

Personnel

MAINTAINING APPROPRIATE ADULT-STUDENT INTERACTIONS

The Board of Education desires to provide a positive school environment that protects the safety and well-being of District students. The Board expects all adults with whom students may interact at school or at school-related activities, including employees, independent contractors, and volunteers, to maintain the highest professional and ethical standards in their interactions with students, both within and outside the educational setting. Such adults shall not engage in unlawful or inappropriate interactions with students.

(cf. 4119.21/4219.21/4319.21 - Professional Standards/Code of Ethics)

Prohibited Conduct

While the Board recognizes that building relationships with students is foundational to the learning process, adults must remain vigilant of their position of authority and not abuse their position when interacting with students. Adults shall not intrude on a student's physical or emotional boundaries unless necessary in an emergency or to serve a legitimate purpose related to the instruction, counseling, or concern for the health and safety of a student.

The following is a non-exhaustive list of conduct that is prohibited by this policy:

1. Engaging in grooming behaviors, including but not limited to the following, with the intent of gaining a student's trust and ultimately engaging in sexual activity with the student:
 - a. Initiating or creating opportunities to be alone with the student, unrelated to instruction, counseling, or concern for the student's health and safety; and
 - b. Singling out a particular student for personal attention and friendship, to the exclusion of others or to a disproportionate degree, including but not limited to granting special privileges to the student such as addressing the student with terms of endearment, engaging in overly personal conversation, giving gifts, providing rides to and from activities, and home visits unrelated to a legitimate purpose and without the parent/guardian's knowledge and/or consent.
2. Engaging in or attempting to engage in a romantic and/or sexual relationship with any student, including but not limited to sexual advances, flirtations, requests for sexual favors, unwelcomed comments about a student's body or appearance, or any other verbal, visual, or physical conduct identified and prohibited by District Board Policy/Administrative Regulation 5145.7 "Sexual Harassment."

(cf. 5145.7 - Sexual Harassment)

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3. Using electronic communication (i.e., email, google classroom, social media platforms, etc.), whether District owned/issued or personal, to initiate or maintain personal contact with a student, unrelated to instruction, counseling, or concern for the student's health and safety.

(cf. 4040 - Employee Use of Technology)

Notice

The District's employee code of conduct addressing interactions with students shall be provided to parents/guardians at the beginning of each school year and shall be posted on school and/or District websites. (Ed. Code § 44050.)

(cf. 1113 - District and School Websites)

(cf. 5145.6 - Parental Notifications)

Reporting Prohibited Conduct

Any act constituting a violation of this policy must be appropriately reported in compliance with the Child Abuse and Neglect Reporting Act ("CANRA") (Penal Code §§ 11164-11174.3), as a form of child abuse and/or neglect, and in accordance with Title IX of the Education Amendments of 1972 ("Title IX") (20 U.S.C. § 1681 *et seq.*), as a form of sexual harassment.

CANRA

Pursuant to CANRA, persons identified as "mandated reporters" (i.e., all District employees) are required to report known or reasonably suspected child abuse or neglect, including the prohibited conduct that is identified in this policy. Any "mandated reporter" who observes or has reasonable suspicion of an adult's violation of this policy, or any other child abuse or neglect, shall promptly report the information in accordance with CANRA.

1. Initial Telephone Report

Immediately or as soon as practicable after knowing or observing suspected child abuse or neglect, a mandated reporter shall make an initial report by telephone to Sacramento County Child Protective Services (Sacramento County CPS) (916) 875-5437 (875-KIDS) to report the incident and receive a report number. A report can also be made to any police department (excluding a school district police/security department), sheriff's department, county probation department if designated by the county to receive such reports, or county welfare department. (Penal Code 11165.9, 11166.)

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When the initial telephone report is made, it is recommended that the mandated reporter note the name of the official contacted, the date and time contacted, and any instructions or advice received.

2. Written Report

The mandated reporter shall also then follow up with a written report to Sacramento County CPS within thirty-six (36) hours. This can be done by filling out the appropriate form on Sacramento County CPS's website.

(cf. 5141.4 - Child Abuse Prevention and Reporting)

TITLE IX

All District employees are considered "Responsible Employees" under Title IX and have a duty to report sexual misconduct, including the prohibited conduct identified above, to the Title IX Coordinator or designee. Employees are required by law and District policy to report *all relevant information* that is known to the employee regarding the alleged sexual misconduct to the Title IX Coordinator, including the name(s) of the complainant(s), respondent(s), and any witnesses; contact information for those individuals; the time, date and location of the incident(s); the nature of the misconduct; and any other relevant information. Reports of alleged sexual misconduct should be immediately, or as soon as practically possible, to the Title IX Coordinator or designee.

All other individuals with actual knowledge or a good faith belief that this policy has been violated, are highly encouraged to report the violation to the Title IX Coordinator or designee.

The Superintendent or designee shall protect any individual who reports a violation of this policy, from retaliation. Immediate intervention shall be implemented, when necessary, to protect student safety or the integrity of an investigation.

(cf. 1312.1 - Complaints Against Employees)

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 5145.71 - Title IX Sexual Harassment Complaint Procedures)

(cf. 5141.4 - Child Abuse Prevention and Reporting)

Discipline for Engaging in Prohibited Conduct

Employees who engage in any conduct violating this policy, including retaliation against an individual who reports a violation or participates in the complaint process, shall be subject to discipline, up to and including dismissal. Any other adult who violates this policy may be barred from District property and District sponsored activities in accordance with law. The

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Superintendent, Title IX Coordinator, or their respective designees may also notify law enforcement as appropriate.

(cf. 4117.7- Employment Status Reports)

(cf. 4118/4218 - Dismissal/Suspension/Disciplinary Action)

Training

All District employees shall participate in trainings provided by the District, that incorporate the topic of appropriate adult-student interactions in accordance with the law. The trainings will be developed and provided by the District. Current employees will be trained annually, and new employees will be trained upon employment. The trainings shall include information regarding identification, prevention, and addressing sexual misconduct, including but not limited to sexual harassment, sexual grooming, and sexual assault. The trainings shall also include suggestions to help employees avoid situations which could be damaging to their reputation or career.

Legal Reference:

EDUCATION CODE

44030.5 Employment status reports

44050 Employee code of conduct; employee interactions with students

44242.5 Reports and review of alleged misconduct

44940 Sex offenses and narcotic offenses; compulsory leave of absence

48980 Parental notifications

PENAL CODE

11164-11174.3 Child Abuse and Neglect Reporting Act

CODE OF REGULATIONS, TITLE 5

80303 Reports of change in employment status, alleged misconduct

80304 Notice of sexual misconduct

Policy

Adopted: March __, 2022

**ELK GROVE UNIFIED SCHOOL DISTRICT
Elk Grove, CA**