

Adult Sexual Misconduct

What All Staff Members Need to Know and Do



Adult Sexual Misconduct Training

By

Colorado School Districts Self Insurance Pool

Trainer Guide

Adult Sexual Misconduct Training

Introduction

Sexual misconduct is a tragic and too-common problem that continues to negatively impact schools. In addition to devastating victims, sexual misconduct can cast a permanent shadow over employees who failed to prevent or identify the misconduct. Sexual misconduct can also lead to a waiver of sovereign immunity under the Claire Davis School Safety Act, subjecting schools to additional liability above and beyond the significant liability already faced under federal law.

Having effective policies, practices and procedures in place can significantly minimize the opportunity for sexual misconduct to occur. A critical element of preventing sexual misconduct is employee awareness and training. This Adult Sexual Misconduct Training is designed to provide school personnel with tools to develop guidelines that will identify and prevent misconduct in a school environment. This training will also help identify the correct steps to take if misconduct has occurred.

Mission

The Mission of The Colorado School Districts Self Insurance Pool (CSDSIP) is to provide a user-friendly format to help develop guidelines to identify and prevent misconduct in schools.

CSDSIP Support

CSDSIP General Counsel Craig Hein is available to answer any questions and the CSDSIP Risk Control Staff are available to assist you in the development and review of your policies, practices and procedures.

Training Objectives

After completing Adult Sexual Misconduct training, you will be able to:

- ✓ Identify green, yellow and red light behaviors related to adult sexual misconduct
- ✓ Review district policies and procedures related to: adult sexual misconduct; field trips; transportation and toileting/personal care
- ✓ Recognize the phases of exploitation
- ✓ Know how to avoid allegations of misconduct
- ✓ Mandatory Reporting - know how to report and respond to known or suspected incidences of misconduct

Administrator Guide

The following concepts will be covered:

Green, Yellow and Red Light Behaviors

Identifying green, yellow, and red behaviors is a way to clarify questionable behavior. Green light behaviors are acceptable. Some examples are:

- Humor and friendly comments
- Compliments that are not overly personal
- Offers of assistance
- Talk to all students in a consistent manner
- Treat all students in a consistent manner
- Do not spend a majority of your time with one student or a single group of students
- Touch all students in a consistent manner
- Safe touch areas include: head, shoulders, upper back, arms and hands
- When alone with a student, make sure the door to the room is open and ensure you are in plain sight
- Educate all students and parents about sexual misconduct, using approved developmental, cultural and socially appropriate materials

Yellow Light Behaviors are most easily misconstrued and should be eliminated. They include:

- Singling out students for favors
- Overly personal cards, notes, e-mails or yearbook inscriptions
- Teasing that references gender or contains sexual innuendo
- Sexist comments

Red Light Behaviors are inappropriate unless specifically part of educational or counseling program. These include:

- Frequent touching of student
- Comments about a student's body
- Being alone in a locked room with student
- Talking about student's sexuality
- Meeting students in the community
- Lap sitting for students beyond second grade
- Inappropriate online and digital socializing

Phases of exploitation

In trying to understand the phenomenon of exploitation, we really think that there are three phases. The first one is trolling and testing. The next phase is grooming. And the final phase is exploiting and lulling.

During the first phase, sometimes called trolling and testing, the abuser is screening for possible candidates and testing boundaries of the student, the home environment and the school environment. The abuser is trying to identify a vulnerable child.

The next phase is the grooming phase. Grooming behavior crosses the boundary from questionable to inappropriate behaviors. The talk becomes more sexualized and the abuser has

determined that the student is vulnerable and is willing to engage in inappropriate conversations and behaviors.

The final phase is the exploiting and lulling phase, and this includes both the sexualized behavior and any activity that's designed to keep the sexual relationship ongoing and undiscovered.

Social Media Interaction

Engaging with students on social media is strongly discouraged and should be avoided. It is not considered best practice and can lead to boundary invasions and misinterpretation. Use district approved digital tools where students and staff can interact. Review the appropriate school board policies and always check with your principal or manager for guidance before engaging in use of social media.

Mandatory Reporting – Responding to and reporting misconduct

Colorado state law mandates that any school or district employee “who has reasonable cause to *know* or *suspect* that a child has been subjected to abuse or neglect or who has observed the child being subjected to circumstances or conditions that would reasonably result in abuse or neglect” is required to report. C.R.S. §19-3-304.

It is essential that every school district have a written district policy for reporting child abuse and neglect. The policy should be based on Colorado law with input from the local department of social services and local law enforcement agencies. All school district employees should be aware of the existence and content of such policy.

Adult Sexual Misconduct and Colorado Governmental Immunity Act

The Claire Davis Act strips schools of governmental immunity when they fail to exercise reasonable care to protect students and staff members from incidents of school violence that are reasonably foreseeable. The act defines school violence as an incident of murder, first degree assault, or *felony sexual assault*, causing serious bodily injury or death to another person.

The Claire Davis School Safety Act changes the both the common law and CGIA as it applies to school districts and employees. Prior to the Claire Davis Act, there were eight waivers of immunity under the CGIA. The Claire Davis Act added a ninth waiver of immunity for ***“Incidents of School Violence, including felony sexual assault.”***

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Resources

CSDSIP

<https://www.cdsip.org/>

REMS – A training Guide for Administrators and Educators on Addressing Adult Sexual Misconduct in the School Setting

<https://rems.ed.gov/docs/ASMTrainingGuide.pdf>

Colorado School Safety Resource Center – Resources for Child Sexual Abuse & Assault Prevention

<http://cdpsdocs.state.co.us/safeschools/CSSRC%20Documents/CSSRC-CSA-Resource-Guide.pdf>

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Learning Objectives Review

After the Adult Sexual Misconduct training is completed, administrators may use these questions as material review to evaluate the participant's comprehension and understanding.

Adult Sexual Misconduct - Question and Answer Session

Questions

1. Patting a student on the back or giving them a brief "side-hug" is considered an appropriate "green light" behavior. (Circle one)
 - a. True
 - b. False
2. Match each behavior to the green, yellow or red light. (Circle one)

Humor and friendly comments (Green Yellow Red)

Teasing that references gender (Green Yellow Red)

Being alone with a student in a locked room (Green Yellow Red)

3. A third-grade teacher allows a fidgety student to sit on her lap during story time. Is this appropriate? (Circle one)
 - a. Yes
 - b. No
4. Which of the following behaviors would be considered inappropriate conduct? Circle all the correct answers.
 - a. Arranging to meet the student off school grounds
 - b. Telling the student to keep activities secret
 - c. Flirtatious behavior
 - d. Singling out a particular student for special privileges and attention
 - e. Suggestive language and compliments
 - f. All of the above
5. Which of the following behaviors listed below would be considered inappropriate (improper) conduct?
 - a. Sending personal photos via email and asking students to reciprocate.
 - b. Telling a student to keep activities and relationships secret.
 - c. Singling out a particular student for special privileges and attention
 - d. Touching the student inappropriately
 - e. Trying to isolate the student from friends and social activities
 - f. Offering overly personal comments or compliments
 - g. Asking if a student had a good weekend
 - h. All of the above

6. If I suspect that an adult in the school setting is engaging in Sexual Misconduct with a student I am required to report the incident to my Principal/Supervisor.
 - a. True
 - b. False

7. The principal didn't need to worry about mandatory reporting because he did not have personal or first-hand knowledge of the information that was concerning to the counselor.
 - a. True
 - b. False

Answers

1. **True.** Patting a student on the back or giving them a brief “side-hug” is an appropriate “green light behavior.” However, be mindful of student’s personal boundaries and remember that not every student likes to be touched.
2. **Green, Yellow, Red respectively.** Appropriate humor and friendly comments are perfectly acceptable “green light” behaviors. Teasing that references gender or contains sexual innuendo is a “yellow light” behavior and should be eliminated. Being alone with a student in a locked room is an inappropriate “red light” behavior.
3. **No.** After second grade, this is not appropriate. Although not recommended, lap sitting *may* be allowed in pre-K through second grade if approved by the building principal. A better practice is to seat the child next to you in their own chair.
4. **All of the Above.** ALL of the listed behaviors are inappropriate and violate School Board Policies and Procedures. If a staff member wants to make specialized equipment or coaching available off campus, the opportunity must be available to multiple students and all field trip procedures must be followed.
5. **A – F.** The selected behaviors are inappropriate and are never acceptable.
6. **True.** ALL employees are REQUIRED to immediately report suspected sexual misconduct behaviors and boundary invasions to their Principal/Supervisor. *However*, certain adult sexual misconduct behaviors may rise to the level of suspected child abuse or criminal behavior. By law, all “professional school personnel” (certificated staff) who have reasonable cause to believe that a child has experienced sexual abuse or sexual exploitation by a staff member, volunteer or agency working in the school are required to make an oral and/or submit a written report within 48 hours to law enforcement.
7. **False.** Colorado law doesn’t require that a mandatory reporter, which includes all school district employees, have first-hand knowledge of abuse or neglect. The law only requires “reasonable cause to know or suspect” and the information shared by the counselor should have been enough to trigger the principal’s mandatory reporting obligation.

TRAINING ACKNOWLEDGEMENT FORM

CSDSIP Adult Sexual Misconduct Training

I confirm that I attended the training listed above. I listened, read, and understood the training, and I understand that as an employee, it is my responsibility to abide by my district/charter/BOCES' policy and procedures, in accordance with the training.

Employee Signature_____

Date_____

Print name_____