

**MAINTAINING PROFESSIONAL  
STAFF/STUDENT BOUNDARIES**

The purpose of this policy 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.

The Orcas Island School Board of Directors expects all staff members to maintain the highest professional, moral and ethical standards in their interaction with students. Staff members are required to maintain an atmosphere conducive to learning, through consistently and fairly applied discipline and established and maintained professional boundaries.

The interactions and relationships between staff members and students should be based upon mutual respect and trust, an understanding of the appropriate boundaries between adults and students in and outside of the educational setting, and consistency with the educational mission of the schools.

Staff members will not intrude on a student’s physical and emotional boundaries unless the intrusion is necessary to serve an educational or physical, mental and/or emotional health purpose. An educational purpose is one that relates to the staff member’s duties in the district. Additionally, staff members are expected to be sensitive to the appearance of impropriety in their own conduct and the conduct of other staff when interacting with students. Staff members will discuss issues with their building administrator or supervisor whenever they suspect or are unsure whether conduct is inappropriate or constitutes a violation of this policy.

The Orcas Island School Board of directors supports the use of technology to communicate for educational purposes. However, district employees are prohibited from inappropriate online socializing or from engaging in any conduct on social networking Web sites that violates the law, district policies or other generally recognized professional standards. Employees whose conduct violates this policy may face discipline and/or termination, consistent with the district’s policies, acceptable use agreement and collective bargaining agreements, as applicable.

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

<p>Legal References: RCW 28A.400 RCW 28A.405.470</p>	<p>Crimes against children Crimes against children - Mandatory termination of certificated employees - Appeal - Recovery of salary or compensation by district.</p>
<p>RCW 28A.405.475</p>	<p>Termination of certificated employee based on guilty plea or conviction of certain felonies - Notice to superintendent of public instruction - Record of notices.</p>
<p>RCW 28A.410.090</p>	<p>Revocation or suspension of certificate or permit to teach - Criminal basis - Complaints - Investigation - Process.</p>
<p>RCW 28A.410.095</p>	<p>Violation or noncompliance - Investigatory powers of superintendent of public instruction - Requirements for</p>

RCW 28A.410.100	investigation of alleged sexual misconduct towards a child - Court orders - Contempt - Written findings required. Revocation of authority to teach - Hearings.
WAC 181-87	Professional Certification - Acts of Unprofessional Conduct
WAC 181-88	Sexual Misconduct, Verbal and Physical Abuse - Mandatory Disclosure - Prohibited Agreements

**Adoption Date:4.10**  
**Orcas Island School District #137**

**Classification: Priority**

**ORCAS ISLAND SCHOOL DISTRICT**  
**Administrative Protocols**  
**for Dealing with Inappropriate Behavior by Adults with Students**

**The Site Administrator's Role**

The site administrator's role in dealing with inappropriate behavior by adults with students is three-fold: first, act as a positive role model in your interactions with children; second, yearly remind staff of their duties as outlined in district protocols for staff; and third, eradicate behavior which lacks legitimate educational reason that could appear to be "grooming" behavior by adults.

• **It is important that you complete an annual review of the district's sexual harassment policies and protocols with all staff.** *Include a discussion with staff concerning what constitutes appropriate and inappropriate boundary invasion with students, in what situations, specific to the ages of the students attending the school.*

• Many inappropriate boundary invasion incidents can be best handled at the building level following the district's standard investigation and progressive discipline procedures. Building Administrators need to be cognizant no matter how minor an incident may appear all reports should be handled in the same consistent manner. *It is never clear when an investigation of a minor or small offense may lead to the uncovering of a grievous or criminal wrongdoing.*

When you receive any report of problem behavior by a staff member or adult, it is important that you collect the following information and document if possible:

- What happened (in as much detail as possible)
- What was said and by whom was it said
- When and for how long has the behavior occurred
- Names of witnesses
- Any other problems or suspicions in the past

Caution the person making the report to maintain confidentiality, although a child abuse report should be made if such a report is warranted.

Thank the person for making the report and remind and direct him/her to maintain absolute confidentiality concerning the matter so that it may be properly looked into.

Unless imminent harm is about to occur with a child, first notify the superintendent of the situation to discuss how to proceed.

In coordination with the District Office, implement the agreed upon plan for addressing the situation.

Maintain confidentiality yourself. Do not discuss the matter with staff, students or their parents.

Refer all inquiries from the media or the public to the superintendent

Refrain from saying “no comment” if the press calls. Merely refer the inquiry to the District Office.

If any educator has reasonable cause to believe that a child has suffered abuse or neglect, that educator must make a report of this concern at his or her first opportunity, but in no case later than within 48 hours. Generally report intrafamily abuse to Child Protective Services and other abuse to law enforcement.

If appropriate, inform the parent of the situation after discussing the matter with the proper person at the District Office. This is not applicable if the parent is the abuser.

### **District Office Administration’s Role**

- Upon receiving a report of grievous or illegal action from site administration or a staff member, the appropriate District Office person should make the following notifications:
  - Superintendent for all serious situations
  - The District’s Title IX officer, if that person is someone other than you or the Superintendent.
  - The District’s Special Ed Director, if the child is in special education and for some reason the child’s classes or placement may need to be changed.
  - The Washington Schools Risk Management Pool (WSRMP) Director of Claims, Deborah Callahan (206) 394-9727 or (800) 488-7569
  - Site principal if a staff member has called and it is appropriate to involve the site principal
  
- Upon receiving word of the matter, the Title IX Officer shall immediately review his/her files to determine if there have been any past problems with the employee which would be relevant.
  
- The Director of Human Resources shall review the staff member’s personnel file, looking for anything which memorializes similar prior problems. The information obtained should be provided to the Superintendent or his/her designee who is handling the matter.

- In all serious situations, or situations where it is difficult to determine how to proceed, work with WSRMP.

NOTE: Experience, judgment, and common sense will determine whether you are dealing with a “serious situation.”

Anytime the situation is such that an educator thinks Child Protective Services or the police should be contacted, and the alleged abuser is a District employee, it is a serious situation. Anytime a person is engaging in repeat misconduct which could be construed as sexual grooming, it is a serious situation. In such situations, guidance is mandatory from the District Office.

- Such a plan of action normally involves the following:
  - An investigation to accurately determine the facts. If the police are investigating, you may need to defer your investigation until they are finished.
  - Regardless of whether the police have investigated, the District has an independent duty to investigate.

NOTE: In serious situations involving allegations of an adult-to-child misconduct, the District should consider using an outside person to investigate the allegations. The WSRMP can be useful in making this determination. However, if in-house people are to be used to investigate, follow the guidelines below.
  - Informing the parent of the situation: It is normally best not to delay informing the parent. Often the principal is the best person to do this.
  - If any educator has reasonable cause to believe that a child has suffered abuse or neglect, that educator must make a report of this concern at his or her first opportunity, but in no case later than within 48 hours. Generally report intrafamily abuse to Child Protective Services and other abuse to law enforcement.
  - At the very beginning, a District Office level decision must be made whether to place the employee on administrative leave. Such leave must be paid administrative leave.
  - Document the results of the investigation. Such documentation should always be

placed in a file in the Title IX office so that the District may maintain an institutional memory of the situation. Such information should also be placed in the employee's personnel file, in accordance with current laws which supersede bargaining agreements.

- Either written discipline or a written clarification and reminder should occur. At the very least, a letter should also be placed in the employee's personnel file. Depending on the situation, the letter may be one of reprimand and direction or a reminder on how to conduct oneself appropriately around children. This letter should memorialize that an investigation took place, the conclusion of the investigation, and any direction or directives given to the employee.

- In many situations it is appropriate to address the issue in the employee's normal written evaluation.

- In some situations, discipline beyond a letter of reprimand is warranted, up to and including termination. Normal District discipline policies would be followed in such cases.

- Create and maintain an Institutional Memory of the misconduct. If the misconduct occurs again, those dealing with the future misconduct will be able to more adequately assess the extent of the employee's problem. Institutional memory may be created by forwarding a copy of any letters of reprimand or clarification, as well as any other discipline to the following:

- The employee's personnel file
- The site principal
- The Title IX officer

- If for some reason a Collective Bargaining Agreement allows negative materials to be removed from a personnel file at a future date, the removed material should be forwarded to the Title IX Officer for permanent maintaining.

**NOTE:** <sup>4</sup> In some situations this would violate RCW 28A.400.301 discussed below. It would therefore be worthwhile to change the language of such provisions through negotiations.

- All responses to media should be through one spokesperson for the District, normally the Superintendent.
- Please also see below regarding job references and written agreements relating to individuals who have engaged in abuse or sexual misconduct with children.

## **In-House Investigation Guidelines**

Because of the frequent threat of litigation in such situations, it is recommended that an outside investigator be used to investigate allegations of sexual misconduct with students.

When an in-house investigation is to be conducted, the following guidelines apply:

- The person investigating should be independent from the incident, without any agenda or bias. The person should be trained in conducting such investigations
- Begin investigating as soon as possible after making the determination with the District Office that an in-house investigator will be used.

- *Initial Interviews:* Generally it is best to interview people in the following order:

- o Interview the person making the report first
- o Next, witnesses or potential witnesses
- o Then the child/children who may be the victim(s)

NOTE: Parental permission should be obtained to conduct the interview. Sometimes a parent will want to be present during the interview.

- o After that, one should consult with the District Office to determine what to do next. Options at this point would likely include:

Follow-up or additional witness interviews

McGrath “Environmental Scan” interviews

NOTE: These are interviews with a random sample of other students on general Issues about the school, conducted in a manner which will provide the opportunity for children to share whether anything has been happening to them which causes them to feel uncomfortable.

### **Interview the accused**

- *Interview Technique:* Ask general questions, rather than leading questions, especially with children. Do not ask leading questions with younger children. Let them provide you with the information. Do not provide them with information in your questions. Otherwise there may be a question of whether what they are telling you is what they remember or what has been suggested to them. When interviewing a potential victim, always find out how the person felt about what happened. Try to determine the impact of the conduct on any victim.

- *Confidentiality:* Each witness should be informed that they are to maintain confidentiality about what they have been questioned about. Parents of child witnesses should be informed about the interview of their child prior to the interview in situations where this is feasible in case the parent wishes to be present for the interview. In other situations, another adult whom the child trusts may be present if the child wishes during the interview.

- *The Accused's Interview:*

Before the interview, inform the person of their right to have *their* union representation at their meeting since the matter being discussed could have potential disciplinary ramifications. In this regard, review the Collective Bargaining Agreement to determine whether there are any special rules for such an interview.

Have two administrators present for the interview, the person asking the questions and a second administrator familiar with the situation who will take careful and meticulous notes.

Proceed with carefully planned questions, using mostly general questions to obtain as much information as possible. Follow up questions can be more specific, focusing on specific facts in the accused staff member's earlier responses.

It is very important in questioning to ask the hard and tough questions and to ask follow-up questions where answers are not completely clear so that the interviewer has a clear picture of what happened.

- *Document the Investigation:* It is best to document what each person interviewed shared in an investigation report. If anything, other than factual findings is to be included in the report, District Office should approve. However, in all situations where it is concluded that the staff member did not do anything which would constitute misconduct or inappropriate behavior, that conclusion must be explicitly stated in the investigation report, along with the reasons for reaching the conclusion.

- Either in the investigation report or separately, discussion should take place amongst the key administrators and investigator to arrive at conclusions regarding the matter. In arriving at conclusions, one should not decide that conclusions can not be reached merely because it is one person's word against another's. If it is possible, decide who you think is telling the truth.

- Follow procedures as outlined in "District Office Administration's Role" and proceed from there through the disciplinary or reminder process, as well as creating institutional memory of the matter.

### **Superintendent's OSPI Reporting Responsibilities**

When the Superintendent believes that s/he has sufficient reliable information that a certified employee within the District is not of good moral character, or is not personally fit, or has committed an act of unprofessional conduct, then the Superintendent must within a reasonable period of time of obtaining such information, make a written

complaint to Superintendent of Public Instruction concerning the matter. If the District is considering action to discharge the employee in question, the District Superintendent need not file such a complaint until ten calendar days after making the final decision to serve or not serve formal notice of discharge. (WAC 181-86-110.) Such a written complaint shall state the grounds and summarize the factual basis upon which a determination has been made that an investigation by the Superintendent of Public Instruction is warranted. (WAC 181-86-110.)

### **Written Agreements and Reference Calls**

RCW 28A.400.301 prohibits the Board or any official of a school district from entering into any collective bargaining agreement, individual employment contract, resignation agreement, severance agreement, or any other contract or agreement “that has the effect of suppressing information about verbal or physical abuse or sexual misconduct by a present or former employee or of expunging information about that abuse or sexual misconduct from any documents in the [District’s] personnel, investigative, or other files relating to verbal or physical abuse or sexual misconduct by the [employee].”

In answering reference call questions about employees who have engaged in misconduct, the person taking the call may not take action that has the effect of suppressing information about verbal or physical abuse or sexual misconduct by a present or former employee. While it is permissible to refer all calls concerning a particular employee to a prearranged District spokesperson, that person must candidly abide by RCW 28A.400.301.

## Orcas Island 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 invasion behaviors engaged in by school employees, which are inappropriate or have questionable educational benefit, are prohibited.**

#### **Applicable Laws**

Code of Professional Conduct Chapter 181-87 WAC

And

Washington State law, RCW 28A.400.317 Physical abuse or sexual misconduct by school employees — Duty to report — Training,  
*which states;*

(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 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 (i.e., 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.
- Giving gifts or money to the student.
- Engaging in peer-like behavior with students.
- Touching students for no educational or health reason, i.e. being overly “touchy”.

her physical contact including when the student does not want this attention.

- 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.
- Engaging in talk with students containing sexual innuendo or banter.
- Telling sexual jokes to students.
- Talking with a student about sexual topics that are not related to a specific curriculum.
- Showing pornography to the student.
- Giving students rides in staff member's personal vehicle.
- Using e-mail, text-messaging, social networking sites, or instant messaging to contact and/or discuss personal topics or interests with students.
- 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. Refer students who need emotional or other support to appropriately trained staff such as counselors. Staff can be caring while maintaining an appropriate level of professional decorum.

2. *Report the Concern:* If a staff member observes any adult engaging in the behaviors described above with students, or in other behaviors which raise concerns, inform your principal or the appropriate person at the District Office at your earliest opportunity.

NOTE: Make your report to the appropriate administrator, but do not make the report to an administrator who is involved in the conduct in question.

- 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.
- c. 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.
- d. If you desire, and it is possible and appropriate, confidentiality will be maintained about the report to administration.
- e. 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 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.

5. Any questions about anything related to this process may be referred to your site principal or the District’s Title IX Officer.

Board Policy References:

6590 Sexual Harassment and 3421 Child Abuse Reporting

Legal References: RCW chapter 26.44 (Child Abuse Reporting)

RCW 26.44.030, RCW 28A.400.301 (Information on Past Sexual Misconduct)

WAC 181-86-100 (Supt.’s OSPI Reporting Duties), WAC 181-86-110 “

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**Applicable Laws**

Code of Professional Conduct Chapter 181-87 WAC  
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:

Barbara Kline

360 376 1501 Office Number

[bkline@orcas.k12.wa.us](mailto:bkline@orcas.k12.wa.us)

***ORCAS ISLAND  
SCHOOL DISTRICT***

**IDENTIFYING  
AND  
PROHIBITING  
INAPPROPRIATE  
BOUNDARY INVASION**

- 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.
- Engaging in talk with students containing sexual innuendo or banter.
- Telling sexual jokes to students.
- Talking with a student about sexual topics that are not related to a specific curriculum.
- Showing pornography to the student.
- Giving students rides in staff member's personal vehicle in a nonemergency situation.
- Using e-mail, text-messaging, social networking sites, or instant messaging to contact and/or discuss personal topics or interests with students.
- Invading the student's privacy (e.g., walking in on the student in the bathroom).
- Or any combinations of the above or similar conduct.

- Taking an undue interest in a student (i.e., 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.
- Giving gifts or money to the student.
- Engaging in peer-like behavior with students.
- Touching students for no educational or health reason, i.e. Being overly "touchy".
- Hugging, kissing, or other physical contact including when the student does not want this attention.
- 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 students to the teacher's personal home.