member may contact CPS to determine if a report should be made. The Child Protective Service has the responsibility of determining the fact of child abuse or neglect. Any doubt about the child's condition will be resolved in favor of making the report.

- B. A written report shall be submitted promptly to the agency to which the report was made. The report will include:
1. The name, address and age of the child;
 2. The name and address of the parent or person having custody of the child;
 3. The nature and extent of the suspected abuse or neglect;
 4. Any evidence of previous abuse or any other information that may relate to the cause or extent of the abuse or neglect; and
 5. The identity, if known, of the person accused of inflicting the abuse.
- C. When the district receives a report that a school employee has committed an act of sexual misconduct, it will notify the parents of the alleged victim within forty-eight (48) hours.

Abuse Indicators

Physical abuse indicators:

- A. Bilateral bruises, extensive bruises, bruises of different ages, patterns of bruises caused by a particular instrument (belt buckle, wire, straight edge, coat hanger, etc.) or unreasonable use of force (grabbing, pinching, dragging, and/or other unapproved forms of restraint);
- B. Burn patterns consistent with forced immersion in a hot liquid (a distinct boundary line where the burn stops), burn patterns consistent with a spattering by hot liquids, patterns caused by a particular kind of implement (electric iron, etc.) or instrument (circular cigarette burns, etc.);
- C. Lacerations, welts, abrasions;
- D. Injuries inconsistent with information offered by the child;
- E. Injuries inconsistent with the child's age; or
- F. Injuries that regularly appear after absence or vacation.

Emotional Abuse Indicators:

- A. Lags in physical development;
- B. Extreme behavior disorder;
- C. Fearfulness of adults or authority figures; or
- D. Revelations of highly inappropriate adult behavior, i.e., being enclosed in a dark closet, forced to drink or eat inedible items.

Sexual Abuse Indicators:

Sexual abuse, whether physical injuries are sustained or not, is any act or acts involving intentional sexual contact, conduct, or communication with a child. Beyond direct evidence of this kind of abuse, indicators may include, but are not limited to:

- A. A child's developmentally inappropriate sexual conduct, regardless of the child's own mental status or development;
- B. Child engaging in "sex talk", drawings, or attempting to access pornography;
- C. Child's disclosure of "grooming behaviors" or inappropriate conduct that does not

- necessarily rise to a specific sexual act;
- D. An adult's attempt to form a secret or unreasonable special relationship with a child;
 - E. Venereal disease in a child of any age;
 - F. Evidence of physical trauma or bleeding to the oral, genital, or anal areas; or
 - G. Pregnancy.

Physical Neglect Indicators:

- A. Lack of basic needs (food, clothing, safety, shelter);
- B. Inadequate supervision;
- C. Lack of essential health care and high incidence of illness;
- D. Poor hygiene on a regular basis;
- E. Inappropriate clothing in inclement weather; or
- F. Abandonment.

Some Behavioral Indicators of Abuse:

- A. Wary of adult contact;
- B. Frightened of parents;
- C. Afraid to go home;
- D. Habitually truant or late to school;
- E. Arrives at school early and remains after school later than other students;
- F. Wary of physical contact by adults;
- G. Shows evidence of overall poor care;
- H. Parents or caretakers describe child as "difficult" or "bad";
- I. Inappropriately dressed for the weather -no coat or shoes in cold weather or long sleeves and high necklines in hot weather (possibly hiding marks of abuse); or
- J. Exhibit behavioral extremes: crying often or never, unusually aggressive or withdrawn and fearful.

NOTE: Indicators in and of themselves do not necessarily prove that abuse, neglect, or exploitation has occurred. However, they still may warrant a referral to CPS or law enforcement. When in doubt, staff should consult with CPS about making a report.

Child abuse as defined by the statutes can be inflicted "by any person" and may include student-on-student abuse. These cases also require reporting to CPS, or law enforcement.

Staff members are advised to complete form 3421F for their own records.

Date: 4/23/79; 11/17/88; 12/20/99; 10/28/02; 5/23/05; 10/9/07; 4/24/17; 1/30/19.

COMMUNITY RELATIONS

Regulation of Dangerous Weapons on School Premises

It is a violation of district policy and state law for any person to carry a firearm or dangerous weapon on school premises, school-provided transportation, or areas of other facilities being used exclusively for school activities, except as noted below. Carrying a dangerous weapon onto school premises, school-provided transportation, or areas of other facilities being used exclusively for school activities in violation of RCW 9.41.280 is a criminal offense.

The superintendent is directed to see that all school facilities post “Gun-Free Zone” signs, and that all violations of this policy and RCW 9.41.280 are reported annually to the Superintendent of Public Instruction.

Dangerous Weapons

The term “dangerous weapons” under state law includes:

- Any firearm;
- Any device commonly known as “nun-chu-ka sticks,” consisting of two or more length of wood, metal, plastic, or similar substance connected with wire, rope, or other means;
- Any device, commonly known as “throwing stars,” which are multi-pointed, metal objects designed to embed upon impact from any aspect;
- Any air gun, including any air pistol or air rifle, designed to propel a BB, pellet, or other projectile by the discharge of compressed air, carbon dioxide, or other gas;
- Any portable device manufactured to function as a weapon and which is commonly known as a stun gun, including a projectile stun gun which projects wired probes that are attached to the device that emit an electrical charge designed to administer to a person or an animal an electric shock, charge, or impulse;
- Any device, object, or instrument which is used or intended to be used as a weapon with the intent to injure a person by an electric shock, charge, or impulse;
- The following instruments:
 - Any dirk or dagger;
 - Any knife with a blade longer than three inches;
 - Any knife with a blade which is automatically released by a spring mechanism or other mechanical device;
 - Any knife having a blade which opens, or falls or is ejected into position by the force of gravity, or by outward, downward, or centrifugal thrust or movement; and
 - Any razor with an unguarded blade;
- Any slung shot, sandbag, or sandclub;
- Metal knuckles;
- A sling shot;
- Any metal pipe or bar used or intended to be used as a club;
- Any explosive;
- Any weapon containing poisonous or injurious gas;
- Any implement or instrument which has the capacity to inflict death and from the manner in which it is used, is likely to produce or may easily and readily produce death.

In addition, the District considers the following weapons in violation of this policy:

- Any knife or razor not listed above, except for instruments authorized or provided for specific school activities;
- Any object other than those listed above which is used in a manner to intimidate, threaten, or injure another person and is capable of easily and readily producing such injury.

Reporting Dangerous Weapons

An appropriate school authority will promptly notify the student's parents or guardians and the appropriate law enforcement agency of known or suspected violations of this policy. Students who violate this policy will be subject to discipline. Students who have possessed a firearm on any school premises, school-provided transportation, or school-sponsored activities at any facility will be expelled for not less than one year pursuant to RCW 28A.600.420. The superintendent may modify the one-year expulsion for a firearm on a case-by-case basis.

The district may also suspend or expel a student for up to one year if the student acts with malice (as defined under RCW 9A.04.110) and displays a device that appears to be a firearm.

No expulsion under RCW 28A.600.420 prevents the district from continuing to provide educational services in an alternative educational setting in compliance with RCW 28A.600.015. Any alternative setting should be comparable, equitable, and appropriate to the regular education services a student would have received without the exclusionary discipline. Example alternative settings include one-on-one tutoring and online learning.

Exceptions to State Law and this Policy

The following persons may carry firearms into school buildings, as necessary, although students engaged in these activities are restricted to the possession of rifles on school premises:

- A. Persons engaged in military, law enforcement, or school district security activities;
- B. Persons involved in a school authorized convention, showing, demonstration, lecture or firearm safety course;
- C. Persons competing in school authorized firearm or air gun competitions; and
- D. Any federal, state or local law enforcement officer.

The following persons over eighteen (18) years of age and not enrolled as students may have firearms in their possession on school property outside of school buildings:

- A. Persons with concealed weapons permits issued pursuant to RCW 9.41.070 who are picking up or dropping off students; and
- B. Persons conducting legitimate business at the school and in lawful possession of a firearm or dangerous weapon if the weapon is secured within an attended vehicle, is unloaded and secured in a vehicle, or is concealed from view in a locked, unattended vehicle.

Persons may bring dangerous weapons, other than firearms, onto school premises if the weapons are lawfully within the person's possession and are to be used in a school-authorized martial arts class.

Personal Protection Spray

Persons over eighteen (18) years of age and persons between fourteen (14) and eighteen (18) years of age with written parental or guardian permission may possess personal protection spray devices on school property. No one under eighteen (18) years of age may deliver such devices, nor may anyone eighteen (18) years or older deliver a spray device to anyone under fourteen (14) or to anyone between fourteen (14) and eighteen (18) who does not have parental permission.

Students who violate this policy are subject to district discipline policies, including the due process provisions regarding notification of parents/guardians. Students who violate the firearms provisions are subject to a minimum one calendar year expulsion, with possible case-by-case modification by the Superintendent. The district will also comply with federal protections for disabled students in the application of this policy.

Personal protection spray devices may not be used other than in self-defense as defined by state law. Possession, transmission or use of personal protection spray devices under any other circumstances is a violation of district policy.

School officials will notify the appropriate law enforcement agency of known or suspected violations of this policy. Students who violate this policy will be subject to discipline, including a one-year expulsion for a violation involving a firearm.

Cross References:	Policy 3200 Policy 3241	Student Rights and Responsibilities Student Discipline
Legal References:	RCW 9A.16.020 RCW 9.41.250 RCW 9.41.280 RCW 9.91.160 RCW 9.94A.825 RCW 28A.600.420	Use of force – when lawful Dangerous weapons - Penalty Dangerous weapons on school grounds Personal protection spray devices Deadly weapon special verdict--definition Firearms on school premises, transportation, or facilities – Penalty – Exemptions
Management Resources:	PNA 9710.02 2016 – July Issue <i>Policy News</i> , August 2006 <i>Policy News</i> , August 1998 <i>Policy News</i> , October 1997	Legislature also addresses “look-alike” firearms Weapons on School Premises State Encourages Modification of Weapons Policy Legislature also addresses “look-alike” firearms

Date: 8/24/98; 12/20/99; 1/13/03; 1/23/06; 9/19/19.

PORT TOWNSEND SCHOOL DISTRICT NO. 50

COMMUNITY RELATIONS

Use of Tobacco and Nicotine Products and Delivery Devices

The board of directors recognizes that to protect students from exposure to the addictive substance of nicotine, employees and officers of the school district, and all members of the community have an obligation as role models to refrain from use of tobacco products and delivery devices on school property and at school activities at all times. Tobacco products and delivery devices include, but are not limited to, cigarettes, cigars, snuff, smoking tobacco, smokeless tobacco, nicotine, electronic smoking/vapor devices, “vapor pens,” non-prescribed inhalers, nicotine delivery devices or, chemicals that are not FDA-approved to help people quit using tobacco, devices that produce the same flavor or physical effect of nicotine substances, and any other smoking equipment, device, material or innovation.

Any use of such products and delivery devices by staff, students, visitors, and community members will be prohibited on school district property and at school activities. Possession by or distribution of tobacco products to minors is prohibited. This will include all district buildings, grounds and district-owned vehicles.

The use of Federal Drug Administration (FDA) approved nicotine replacement therapy in the form of a nicotine patch, gum, or lozenge is permitted. However, students and employees must follow applicable policies regarding use of medication at school.

Notices advising students, district employees and community members of this policy will be posted in appropriate locations in all district buildings and at other district facilities as determined by the superintendent and will be included in the employee and student handbooks. Employees and students are subject to discipline for violations of this policy, and school district employees are responsible for the enforcement of the policy.

Cross Reference:	Policy 3200 Policy 3416 Policy 5201	Student Rights and Responsibilities Medication at School Drug-Free Schools, Community and Workplace
Legal References:	Policy 5280 RCW 28A.210.310 RCW 28A.210.260 RCW 28A.210.270 RCW 70.155.080	Termination of Employment Prohibition on use of tobacco products on school property Public and private schools-Administration of medication-conditions Public and private schools-Administration of Medication-Immunity from liability-Discontinuance, procedure. Purchasing, obtaining or possessing tobacco by persons under 18 – Civil infraction Electronic Cigarettes
Management Resources	Policy and Legal News, February 2014 <i>Policy News</i> , October 2010 <i>Policy News</i> , Dec 2010	Use of Tobacco and Nicotine Substances policy updated to address vapor devices Electronic Cigarettes Addressing the use of “Electronic” Cigarettes

Date: 4/20/89; 12/20/99; 1/13/03; 11/24/03; 1/23/06; 1/24/11; 4/27/15

PERSONNEL

SEXUAL HARASSMENT

The district is committed to a positive and productive education and working environment free from discrimination, including sexual harassment. The district prohibits sexual harassment of students, employees and others involved in school district activities.

Sexual harassment occurs when:

- A. Submitting to the harasser's sexual demands is a stated or implied condition of obtaining an education or work opportunity or other benefit;
- B. Submission to or rejection of sexual demands is a factor in an academic, work or other school-related decision affecting an individual; or
- C. Unwelcome sexual or gender-directed conduct or communication interferes with an individual's performance or creates an intimidating, hostile or offensive environment.

Sexual harassment can occur adult-to-student, student-to-adult, student-to-student, adult-to-adult.

The district will take prompt, equitable, and remedial action within its authority on reports, complaints, and grievances alleging sexual harassment that come to the attention of the district, either formally or informally. Allegations of criminal misconduct will be reported to law enforcement and suspected child abuse will be reported to law enforcement or Child Protective Services. Persons found to have been subjected to sexual harassment will have appropriate school district services made reasonably available to them and adverse consequences of the harassment shall be reviewed and remedied, as appropriate.

Engaging in sexual harassment will result in appropriate discipline or other appropriate sanctions against offending students, staff, and contractors. Anyone else who engages in sexual harassment on school property or at school activities will have their access to school property and activities restricted, as appropriate.

Retaliation against any person who makes or is a witness in a sexual harassment complaint is prohibited and will result in appropriate discipline. The district will take appropriate actions to protect involved persons from retaliation.

It is a violation of this policy to knowingly report false allegations of sexual harassment. Persons found to knowingly report or corroborate false allegations will be subject to appropriate discipline.

The superintendent will develop and implement formal and informal procedures for receiving, investigating, and resolving complaints or reports of sexual harassment. The procedures will include reasonable and prompt time lines and delineate staff responsibilities under this policy. All staff are responsible for receiving informal complaints and reports of sexual harassment and informing appropriate district personnel of the complaint or report for investigation and resolution. All staff are also responsible for directing complainants to the formal complaint process.

The superintendent will develop procedures to provide age-appropriate information and

education to district staff, students, parents, and volunteers regarding this policy and the recognition and prevention of sexual harassment. At a minimum, sexual harassment recognition and prevention and the elements of this policy will be included in staff, student, and regular volunteer orientation. This policy and the procedure, which includes the complaint process, will be posted in each district building in a place available to staff, students, parents, volunteers, and visitors. The policy and procedure will be reproduced in each student, staff, volunteer, and parent handbook.

The superintendent will make an annual report to the board reviewing the use and efficacy of this policy and related procedures. Recommendations for changes to this policy, if applicable, shall be included in the report. The superintendent is encouraged to involve staff, students, and volunteers and parents in the review process.

Cross References:	Policy 3200	Student Rights and Responsibilities
	Policy 3207	Prohibition of Harassment, Intimidation and Bullying
	Policy 3210	Nondiscrimination
	Policy 3240	Student Conduct
	Policy 3421	Child Abuse and Neglect
	Policy 5010	Nondiscrimination and Affirmative Action
Legal References:	Policy 5281	Disciplinary Action and Discharge
	RCW 28A.640.020	Regulations, guidelines to eliminate discrimination – Scope – Sexual harassment policies
	WAC 392-190-058	Sexual harassment
Management Resources	Policy News	
		October 2010 December 2014

Date: 6/17/93; 1/25/99; 2/12/01; 11/24/03; 1/24/11; 4/27/15

PORT TOWNSEND SCHOOL DISTRICT NO. 50

PERSONNEL

Sexual Harassment of District Staff Prohibited

The procedure is intended to set forth the requirements of Policy 5011, including the process for a prompt, thorough, and equitable investigation of allegations of sexual harassment and the need to take appropriate steps to resolve such situations. If sexual harassment is found to have created a hostile environment, staff must take immediate action to eliminate the harassment, prevent its reoccurrence, and address its effects.

This procedure applies to sexual harassment (including sexual violence) targeted at district employees carried out by other students, employees or third parties involved in school district activities. The district has jurisdiction over these complaints pursuant to Title IX of the Education Amendments of 1972, Chapter 28A.640, RCW and Chapter 392-190 WAC.

Notice

Information about the district's sexual harassment policy will be easily understandable and conspicuously posted throughout each school building, provided to each employee and reproduced in each staff, volunteer, and parent handbook. In addition to the posting and reproduction of this procedure and Policy 5011, the district will provide annual notice to employees that complaints pursuant to this procedure may be filed at *1610 Blaine Street, Port Townsend, WA*.

Staff Responsibilities

In the event of an alleged sexual assault, the school principal will immediately inform: 1) the Title IX/Civil Rights Compliance Coordinator so that the district can appropriately respond to the incident consistent with its own grievance procedures; and 2) law enforcement. The principal will notify the targeted district staff person of their right to file a criminal complaint and a sexual harassment complaint simultaneously.

Confidentiality

If a complainant requests that their name not be revealed to the alleged perpetrator or asks that the district not investigate or seek action against the alleged perpetrator, the request will be forwarded to the Civil Rights Coordinator for evaluation. The Civil Rights Coordinator should inform the complainant that honoring the request may limit its ability to respond fully to the incident, including pursuing disciplinary action against the alleged perpetrator.

If the complainant still requests that their name not be disclosed to the alleged perpetrator or that the district not investigate or seek action against the alleged perpetrator, the district will need to determine whether or not it can honor such a request while still providing a safe and nondiscriminatory environment for all students, staff and other third parties engaging in district activities, including the person who reported the sexual harassment. Although a complainant's request to have their name withheld may limit the district's ability to respond fully to an individual allegation of sexual harassment, the district will use other appropriate means available to address the sexual harassment.

Retaliation

Title IX prohibits retaliation against any individual who files a complaint under these laws or participates in a complaint investigation. When an informal or formal complaint of sexual harassment is made, the district will take steps to stop further harassment and prevent any retaliation against the person who made the complaint, was the subject of the harassment, or against those who provided information as a witness. The district will investigate all allegations of retaliation and take actions against those found to have retaliated.

Informal Complaint Process

Anyone may use informal procedures to report and resolve complaints of sexual harassment. Informal reports may be made to any staff member. Staff will always notify complainants of their right to file a formal complaint and the process for same. Staff will also direct potential complainants to Laurie McGinnis, 1610 Blaine St., Port Townsend, WA, 360-379-4602. Additionally, staff will also inform an appropriate supervisor or professional staff member when they receive complaints of sexual harassment, especially when the complaint is beyond their training to resolve or alleges serious misconduct.

During the course of the informal complaint process, the district will take prompt and effective steps reasonably calculated to end any harassment and to correct any discriminatory effects on the complainant. If an investigation is needed to determine what occurred, the district will take interim measures to protect the complainant before the final outcome of the district's investigation (e.g., allowing the complainant to change academic or extracurricular activities or break times to avoid contact with the alleged perpetrator).

Informal remedies may include:

- An opportunity for the complainant to explain to the alleged harasser that their conduct is unwelcome, offensive or inappropriate, either in writing or face-to-face;
- A statement from a staff member to the alleged harasser that the alleged conduct is not appropriate and could lead to discipline if proven or repeated;
- A general public statement from an administrator in a building reviewing the district sexual harassment policy without identifying the complainant.
- Developing a safety plan;
- Separating staff person; or
- Providing staff and/or student training.

Informal complaints may become formal complaints at the request of the complainant, parent or guardian, or because the district believes the complaint needs to be more thoroughly investigated. The district will inform the complainant how to report any subsequent problems. Additionally, the district will conduct follow-up inquiries to see if there have been any new incidents or instances of retaliation, and to promptly respond and appropriately address continuing or new problems. Follow-up inquiries will follow a timeline agreed to by the district and complainant.

Formal Complaint Process

Level One – Complaint to District

Anyone may initiate a formal complaint of sexual harassment, even if the informal complaint process is being utilized. At any level in the formal complaint process, the district will take interim measures to protect the complainant before the final outcome of the district's investigation. The following process will be followed:

Filing of Complaint

- All formal complaints will be in writing and will set forth the specific acts, conditions or circumstances alleged to have occurred and to constitute sexual harassment. The Title IX Coordinator may draft the complaint based on the report of the complainant for the complainant to review and approve. The superintendent or Title IX Coordinator may also conclude that the district needs to conduct an investigation based on information in their possession, regardless of the complainant's interest in filing a complaint.
- The time period for filing a complaint is one year from the date of the occurrence that is the subject matter of the complaint. However, a complaint filing deadline may not be imposed if the complainant was prevented from filing due to: 1) Specific misrepresentations by the district that it had resolved the problem forming the basis of the complaint; or 2) Withholding of information that the district was required to provide under WAC 392-190-065 or WAC 392-190-005.
- Complaints may be submitted by mail, fax, e-mail or hand-delivery to the Title IX Coordinator, Laurie McGinnis, Director of Payroll and Human Resources, 1610 Blaine St., Port Townsend, WA, 360-379-4602, Fax 360-385-3617, lmcginnis@ptschools.org. Any district employee who receives a complaint that meets these criteria will promptly notify the Coordinator.

Investigation and Response

- The Title IX Coordinator will receive and investigate all formal, written complaints of sexual harassment or information in the coordinator's possession that they believe requires further investigation. The Coordinator will delegate their authority to participate in this process if such action is necessary to avoid any potential conflicts of interest. Upon receipt of a complaint, the Coordinator will provide the complainant a copy of this procedure.
- Investigations will be carried out in a manner that is adequate in scope, reliable and impartial. During the investigation process, the complainant and accused party or parties, if the complainant has identified an accused harasser(s), will have an equal opportunity to present witnesses and relevant evidence. Complainants and witnesses may have a trusted adult with them during any district-initiated investigatory activities. The school district and complainant may also agree to resolve the complaint in lieu of an investigation.
- When the investigation is completed, the Coordinator will compile a full written report of the complaint and the results of the investigation.

Superintendent Response

- The superintendent will respond in writing to the complainant and the alleged perpetrator within thirty (30) calendar days of receipt of the complaint, unless otherwise agreed to by the complainant or if exceptional circumstances related to the complaint require an extension of the time limit. In the event an extension is needed, the district will notify the complainant in writing of the reason for the extension and the anticipated response date. At the time the district responds to the complainant, the district must send a copy of the response to the office of the superintendent of public instruction.
- The response of the superintendent or designee will include: 1) a summary of the results of the investigation; 2) a statement as to whether a preponderance of the evidence establishes that the complainant was sexually harassed ; 3) if sexual harassment is found to have occurred, the corrective measures the district deems necessary, including assurance that the district will take steps to prevent recurrence and remedy its effects on the complainant and others, if appropriate; 4) notice of the complainant's right to appeal to the school board and the necessary filing information; and 5) any corrective measures the district will take, remedies for the complainant (e.g., sources of counseling, advocacy and other support), and notice of potential sanctions for the perpetrator(s) (e.g., discipline).
- The superintendent's or designee's response will be provided in a language the complainant can understand and may require language assistance for complainants with limited English proficiency in accordance with Title VI of the Civil Rights Act of 1964. If the complaint alleges discriminatory harassment by a named party or parties, the coordinator will provide the accused party or parties with notice of the outcome of the investigation and notice of their right to appeal any discipline or corrective action imposed by the district.
- Any corrective measures deemed necessary will be instituted as quickly as possible, but in no event more than thirty (30) days after the superintendent's mailing of a written response, unless the accused is appealing the imposition of discipline and the district is barred by due process considerations or a lawful order from imposing the discipline until the appeal process is concluded. Staff may also pursue complaints through the appropriate collective bargaining agreement process or anti-discrimination policy.
- The district will inform the complainant how to report any subsequent problems. Additionally, the district will conduct follow-up inquiries to see if there have been any new incidents or instances of retaliation, and to promptly respond and appropriately address continuing or new problems. Follow-up inquiries will follow a timeline agreed to by the district and complainant.

Level Two -Appeal to Board of Directors

Notice of Appeal and Hearing

- If a complainant disagrees with the superintendent's or designee's written decision,

the complainant may appeal the decision to the district board of directors, by filing a written notice of appeal with the secretary of the board within ten (10) calendar days following the date upon which the complainant received the response. :

- The board will schedule a hearing to commence by the twentieth (20th) calendar day following the filing of the written notice of appeal, unless otherwise agreed to by the complainant and the superintendent or for good cause.
- Both parties will be allowed to present such witnesses and testimony as the board deems relevant and material.

Decision

- Unless otherwise agreed to by the complainant, the board will render a written decision within thirty (30) calendar days following the filing of the notice of appeal and provide the complainant with a copy of the decision.
- The decision will be provided in a language that the complainant can understand which may require language assistance for complainants with limited English proficiency in accordance with Title VI of the Civil Rights Act.
- The decision will include notice of the complainant's right to appeal to the Superintendent of Public Instruction and will identify where and to whom the appeal must be filed. The district will send a copy of the appeal decision to the office of the superintendent of public instruction.

Level Three - Complaint to the Superintendent of Public

Instruction Filing of Complaint

- If a complainant disagrees with the decision of the board of directors, or if the district fails to comply with this procedure, the complainant may file a complaint with the Superintendent of Public Instruction.
- A complaint must be received by the Superintendent of Public Instruction on or before the twentieth (20) calendar day following the date upon which the complainant received written notice of the board of directors' decision, unless the Superintendent of Public Instruction grants an extension for good cause. Complaints may be submitted by mail, fax, electronic mail, or hand delivery.
- A complaint must be in writing and include: 1) A description of the specific acts, conditions or circumstances alleged to violate applicable anti-sexual harassment laws; 2) The name and contact information, including address, of the complainant; 3) The name and address of the district subject to the complaint; 4) A copy of the district's complaint and appeal decision, if any; and 5) A proposed resolution of the complaint or relief requested. If the allegations regard a specific student, the complaint must also include the name and address of the student, or in the case of a homeless child or youth, contact information.

Investigation, Determination and Corrective Action

- Upon receipt of a complaint, the Office of the Superintendent of Public Instruction may initiate an investigation, which may include conducting an independent on-site review. OSPI may also investigate additional issues related to the complaint that were not included in the initial complaint or appeal to the superintendent or board.
- Following the investigation, OSPI will make an independent determination as to whether the district has failed to comply with RCW 28A.642.010 or Chapter 392-190, WAC and will issue a written decision to the complainant and the district that addresses each allegation in the complaint and any other noncompliance issues it has identified. The written decision will include corrective actions deemed necessary to correct noncompliance and documentation the district must provide to demonstrate that corrective action has been completed.
- All corrective actions must be completed within the timelines established by OSPI in the written decision unless OSPI grants an extension. If timely compliance is not achieved, OSPI may take action including but not limited to referring the district to appropriate state or federal agencies empowered to order compliance.

A complaint may be resolved at any time when, before the completion of the investigation, the district voluntarily agrees to resolve the complaint. OSPI may provide technical assistance and dispute resolution methods to resolve a complaint.

Level Four - Administrative Hearing

A complainant or school district that desires to appeal the written decision of the Office of the Superintendent of Public Instruction may file a written notice of appeal with OSPI within thirty (30) calendar days following the date of receipt of that office's written decision. OSPI will conduct a formal administrative hearing in conformance with the Administrative Procedures Act, Chapter 34.05, RCW.

Other Complaint Options

Office for Civil Rights (OCR), U.S. Department of Education

OCR enforces several federal civil rights laws, which prohibit discrimination in public schools on the basis of race, color, national origin, sex, disability, and age. File complaints with OCR within 180 calendar days of the date of the alleged discrimination.

206-607-1600 | TDD: 1-800-877-8339 | OCR.Seattle@ed.gov | www.ed.gov/ocr

Washington State Human Rights Commission (WSHRC)

WSHRC enforces the Washington Law Against Discrimination (RCW 49.60), which prohibits discrimination in employment and in places of public accommodation, including schools. File complaints with WSHRC within six months of the date of the alleged discrimination.

1-800-233-3247 | TTY: 1-800-300-7525 | www.hum.wa.gov

Mediation

At any time during the complaint procedure set forth in WAC 392-190-065 through 392-190-075, a district may, at its own expense, offer mediation. The complainant and the district may agree to extend the complaint process deadlines in order to pursue mediation.

The purpose of mediation is to provide both the complainant and the district an opportunity to resolve disputes and reach a mutually acceptable agreement through the use of an impartial mediator. Mediation must be voluntary and requires the mutual agreement of both parties. It may be terminated by either party at any time during the mediation process. It may not be sued to deny or delay a complainant's right to utilize the complaint procedures.

Mediation must be conducted by a qualified and impartial mediator who may not: 1) Be an employee of any school district, public charter school, or other public or private agency that is providing education related services to a student who is the subject of the complaint being mediated; or 2) Have a personal or professional conflict of interest. A mediator is not considered an employee of the district or charter school or other public or private agency solely because they serve as a mediator.

If the parties reach agreement through mediation, they may execute a legally binding agreement that sets forth the resolution and states that all discussions that occurred during the course of mediation will remain confidential and may not be used as evidence in any subsequent complaint, due process hearing or civil proceeding. The agreement must be signed by the complainant and a district representative who has authority to bind the district.

Training and Orientation

A fixed component of all district orientation sessions for staff, students and regular volunteers will introduce the elements of this policy. Staff will be provided information on recognizing and preventing sexual harassment. Staff will be fully informed of the formal and informal complaint processes and their roles and responsibilities under the policy and procedure.

Certificated staff will be reminded of their legal responsibility to report suspected child abuse, and how that responsibility may be implicated by some allegations of sexual harassment. Regular volunteers will get the portions of this component of orientation relevant to their rights and responsibilities.

Students will be provided with age-appropriate information on the recognition and prevention of sexual harassment and their rights and responsibilities under this and other district policies and rules at student orientation sessions and on other appropriate occasions, which may include parents.

As part of the information on the recognition and prevention of sexual harassment staff, volunteers, students and parents will be informed that sexual harassment may include, but is not limited to:

- Demands for sexual favors in exchange for preferential treatment or something of value;
- Stating or implying that a person will lose something if they do not submit to a sexual request;
- Penalizing a person for refusing to submit to a sexual advance, or providing a benefit to someone who does;
- Making unwelcome, offensive or inappropriate sexually suggestive remarks comments,

gestures, or jokes; or remarks of a sexual nature about a person's appearance, gender or conduct;

- Using derogatory sexual terms for a person;
- Standing too close, inappropriately touching, cornering or stalking a person; or
- Displaying offensive or inappropriate sexual illustrations on school property.

Policy and Procedure Review

Annually, the superintendent or designee will convene an ad hoc committee composed of representatives of certificated and classified staff, volunteers, students and parents to review the use and efficacy of this policy and procedure. The Title IX/Civil Rights Compliance Coordinator will be included in the committee. Based on the review of the committee, the superintendent will prepare a report to the board including, if necessary, any recommended policy changes. The superintendent will consider adopting changes to this procedure if recommended by the committee.

Management Resources: *Policy News*, Jul 2015
 Policy News, Mar 2014

Date: 3/18/16; 11/18/20.

PERSONNEL

Drug-Free Schools, Community and Workplace

The Board has an obligation to staff, students and community members to take reasonable steps to assure safety in the workplace and for the students whom the staff serves.

“The workplace” is defined to mean the site for the performance of work done, which includes work done in connection with a federal grant. The workplace includes any school building or any school property; any district-owned vehicle or any other district-approved vehicle used to transport students to and from school or school activities; off district property during any school-sponsored or school-approved activity, event or function, such as a field trip or athletic event, where students are under the jurisdiction of the school district, which could also include where work on a federal grant is performed.

Prohibited Behavior

To help maintain a drug-free school and workplace, the Board declares that the following behaviors will not be tolerated:

- A. Reporting to work under the influence of alcohol, illegal and/or controlled substances including marijuana (cannabis).
- B. Using, possessing, transmitting alcohol, illegal and/or controlled substances including marijuana (cannabis) and anabolic steroids, in any amount or in any manner, on district property at any time in the workplace.
- C. Any staff member convicted of a felony attributable to the use, possession or sale of illegal and/or controlled substances including marijuana (cannabis) will be subject to disciplinary action, including immediate termination.
- D. Using district property or the staff member’s position within the district to make or traffic alcohol, illegal and/or controlled substances, including marijuana (cannabis) and anabolic steroids.

Notification Requirements

Any staff member who is taking prescribed or over-the-counter medications will be responsible for consulting the prescribing physician and/or pharmacist to ascertain whether the medication may interfere with the safe performance of their job. If the use of a medication could compromise the safety of the staff member, other staff members, students or the public, it is the staff member’s responsibility to use appropriate personnel procedures (e.g., use leave, request change of duty, or notify his/her supervisor of potential side effects) to avoid unsafe workplace practices. If a staff member notifies their supervisor that the use of medication could compromise the safe performance of their job, the supervisor, in conjunction with the district Human Resources Department, then will determine whether the staff member can remain at work and whether any work restrictions will be necessary.

As a condition of employment, each employee shall notify their supervisor of a conviction under any criminal drug statute violation occurring in the workplace. Such notification will be provided no later than five (5) days after such conviction. The district will inform the federal granting

agency within ten (10) days of such conviction, regardless of the source of the information.

Disciplinary Action

Each employee will be notified of the district's policy and procedures regarding employee drug activity at work. Any staff member who violates any aspect of this policy may be subject to disciplinary action, which may include termination. As a condition of eligibility for reinstatement, an employee may be required to satisfactorily complete a drug rehabilitation or treatment program approved by the district, at the employee's expense. Nothing in this policy will be construed to guarantee reinstatement of any employee who violates this policy, nor does the district incur any financial obligation for treatment or rehabilitation ordered as a condition of eligibility for reinstatement.

The district may notify law enforcement agencies regarding a staff member's violation of this policy at the district's discretion or take other actions as it the district deems appropriate.

Cross References:	Policy 3423	Parental Administration of Marijuana for Medical Purposes
	Policy 4215	Use of Tobacco and Nicotine Substances on School Property
	Policy 5280	Termination of Employment
Legal References:	41 USC §8103	Drug Free Workplace Requirements for Federal Grant Recipients
	20 USC §§7101-7118	Safe and Drug-Free Schools and Communities Act
	21 USC 812	Controlled Substance Act
	RCW 69.50.435	Violations committee-in or on certain public places or facilities – Additional penalty – Defenses – Construction – Definitions
Management Resources:	<i>Policy News</i> , February 1999	Bus drivers still tested for marijuana
	<i>Policy News</i> , December 2011	Changes in WSSDA's Policy Reference Manual
	<i>Policy and Legal News</i> , February 2013	Policy Revisions
	<i>Policy News</i> , July 2019	

Date: 10/5/89; 3/21/91; 3/27/00; 4/28/03; 12/8/08; 9/8/14; 5/15/19.

PERSONNEL

Maintaining Professional Staff/Student Boundaries

Purpose

The purpose of this policy is to provide all staff, students, volunteers and community members with information about their role in protecting children from inappropriate conduct by adults. This policy applies to all district staff and volunteers. For purposes of this policy and its procedure, the terms “district staff,” “staff member(s),” and “staff” also include volunteers.

General Standards

The Board expects all district staff to maintain the highest professional standards when they interact with students. District staff are required to maintain an atmosphere conducive to learning, by consistently maintaining professional boundaries.

Professional staff/student boundaries are consistent with the legal and ethical duty of care that district employees have for students.

The interactions and relationships between district staff and students should be based upon mutual respect, trust, and commitment to the professional boundaries between staff and students in and outside of the educational setting, and consistency with the educational mission of the district.

District staff will not intrude on a student’s physical and emotional boundaries unless the intrusion is necessary to serve demonstrated educational purpose. An educational purpose is one that relates to the staff member’s duties in the district. Inappropriate boundary invasions can take various forms. Any type of sexual conduct with a student is an inappropriate boundary invasion.

Additionally, staff members are expected to be aware of the appearance of impropriety in their own conduct and the conduct of other staff when interacting with students. Staff members will notify and discuss issues with their building administrator or supervisor whenever they suspect or question whether their own or another staff member’s conduct is inappropriate or constitutes a violation of this policy.

The Board recognizes that staff may have familial and pre-existing social relationships with parents or guardians and students. Staff members should use appropriate professional judgement when they have a dual relationship with students to avoid violating this policy, the appearance of impropriety, and the appearance of favoritism. Staff members will pro-actively discuss these circumstances with their building administrator or supervisor.

Use of Technology

The school board supports the use of technology to communicate for educational purposes. However, when the communication is unrelated to school work or other legitimate school

business district staff are prohibited from communicating with students by phone, e-mail, text, instant messenger, or other forms of electronic or written communication. District staff members are prohibited from engaging in any conduct on social networking websites that violates the law, district policies or procedures, or other generally recognized professional standards. This prohibition includes prohibiting staff from “friending” and/or “following” students on social media.

Staff whose conduct violates this policy may face discipline and/or termination, consistent with the district’s policies and procedures, acceptable use agreement and collective bargaining agreements, as applicable. The superintendent/designee will develop protocols for reporting and investigating allegations and develop procedures and training to accompany this policy.

The superintendent/designee will develop protocols for reporting and investigating allegations and develop procedures and training to accompany this policy.

Cross References:	Policy 3205	Sexual Harassment of Students Prohibited
	Policy 3207	Prohibition of Harassment, Intimidation and Bullying
	Policy 3210	Nondiscrimination
	Policy 3245	Students and Telecommunications Devices
	Policy 3421	Child Abuse, Neglect and Exploitation Prevention
Legal References:	Title IX	Education Amendments of 1972
	RCW 9A.44	Sex Offenses
	RCW 9A.88	Indecent exposure – Prostitution
	RCW 28A.400.320	Crimes against children – Mandatory termination of classified employees – Appeal – Recovery of salary or compensation by district
	RCW 28A.405.470	Crimes against children – Mandatory termination of certificated employees – Appeal – Recovery of salary or compensation by district
	RCW 28A.405.475	Termination of certificated employee based on guilty plea or conviction of certain felonies – Notice to superintendent of public instruction – Record of notices
	RCW 28A.410.090	Revocation or suspension of

RCW 28A.410.095	certificate or permit to teach – Criminal basis – Complaints – Investigation – Process Violation or noncompliance – Investigatory powers of superintendent of public instruction – Requirements for investigation of alleged sexual misconduct towards a child – Court orders – Contempt – Written findings required
RCW 28A.410.100	Revocation of authority to teach – Hearings
RCW 28A.640	Sexual Equality
RCW 28A.642	Discrimination Prohibition
RCW 49.60	Washington State Law Against Discrimination
WAC 181-87	Professional Certification – Acts of unprofessional conduct
WAC 181-88	Definitions of sexual misconduct, verbal and physical abuse – Mandatory disclosure – Prohibited agreements

Management Resources: Policy News, March 2019
Policy News, Oct 2015

12/13/10; 12/14/15; 6/20/19.

PERSONNEL

Maintaining Professional Staff/Student Boundaries

The purpose of this procedure is to provide all staff, students, volunteers and community members with information to increase their awareness of their role in protecting children from inappropriate conduct by adults.

Many educators or volunteers who cross the line of professional boundaries may not consciously begin with a predatory motivation in mind. Instead, they allow themselves to develop a special relationship with a student that results in situations where their professionalism is compromised. Sometimes, this leads to sexual misconduct. All of this can be prevented by maintaining professional boundaries with students.

Educators, volunteers, students, parents, and other concerned adults are the key to stopping unprofessional conduct against students. Hence, the following information and guidance will help you protect students, the school, and the profession.

Reporting Violations

All school staff members or volunteers must promptly notify the supervisor of a staff member or volunteer suspected of engaging in boundary invasion toward a student.

Staff members should:

- Not wait before reporting suspicious behavior or try to determine whether there is an innocent explanation;
- Not confront or discuss the matter with the staff member at issue with anyone else, but maintain confidentiality to protect privacy and avoid rumors; and
- Document for their own records that they notified an administrator, including to whom and what they reported.

Students and their parents/guardians are strongly encouraged to notify the principal (or other administrator) if they believe a staff member or volunteer may be engaging in inappropriate boundary invasion conduct with a student.

Boundary Invasion

A boundary invasion is an act or pattern of behavior by a staff member or volunteer that does not have a bonafide health, safety, or educational purpose for the student. Such situations are the opposite of maintaining professional boundaries with students. Staff members and volunteers will not engage in boundary invasions of students, which include, but are not limited to, the following:

- Any type of inappropriate physical or sexual conduct with a student or any other conduct that violates the Board's policies regarding student welfare, the educational environment, or conduct toward current or former students. Inappropriate physical conduct includes hugging, kissing, or being "overly touchy" with students without any legitimate educational or professional purpose;

- Showing intimate or unduly revealing photos to a student or asking a student to provide intimate or unduly revealing photos; taking inappropriate photographs of a student, or taking an inordinate number of photographs of a student;
- Any kind of flirtatious or sexual communications with a student;
- Singling out a particular student or students for personal attention and friendship beyond the professional staff/student relationship. This includes, but is not limited to, favoring one or more students with special privileges, allowing them to remain in the classroom during non-class times, unilaterally removing a student from another class or activity, or engaging in “peer like” behavior with one or more students;
- Providing alcohol, drugs or tobacco to students or failing to report their use of these substances;
- For non-guidance/counseling staff, allowing or encouraging students to confide their personal or family problems and/or relationships. If a student initiates such discussions, staff members will refer the student to appropriate guidance/counseling staff. In either case, staff involvement should be limited to a direct connection to the student’s school performance;
- Sending students on personal errands unrelated to any educational purpose;
- Banter, allusions, jokes or innuendos of a sexual nature with students;
- Favorably commenting on a student’s appearance if it is unduly revealing or if the comments have no educational value;
- Disclosing personal, sexual, family, employment concerns, or other private matters to one or more students;
- Addressing students, or permitting students to address staff members or volunteers with personalized terms of endearment, pet names, or otherwise in an overly familiar manner;
- Maintaining personal contact (including “friending” or “following”) with a student on any social networking application or device;
- Sending phone, e-mail, text, digital messaging, or other forms of written or electronic communication to students when the communication is unrelated to school work or other legitimate school business. If staff members have educational or legitimate school business to conduct, they will include a parent/guardian and a school administrator in the communication. If staff members receive a student’s communication, the staff member will reply by including the student’s parent/guardian and an administrator. Staff members should use school e-mail addresses and phone numbers and the parents’/guardians’ phone numbers for communications with students, except in an

emergency situation;

- Exchanging or providing personal gifts, cards or letters with an individual student;
- Socializing or spending time with students (including but not limited to activities such as going out for beverages, meals or movies, shopping, traveling, and recreational activities) outside of school-sponsored events, except as participants in organized community activities;
- Giving a student a ride alone in a vehicle in a non-emergency situation or failing to timely report that occurrence;
- Providing a student with information or views about other students or staff members without a legitimate professional purpose;
- Asking a student to keep a secret or not to disclose any inappropriate communications or conduct;
- Unnecessarily invading a student's privacy, (e.g. walking in on the student in the bathroom or a hotel room on a field trip);
- Being alone with an individual student out of the view of others; and/or
- Any home visits unless other adults are present, the student(s) are invited for an activity related to school, and the student's parent/guardian and an administrator are informed and have consented.

Investigation and Documentation

When an administrator receives information that a boundary invasion has occurred or might have occurred, the administrator must document, in writing, the concern and provide a copy of the documentation to the director of human resources. The director of human resources will see that the matter is investigated and documented, and if boundary invasions have occurred without a legitimate educational or safety purpose, that appropriate action is taken and documented. The director of human resources will maintain a file documenting reports, letters of direction, and discipline relating to professional boundary investigations.

Reminder About Reporting Sexual Abuse

In some situations, the person engaging in boundary invasions with a student may also have engaged in child abuse or sexual abuse, which is defined in Board Policy 3421 Child Abuse, Neglect, and Exploitation Prevention. Remember that according to law (RCW 26.44.020) and Board Policy 3421, all school personnel who have reasonable cause to believe that a student has experienced sexual abuse by an adult or student are required to make a report to Child Protective Services and/or law enforcement. (See Board Policy 3421.) Reporting suspected abuse to the building principal or supervisor does not relieve professional school personnel from their reporting responsibilities and timelines.

Disciplinary Action

Staff member or volunteer violations of this policy may result in disciplinary action up to and including dismissal. Violations of this policy may occur by ignoring professional boundaries as well as failing to report another staff member or volunteer who is ignoring professional boundaries. In any disciplinary situation, the Superintendent should consider whether the conduct violates the Code of Professional Conduct in Chpt. WAC 181-87 and whether a report to the Office of Professional Practices is warranted. Violations involving sexual or other abuse will also result in referral to Child Protective Services and/or law enforcement in accordance with the board's policy on Reporting Child Abuse and Neglect.

Training

All new staff members and volunteers will receive training on appropriate staff /student boundaries within three months of employment or beginning of service. Such initial training may be on-line training. Site administration and classified employee supervisors will see to it that more detailed, live training covering this entire procedure will occur every two (2) years for all schools and work sites. Site administration and classified employee supervisors will also address professional boundaries at staff meetings early in the year.

Dissemination of Policy and Reporting Protocols

This policy and procedure will be included on the district website and in all employee, student and volunteer handbooks. Annually, all administrators and staff will receive copies of the district's reporting protocol. The district will also provide a copy of this policy and procedure to students and their parents/guardians during each school year.

Date: 12/13/10; 6/20/19.