

Re: Adult Sexual Misconduct
Date: October 3, 2012
From: Paul Apostle, Assistant Superintendent for Human Resources

I. INTRODUCTION

The Seattle School District ("District") expects all staff, volunteers, and contractors who work with our students or in our schools to set examples for students in terms of appropriate conduct and behavior. Students are best served by a school climate that is both welcoming and professional with very clear standards of conduct. All adults in the school setting share responsibility in creating a safe learning and teaching environment that is free from adult misconduct, including adult sexual misconduct and boundary invasions.

II. DEFINITION

It is inappropriate for staff, volunteers, and contractors to engage in any type of sexual behavior with students. Sexual behavior includes:

1. Any sexually exploitive act with or to a student. Sexually exploitive acts with or to a student include, but are not limited to the following:
 - a. Any sexual advance, verbal, written, or physical;
 - b. Sexual intercourse;
 - c. Sexual contact, i.e. the intentional touching of the sexual or other intimate parts of a student except as approved, necessary, and appropriate to attend to the hygienic or health needs of the student;
 - d. Any acts determined to be part of the phases of exploitation including trolling and testing, grooming, exploiting and lulling behaviors for the purposes of establishing or maintaining a sexual relationship;
 - e. Encouraging a child to engage in prostitution or other sexual activity; and/or
 - f. Participating or distributing pornographic photography or video production.
2. Indecent exposure as defined by RCW 9A.88.010.
3. Sexual harassment as defined in School Board Policy 3208; RCW 28A.640; and Title IX.
4. Commission of a criminal sex offense as defined in RCW 9A.44.

III. PREVENTION/MITIGATION

RCW 28A.400.317 requires that certificated and classified school employees receive training regarding their reporting obligations under state law when hired and every 3 years thereafter.

IV. PREPAREDNESS

All staff who have contact with students (or supervise staff with student contact) will receive training on adult sexual misconduct when hired. The training will include this guideline, recognizing the phases of exploitation and abuse, appropriate professional boundaries, and reporting child abuse or neglect under RCW 26.44. The District will provide review trainings for staff on this topic every three years.

V. RESPONSE

A. Complaint Process

Some adult behaviors must be viewed in context or as part of a pattern of behavior before it can be determined if adult sexual misconduct has occurred. Therefore, all suspected sexual misconduct behaviors and boundary invasions (School Board Policy 5253 and 3421) **must be immediately reported to the appropriate school administrator**. The appropriate school administrator is required to immediately contact the appropriate Human Resources (“HR”) Manager, the Building Principal, and Executive Director who will work collaboratively to determine how the complaint will be handled.

1. Administrative Investigation

If law enforcement or Child Protective Services (“CPS”) do not conduct an investigation, appropriate school administrators, with guidance from an HR manager, are required to investigate the report and review the context and pattern of behaviors. At a minimum, the administrative investigation will include separate interviews with the complainant or witness, other staff members or students who may have information about the incident, and the person alleged of wrongdoing, if appropriate. The appropriate school administrator and HR manager will review the report, previous complaints and pattern of behaviors, previous corrective feedback, and thereafter prepare findings. The appropriate school administrator and an HR manager, in consultation with the Office of the General Counsel, will determine if professional misconduct has occurred. The HR department will make a recommendation to the Superintendent and/or their designee as to appropriate sanctions if the allegations are substantiated. The Superintendent and/or their designee will impose any disciplinary action. Investigatory procedures and disciplinary measures will be applied in accordance with District policy and procedure and any applicable collective bargaining agreement. The person accused of wrongdoing has the right to seek representation.

2. Administrative Resolution

Staff may be disciplined in accordance with School Board policy 5281.

B. Child Abuse Reporting

Some adult sexual misconduct behaviors may be considered child abuse, sexual exploitation, or criminal behavior. All professional school personnel* who have reasonable cause to believe that a child has experienced abuse, neglect, or exploitation by any person are required to make an oral and/or submit a written report at the first opportunity and in no case longer than forty-eight (48) hours to CPS or law enforcement pursuant to School Board Policy 3421, Superintendent Procedure 3421SP, and RCW 26.44. In accordance with 3421SP, the District’s Safety and Security Department must also be notified.

**Professional school personnel is broadly defined as teachers, counselors, administrators (including departmental and area supervisors), school nurses, child care facility personnel, and other professional or certificated personnel.* Reporting suspected abuse to the appropriate administrator does not relieve professional school personnel from these reporting responsibilities and timelines.

Additionally, all District employees who have knowledge or reasonable cause to believe that a student has been a victim of abuse, neglect, or exploitation by any person shall immediately report such abuse, neglect, or exploitation to the appropriate school administrator. If the school administrator has reasonable cause to believe that the abuse, neglect, or exploitation has occurred, he or she shall report the incident to CPS or law enforcement in accordance with 3421 and 3421SP.

If a staff member is unsure about the reporting requirements specific to their position, they should contact their Principal/Supervisor, HR, Safety and Security, or Legal departments.

C. Parental Notification

The District shall, at the first opportunity, but in all cases within forty-eight (48) hours of receiving a report alleging abuse, neglect, or exploitation by a school employee against a student, notify the parents of the student alleged to be the victim, target, or recipient of the misconduct.

VI. IMMUNITY/RETALIATION

No school employee, student, or volunteer may retaliate against a victim, witness or other person who brings forward information about an act of adult sexual misconduct. Reprisal or retaliation is prohibited and will result in appropriate discipline. Persons found to knowingly report or corroborate false allegations will be subject to appropriate discipline.

VII. OTHER LAWS

Nothing in this guideline precludes individuals from exercising their rights under federal or state laws.

VIII. OTHER DISTRICT POLICIES AND PROCEDURES

Nothing in this guideline is intended to prohibit discipline or remedial action for inappropriate behaviors that do not rise to the level of adult sexual misconduct as defined herein, but which are or may be prohibited by other District or school rules.

IX. RECOVERY

The appropriate school administrator will implement appropriate plans that consider the emotional and professional needs of the school community including the student, family, and school staff. Any plan must follow the confidential and privacy rights of the employees, families, and students involved in the incident.



Paul Apostle
Assistant Superintendent for Human Resources

October 8, 2012

Date

Cross Reference:

- [Prohibition of Harassment, Intimidation and Bullying](#) 3207
- [Prohibition of Harassment Procedures - Adults](#) 3207SP.B
- [Prohibition of Harassment Procedures - Students](#) 3207SP.A
- [Sexual Harassment](#) - 3208
- [Sexual Harassment Complaint Procedures](#) – 3208SP
- [Anti Retaliation Policy](#) D51.00
- [Anti Retaliation Procedure](#) D51.01
- [Child Abuse Reporting Policy](#) 3421
- [Child Abuse Reporting Procedure](#) 3421SP
- [Maintaining Professional Staff Student Boundaries - Policy 5253](#)
- [Staff Disciplinary Action & Discharge - Policy 5281](#)

Legal References:

RCW 9A.88.010, RCW 9A.44, RCW 26.44, RCW 28A.400.317, RCW 28A.640