

Applicable Laws and Policies

Code of Professional Conduct Chapter 181-87 WAC, NKSD Board Policies 3421 and 5253

and

Washington state law, RCW 28A.400.317 *Physical abuse or sexual misconduct by school employees* “Duty to report” Training states that;

- (1) 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 it is determined that an employee or volunteer engaged in or solicited any prohibited acts, including but not limited to inappropriate boundary invasion, sexual contact or romantic relationship, with a student or minor as defined in this directive, the employee will be subject to immediate discipline.

Documenting reports of Inappropriate Boundary Invasion

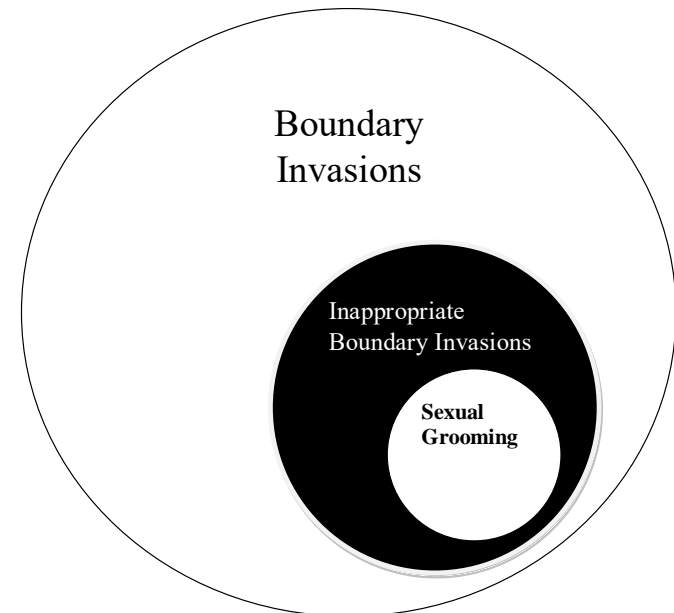
Contact your supervisor or Title IX Officer:

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IDENTIFYING AND PROHIBITING INAPPROPRIATE BOUNDARY INVASION



***North Kitsap School
District***



Examples of inappropriate boundary invasions. Conduct Subject to Possible Discipline.

- Any type of inappropriate physical contact with a student or any other conduct that might be considered harassment under the Board's policy on Harassment and Sexual Harassment of Students;
- Showing pornography to a student;
- Singling out a particular student or students for personal attention and friendship beyond the professional staff-student relationship;
- Socializing where students are consuming alcohol, drugs or tobacco;
- For non-guidance/counseling staff, encouraging students to confide their personal or family problems and/or relationships on a continuing basis, beyond a student initiated initial sharing.
- Sending students on personal errands unrelated to any educational purpose;
- Banter, allusions, jokes or innuendos of a sexual nature with students;
- Inviting students to the teacher's personal home;
- Disclosing personal, sexual, family, employment concerns, or other private matters to one or more students;
- Addressing students, or permitting students to address staff members with personalized terms of endearment, pet names, or otherwise in an overly familiar manner;
- Maintaining personal contact with a student outside of school by phone, email, Instant Messenger or Internet chat rooms, social networking Web sites, or letters (beyond homework or other legitimate school business) without including the parent/guardian.
- Exchanging 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; and/or
- Unnecessarily invading a student's privacy, (e.g. walking in on the student in the bathroom).

Social Networking Do's and Don'ts

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Social networking websites allow members to build and create online, public profiles. These sites provide users various ways of interacting with other users, such as blogs, bulletins, instant messenger, and email. While there are many social networking websites, Myspace.com and Facebook.com are the two most popular. In fact, they are two of the most visited websites in the United States. However, using Myspace, Facebook, or any other social networking website is not without its risks. Professionals who use these websites do not have a free pass to say or do whatever they please without jeopardizing their employment. The following suggestions will help you use these websites in a responsible way that minimizes the risks associated with use of the website.

1. Do not use a social networking website:

This is the best way to guarantee that you won't get in trouble by posting inappropriate or questionable material. Simply deleting inappropriate material may not keep students, parents, or administrators from finding the deleted information. Often, cached web pages may be located containing outdated information, including any inappropriate or questionable material you may have posted. There are also websites that exist to catalogue all web pages in existence. Thus, the best way for you to protect yourself from inadvertently posting inappropriate materials is not to have a social networking profile. Additionally, without a Myspace or Facebook account, you cannot post on another members page. If you are an educator, this option simply makes the most sense.

2. If you use Myspace or Facebook, change your privacy settings:

If you have a Myspace account, change who can view your profile to **my friends only**. By doing this, you prevent others who are not on your friends list from viewing the content on your page. If you decide to have an account, this option reduces the scope of access to your page. To change this setting, go to *account settings* (on your main page), then to *privacy settings*. Then, under *who can view my profile*, select *my friends only*. If you have a Facebook account, your profile is only accessible to users you have added as a friend and users in your networks. While your friends can always view your profile, you can change your privacy settings to not allow members in your network view your profile. To change this setting, go to *privacy* (on your main page), then to *profile*. Under *profile*, you can change who can view your profile to **only my friends**.

3. Do not add students as friends:

It's best not to add students as friends, so that, in case you do post material unsuitable for your students, they will not have access to it. On MySpace, if you've made your page private, students won't be able to view your content unless they are added as friends. To ensure that you don't add students as friends, change your privacy settings to prevent persons under 18 from contacting you. To change this setting, go to *account settings* (on your main page), then to *privacy settings*. Under the *privacy settings* heading, select *block users under 18 from contacting me*.

On Facebook, students may be able to view your online content if they belong to a network you belong to, even if those students are not on your friends list. To change your privacy settings so only your friends can view your profile content, see above.

Facebook also allows you to control whether your profile can be found through a public search listing on the website. You can limit users who can search for your profile to all or some users in your various networks or users on your friends list. Generally, when a profile is found using the public search listing, the searcher can see your picture, send a message, view your friends, or add you as a friend. To limit students from adding you as a friend or messaging you, go to *privacy*, then *search*, and scroll down to **What can people do with my search results**. Next, deselect **send a message** and **add as friend**.

4. Do not post offensive or questionable pictures:

Pictures often tell one thousand words, even if the words are unintentional. Use discretion when posting pictures of yourself on your profile or the profile of a friend. Pictures including alcohol, minimal clothing, or questionable poses may be interpreted as promoting this behavior for students.

5. Do not post offensive or questionable comments:

Even if your student's don't have access to your page because you have changed your privacy settings, comments you post on other peoples MySpace or Facebook pages might be accessible to your students if those peoples pages are not restricted. If what you want to say could get you in trouble, it is best not to say it at all. Additionally, comments left on others pages can be found by searching Google or other search engines. So, even if students don't know your friends, they might still find your comments by using creative search techniques.

6. Do not post offensive or questionable bulletins:

When you create and post a MySpace bulletin, it can be seen by anyone on your friends list. Even though you might not have students on your friends list, you might have colleagues or other people added as friends who have an interest in your employing school and community. If you post a questionable or offensive bulletin and someone doesn't like it, you might find yourself in hot water.

7. Do not post offensive or questionable blogs:

If your profile is not made private, the blogs you post on MySpace can be read by anyone who visits your page. If you're posting offensive or questionable material, and anyone can see it, you are opening yourself up to violating school policy. While Facebook does not have a section for blogs, users can post comments in group forums and discussions. If you choose to blog or join discussion forums, use discretion as to what would be appropriate if students were to read your comments.

8. Be aware of offensive friends:

Make sure you know who you are adding as a friend to your profile. Many profiles on MySpace and Facebook are fake and may link to adult/pornographic websites. If a profile on your friends list contains inappropriate material, you may be considered a promoter or endorser of the inappropriate material.

9. Do not post contact information:

To ensure your privacy, do not post your home address, phone number, personal email address, or other private contact information on your profile.

10. Read the privacy policies of the social networking website:

MySpace and Facebook, along with all other social networking websites, have their own privacy policies. Neither MySpace nor Facebook guarantees that the information in your account can be 100% secure. MySpace and Facebook acknowledge that the possibility exists of unauthorized entry into your account. Thus, you create a profile and add content at your own risk.

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 their 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 round 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) **Educators Sex**

- 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 days 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 requests 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 nine. 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 just 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.