

Train personnel on staff-to-student boundaries

Parents of a 12-year-old student sued a school district for failing to prevent a teacher from repeatedly sexually assaulting their son. Prior to the physical abuse, the parents had complained to the principal that the teacher texted their son, bought him inappropriately expensive gifts, drove him home, contacted him over their objections, and frequently sought interaction with him outside of school.

Key points

- Training staff to report boundary violations isn't enough.
- Develop enforcement steps to follow upon receipt of such reports.
- Stop ill-advised behavior from leading to student assault. ■

The 11th U.S. Circuit Court held that since the reported conduct was not sexual in nature, the district was not on notice of sexual harassment and did not incur Title IX liability for the teacher's molestation of the child. However, the district should have been more

vigilant in policing the teacher's interaction with the student upon receiving the parent's complaints about her, the court ruled in *J.F.K. and M.C.K. v. Troup County School District*, 112 LRP 22570 (11th Cir. 05/03/12).

By being prepared to respond to complaints, such as the parents' complaints in *J.F.K.* about a teacher's excessive attention, districts can prevent related abuse. Susan Strauss, a harassment and bullying consultant based in Eden Prairie, Minn., who also works with the Department of Justice and the Office of Civil Rights as an expert witness, explained that districts should establish policy and training for correcting misconduct by a variety of means, including disciplining staff for reported inappropriate staff-to-student behavior.

Districts can effectively respond when a staff member violates policy on staff-student boundaries when there's grounds for an investigation.

Strauss shared steps for training staff and enforcing policy on staff-student boundaries.

• **Clarify what you intend to enforce.** First, as technology advances, districts need to review and update policy that spells out staff-to-student behavior boundaries, Strauss said. Detail what teachers can and can't do when interacting with students, including the use of social media, texting, and contacting

students off campus. Discuss touching (what is OK and what is not OK), giving gifts, offering students rides home or to football games, and having a student to a staff member's home. Staff need to know how, when, and where it is OK to have contact with a student, Strauss said. "For example, a teacher might hug a first grader who falls and hurts his knee, but not a six-foot-two football player who is infringing on her body space," she said. Stipulate in policy that staff and parents should report an infraction of staff-to-student boundary policy to a principal, the superintendent, and the school board, Strauss said.

• **Hold training that is more than a review of policy.** Incorporate training on policy into daily habits and work routines. Talk about boundaries with everyone from the cafeteria workers to top administrators.

• **Use active learning.** Instead of lecturing a group of passive staff members, bring in case studies, such as legal cases with examples of staff boundary violations and staff-to-student sexual abuse. Present staff with scenarios. Discuss how the case panned out and ways to prevent problems that occurred, Strauss said.

• **Use quizzes, true and false questionnaires.** Distribute a quiz or true and false questionnaire and engage staff in small group discussions.

• **Ask questions that clarify teachers' role.** Ask teachers what their first action would be upon seeing a policy violation. Train teachers to recognize inappropriate behavior and respond by documenting details such as exactly what they saw or heard, with what student, when, and where. Record exactly what the teacher said, and the student's response. Include body language and tone of voice, Strauss said.

• **Emphasize consequences for not following through.** "Train staff that inappropriate contact with students will not be tolerated and is potentially grounds for dismissal," Strauss said. Exercise good judgment on a case-by-case basis. For example, if a new teacher steps across a boundary because she is still learning or young, use it as a teachable moment and correct her. If she steps back in line, you will improve the school social culture. But if a pattern of inappropriate activity continues, the principal and superintendent should intervene, investigate, enforce school policy, stop the staff and student contact, and prevent the potential physical assault of a student, she said.

Email Strauss at susan@straussconsulting.net and visit her at www.straussconsulting.net. ■