Adult Sexual Misconduct

This policy shall apply to all staff, contractors, and volunteers who have contact with students.

For the purposes of this policy, sexual misconduct is defined as any sexual activity directed at a student, regardless of age, with the purpose of developing a romantic or sexual relationship. It includes activities that are:

1. Physical and non-physical;
2. Conducted in person or through other modes of communication;
3. Conducted before, during, or after school;
4. On District property or elsewhere; and
5. Legal and illegal.

Illegal sexual misconduct is characterized by sexual contact between an adult and a child under the age of 18 and includes explicit sexual conduct, solicitation of a minor child to participate in a sexual act, sexual exploitation and dissemination of sexual material harmful to minors. Sexual misconduct also includes such inappropriate verbal conduct as sexual comments or questions, jokes, taunting, and teasing and such inappropriate physical conduct as kissing, hair stroking, tickling, and frontal hugging.

Sexual misconduct is prohibited. Staff and volunteers who engage in sexual misconduct shall be subject to disciplinary activity, including termination. They may also be reported to law enforcement and/or the Department of Health and Welfare, as described in Policy 5260.

To avoid the appearance of impropriety, staff should avoid singling students out for personal attention such as frequent hugging or other physical contact; the giving of gifts; frequent compliments directed toward a particular student; overly personal cards, notes, or electronic communications; or teasing that references gender or contains sexual innuendo. Staff should take reasonable measures to avoid being alone with any student unless there is a legitimate, work-related need to be alone with the student. In cases such as before or after school tutoring, teachers may ask another teacher to be present in the classroom, or such tutoring may be conducted in a less private area with other adults present, such as in the school library.

The District recognizes that some student interactions occur outside the classroom. School employees and volunteers should avoid the appearance of impropriety by refraining from the following behavior:

1. Conducting ongoing, private conversations with individual students that are unrelated to school activities or the well-being of the student and take place in locations inaccessible to others;
2. Inviting a student or students for home visits without informing parents;

3. Visiting the homes of students without the knowledge of parents;
4. Inviting students for social contact off school grounds without the permission or knowledge of the parents; and
5. Transporting students in personal vehicles without the knowledge of parents or supervisors.

Reporting Sexual Misconduct

Any staff member, contractor, or volunteer who has reasonable cause to believe a staff member, contractor, or volunteer has engaged in misconduct or that any other adult has engaged in sexual misconduct on District property or at a District event shall report the misconduct to his or her supervisor, who shall notify the Superintendent or the Superintendent's designee. The matter shall be investigated in accordance with Policy 3085 and Procedure 3085P. Investigation of any report of sexual misconduct shall include an investigation of whether the incident constitutes a violation of Title IX. Sexual misconduct not which does not fall within the definition of sexual harassment provided in Procedure 3085P may still result in disciplinary action up to and including dismissal.

The individual with reasonable cause to believe sexual misconduct has occurred shall also report the incident in accordance with Policy 5260, if applicable.

False Reports

Making a knowingly false report of sexual misconduct is prohibited and may result in the termination of a staff member or volunteer who makes such a report or in the suspension or expulsion of a student who makes such a false report.

Distribution of Policy and Training

This policy shall be posted on the District website and provided to all new employees upon hiring, to all volunteers upon acceptance as volunteers. The employee or volunteer shall sign an acknowledgment, to be retained by the District, indicating that they have received and reviewed a copy of this policy.

The District shall provide training on preventing and reporting sexual misconduct to all staff who have contact with students.

Cross References:	3085	Sexual Harassment, Discrimination and Retaliation Policy
	3085P	Title IX Sexual Harassment Grievance Procedure, Requirements and Definitions
	3290	Sexual Harassment/Intimidation of Students
	5240	Sexual Harassment/Sexual Intimidation in the Workplace
	5260	Abused and Neglected Child Reporting
	5280	Professional Standards Commission (PSC) Code of Ethics

	5325	Employee Use of Social Media Sites, Including Personal Sites
Legal References:	20 U.S.C. §§ 1681 - 1682	Title IX of the Education Amendments of 1972

Other References: US Department of Education: Office of Safe and Healthy Students Readiness and Emergency Management for Schools (REMS) Technical Assistance (TA) Center, *A Training Guide for Administrators and Educators on Addressing Adult Sexual Misconduct in the School Setting,* *Readiness and Emergency Management for Schools* (March, 2017) (available at https://rems.ed.gov/docs/ASMTrainingGuide.pdf).

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