

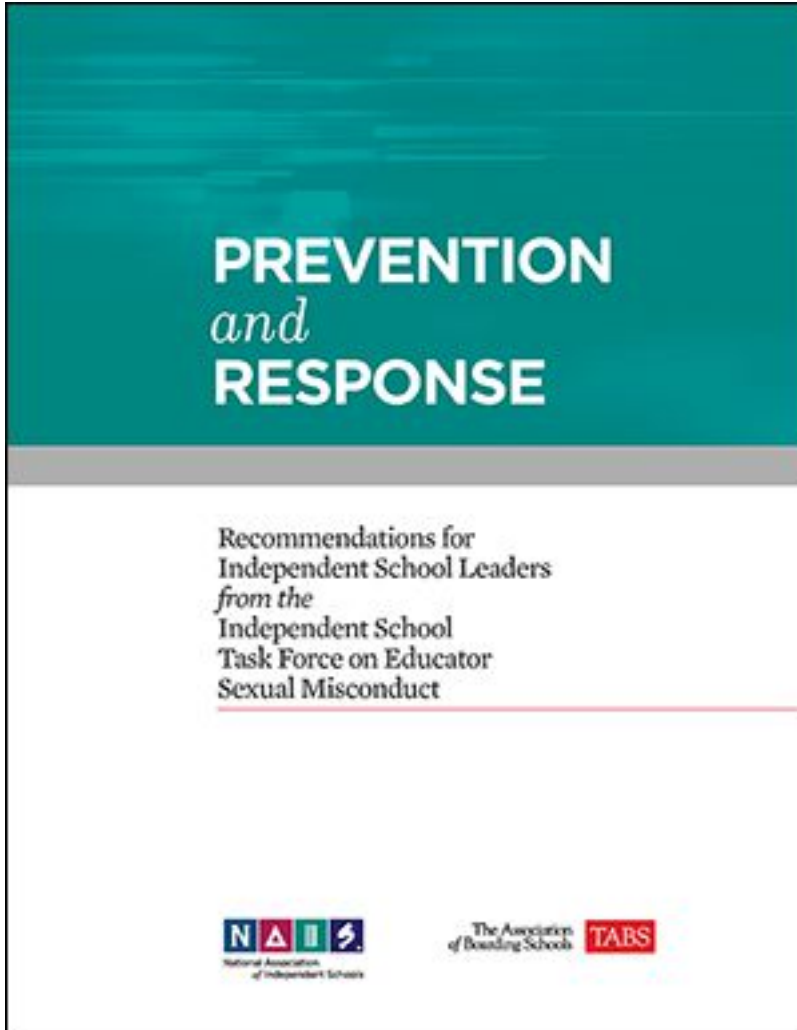
HR Management  
**Child Protection Workshop**  
December 6, 2019



Prevention and Response  
Educator Sexual Misconduct

## **Today's Workshop Objectives**

- (1) Increase participants human resource leadership capability to prevent & respond to educator sexual misconduct;
- (2) Actively engage participants in the recommendations outlined in the NAIS Prevention and Response Report and ACIS Accreditation Requirements;
- (3) Share legal implications and best practices; and,
- (4) Equip leaders with a deeper understanding in drafting legally sufficient letters of discipline, knowing critical components in your employee handbook, and issues surrounding employee reference checks.



## **The National Concern**

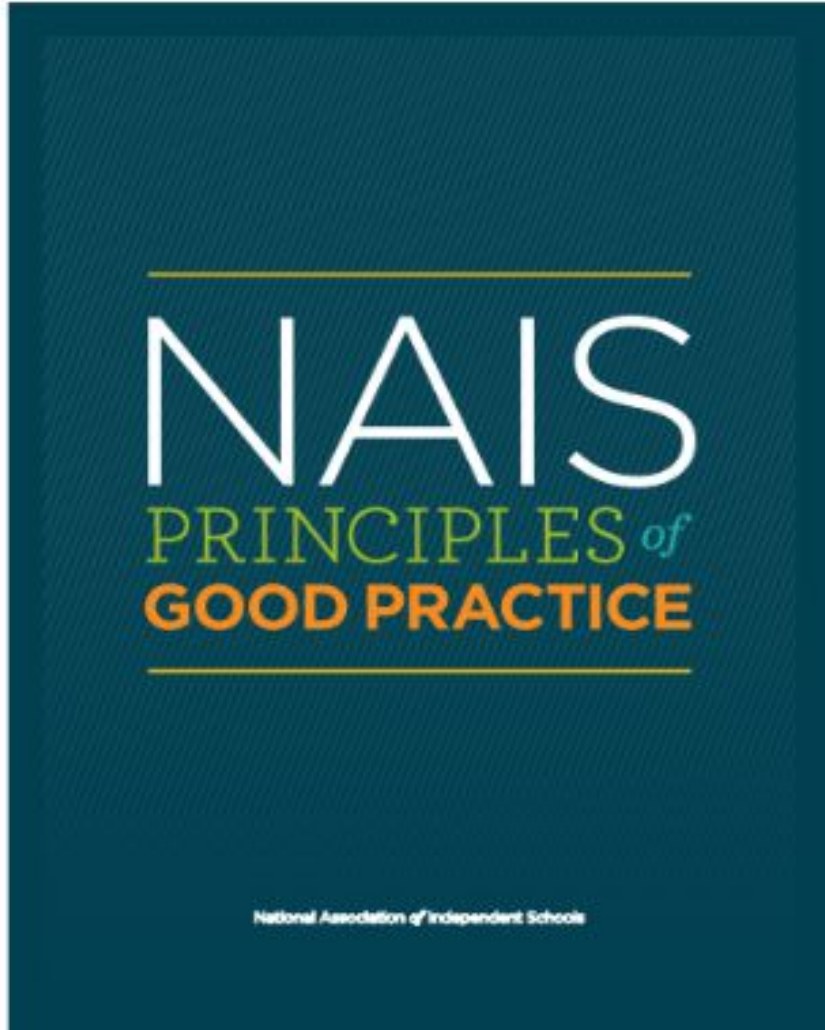
National research suggests that nearly 1 out of 10 students in the United States will experience at least one incident of educator sexual misconduct between kindergarten and graduation from high school.

## **The Imperative of Leadership**

Strong leadership is needed across the independent school sector to prevent educator sexual misconduct.

## **Independent School Task Force Study**

The overarching imperative is that schools act deliberately and decisively to keep students safe. Prevention and response recommendations are provided to build a culture of student safety.



## **ACIS Relevant Accreditation Standards**

**B5. POSITIVE ENVIRONMENT:** The school shall be attentive to the quality of life of all members of the learning community and take appropriate actions to sustain a positive learning and social environment.

**B8. CHILD PROTECTION:** The school has policies and practices designed to safeguard students from physical/psychological abuse and sexual misconduct by school employees, independent contractors, and volunteers.

Does the school have clear and well-implemented policies and practices for preventing sexual misconduct and other forms of physical/psychological abuse, including provisions for establishing clear professional boundaries?

Are there any improvements that seem necessary or beneficial to improve child protection?

Does the school have clear and well-implemented policies and practices for responding to allegations or incidents of sexual misconduct or physical/psychological abuse? Are there any improvements that seem necessary or beneficial to improve child protection?

## Research Brief

*“A nationwide study of school superintendents, principals, child sex abuse experts, and attorneys who prosecute or defend school sex abusers identified 100 actions in five categories that they believe, with 80% or more agreement, would lead to prevention and/or reduction of child sexual abuse by employees in schools. The categories are policies, hiring, training, supervision, and reporting. Most of these actions there were identified are already part of the expected practice in schools but may not be carried out.”*

NAIS Prevention and Response Report



## Prevention Recommendations

### 1. Delineate Responsibility for Overseeing Child Protection and Risk Assessment

As a fundamental step in building a culture designed to prevent educator sexual misconduct, every school should ensure an individual or team is charged with addressing the risks associated with educator sexual misconduct.

Guiding Question: Who is charged with child protection and risk assessment in our school?

### 2. Establish and Update Written Protocols

Every school should have a written plan that addresses student safety protocols. Consideration should be given to hiring an outside consultant or legal counsel to assess the approach and to audit policies, practices, and procedures.

Guiding Questions:

- Do we have a written plan?
- Would it be beneficial to secure a 3rd party for review and guidance?

## 3. Establish Policies for Clear and Appropriate Professional Boundaries Between Students and Adults

Policies should be specific to sexual misconduct and abuse; it will not be tolerated. Policies or a code of conduct should be clear, monitored and enforced. Critical components include:

- Interactions Between Students and Adults: Interruptible and Observable
- Physical Contact: Tickling, Hugging, Wrestling, Etc.
- Physical Spaces: Risks
- Technology: Texting, Telephone, Social Media, Records Retention

Guiding Question:

- Does our policy language and code of conduct address these safety components?



Are  
interactions  
interruptible  
and  
observable?



## Do:

- Start the conversation.
- Avoid peer-like interactions.
- Rethink your social media practices.
- Know that far more often than not, it was a respected, well-known, attractive young teacher who crossed the line of propriety with a student, not a “creepy” or “weird” teacher.
- Speak up! Hold people accountable.
- Adopt a Stop-Look-Listen-Act culture.

Insights: After 3:00 pm

Kurt Michael Brundage, M.Ed.

Unlawful Teacher-Student Relationship Activist



## 4. Create and Maintain an Internal Reporting and Evaluation System

### Evaluation

Behavioral standards, often referred to as a code of conduct, should outline expectations for professional behavior. These standards should provide guidelines for staff, students, parents, contractors, and volunteers.

### Guiding Questions:

- To what degree are behavioral standards articulated?
- Is there alignment between staff and family handbooks?
- Do staff, contractors, and volunteers acknowledge these in writing?

### Internal Reporting and Tracking

Schools should have an internal reporting system that allows anonymous or confidential reporting of boundary violations or suspicions of boundary violations.

Guiding Questions: What are the reporting mechanisms? Are staff trained to respond?

## 5. Conduct Rigorous Screening for Potential New Hires

### Research Brief

*“The factors that keep sexual offenders in schools:*

- *Official allowed teachers who had engaged in sexual misconduct to resign rather than face disciplinary action.*
- *Schools did not perform pre-employment criminal checks.*
- *Even if checks were performed, they were not adequate in that they were not national, fingerprint-based, or recurring.*
- *Schools failed to inquire into troubling criminal information on applications.”*

### The Right Interview Questions

*“To the best of your knowledge, have you ever...*

- *been the subject of an abuse or sexual misconduct investigation...*
- *been disciplined, non-renewed, discharged from employment while allegations of abuse or sexual misconduct were pending...*
- *had a license, professional license or certificate suspended, surrendered, or revoked while allegations of abuse or sexual misconduct were pending...”*

## 6. Provide Regular Training About Preventing Sexual Abuse

School employees should be provided regular training to prevent and report abuse. Adults responsible for off-campus events and overnight trips should be trained.

### Guiding Questions:

- What training has been provided to staff in the prevention of sexual abuse?
- What are the guidelines for off-campus events and overnight trips?
- Is this “OK” exercise?

## Sexual Predators Groom 3 Audiences:

### 1. **Child’s Environment**

Offender needs access to a pool of potential victims.

### 2. **The Child**

Offender forms a bond with a vulnerable victim. The child’s resistance to offensive behavior is reduced.

### 3. **The Adult’s Environment in the School**

Offender engages teachers, administrators, and others so that the time spent with a student is not seen as unusual.

## 7. Establish Procedures to Respond to, Report, Record and Track Reported or Suspected Cases of Sexual Misconduct

### Colorado Mandatory Reporting of Child Abuse and Neglect (co4kids)

A mandatory reporter is defined as a professional who is obligated by law to report known or suspected incidents of child abuse and/or neglect. Mandatory reporters are part of the safety net that protects children and youth and have the ability to provide lifesaving help to child victims in our community. Any person specified in C.R.S. 19-3-304 is by law a mandatory reporter in Colorado. If a mandated reporter has reasonable cause to know or suspect that a child has been subjected to abuse or neglect, or observed the child being subjected to circumstances or conditions that would reasonably result in abuse or neglect, the mandatory reporter shall immediately upon receiving such information report or cause a report to be made of such fact to the county department, the local law enforcement agency, or through the child abuse reporting hotline system.

#### Guiding Questions:

- Do staff understand their mandatory reporting role and know how to report?
- Do handbooks provide reporting information?
- What resources would need to be secured – investigation, pediatrician, counselor?

## 8. Identify a Team to Respond to Allegations of Misconduct

Guiding Question:

- Do we have a team to respond to reports or suspicions of child abuse?  
(Head of School, board chair, other officers, legal counsel, other division heads, school counselor, etc.)

## 9. Evaluate the School's Insurance Policies Regarding Educator Sexual Misconduct

Guiding Questions:

- Is there sufficient insurance policies to cover an event of educator sexual misconduct?
- Is there benefit in having a 3rd party evaluate the comprehensiveness of the insurance policy?

## Response Recommendations

### 1. Know and Follow the Law, Without Exception

- Protect the integrity of law enforcement.
- While a school may need to gather information to determine reasonable cause to suspect abuse, it should not interview a minor who discloses abuse. Contact the authorities.
- Refrain from notifying the accused adult.

### 2. Respond Quickly and Compassionately

- No matter how long ago the abuse may have occurred, respond quickly and compassionately.
- Unless clearance has been provided by child protective services or law enforcement, do not interview students or witnesses.
- In speaking with a minor, do not provide language for the child or teen to describe what happened.

### 3. Listen and Respond with Empathy

- Listen for details and what help the person may need.

### 4. Follow School Procedure to Deal Promptly and Equitably with a Person Accused

- Work with law enforcement to interview the accused.
- Do not dismiss an allegation as a false complaint.

### 5. Conduct an Appropriate, Prompt Investigation

- Plan the investigation.
- Document the investigation.





## 6. Retain an Outside Investigator With Subject-Matter Expertise to Investigate Allegations of Abuse When Needed

- Understand law enforcement/child protective services investigates first.
- Consider retaining an outside investigator as it reassures survivors and the public that the school genuinely cares.

## 7. Plan How Information Will Be Shared with the Community

- Determine what can and cannot be shared.

## 8. Communicate with Transparency

- Know transparency and authenticity send the message of a school's trustworthiness.
- Have legal counsel and crisis communication experts review communications.

## 9. Help Survivors Heal

## 10. Support the Community After the Allegation

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Lessons Learned: Your Experiences

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HR Know What and How

## 1. Is this a Hostile Work Environment?

“Harassment is unwelcome conduct that is based on race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability or genetic information. Harassment becomes unlawful where 1) enduring the offensive conduct becomes a condition of continued employment, or 2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.”  
EEOC

## 2. Is there a policy and procedure to provide for Reasonable Testing?

The Head Master or designee may require any employee within the (name of school) to submit to a physical or mental examination, when he/she has reasonable suspicion to believe: the welfare of the employee, students or other employees justifies such examination; or that the employee’s ability to perform his or her duties is impaired due to physical or mental reasons.

(Name of School) will pay the cost of the examination which shall be conducted by a physician of the (Name of School). Any such tests shall be conducted at any hospital, clinic, or facility properly equipped to administer such tests and shall be performed by any doctor, nurse or technician properly qualified to administer such tests. Following the examination, a written report shall be issued by the physician. The failure or refusal of an employee to submit to any test required shall constitute insubordination, and shall result in immediate suspension without pay, and termination of employment being recommended to the (Name of Board).

### **3. Is the policy clear that non-exempt employees must have overtime pre-approved? Is there a practice to monitor overtime?**

All positions will be designated either “exempt” or “non-exempt.” Non-exempt positions are eligible for overtime pay for any hours worked in excess of 40 hours in one workweek. ‘Hours worked’ is defined as hours actually worked and excludes any time off (vacations, sick time, holidays or school closures). Please be advised that a manager must approve working in excess of 40 hours prior to the work being done. Nonexempt employees must take a full 30-minute lunch period. Notify your supervisor immediately, if your lunch is shorter than 30 minutes or if your lunch is interrupted by work.

### **4. Do employees sign that they have read and understand their terms of employment and policies?**

I acknowledge that I have received a copy of the (Name of School, school year) employee handbook and understand that I am responsible for knowing and abiding by the contents.

### **5. What policy is appropriate to address political activities?**

No employee of the (name of school) shall use his/her position or the facilities to promote political objectives. In teaching curriculum and promoting critical thinking, providing balanced viewpoints advances learning.

**FRISK™ is an acronym for the universal components which should be used in verbal and written communications whereby correcting employee actions. The easy to understand acronym is as follows:**

**F** = Facts

**R** = Rule

**I** = Impact

**S** = Suggestions/ Directions for Improvement

**K** = Knowledge

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Thank you for attending!