



Breaking the Silence
Child Abuse and Neglect Awareness Training
Scenario 4-Response

To Hug or Not To Hug (ES)

Initial Actions

The safety and well-being of every student must be the first and foremost priority for all educators. Immediate action should be taken to bring the matter to the attention of the site administrator to protect any student from any situation which threatens the student's safety or well-being. For example, the school may initiate employee consequences, class changes, student safety plans, etc.

This scenario may not involve "grooming" or adult sexual misconduct, but it may involve Code of Conduct with Students violation.

Considerations

1. GROOMING OR ADULT SEXUAL MISCONDUCT

As described below, this inappropriate conduct violates the Code of Conduct with Students policy, and it may also rise to the level of suspected child abuse regardless of gender or job title. For example, in an attempt to gain trust and confidence, a perpetrator may engage in "grooming" or adult sexual misconduct, that is, physical or non-physical activity directed to the student, the student's parents, or other adults with the purpose of developing a sexual or romantic relationship with the minor.

Grooming activities vary but generally methodically increase over time and allow a groomer to test their targets as to gauging acceptance and silence at each step. Children who are victims of adult misconduct may feel conflicted about the situation, especially if people they trust, such as school staff or other adults working with students (teacher/volunteer/classroom assistant/employee of school), are implicated.

Grooming activities may be done privately or publicly and gradually progress to sexualized behaviors. Signs that may signify grooming include but are not limited to:

- (1) Touching that is intimate or sexual in nature;
- (2) Personal or social media interaction with a student without others' knowledge or supervision;
- (3) Meeting a student away from school grounds or hours;
- (4) Giving gifts or spending extra time with a student in nonsexual ways; and
- (5) Sexual or personal oral or written comments made to a student.

Also, adults who engage in grooming may exhibit some of the following behaviors: Testing boundaries of students to determine whom to target or who is a vulnerable student; trying to build a more personal relationship with the student, such as telling the student personal stories and involving student personal matters (e.g., favors/errands); discouraging the student from sharing with others; acting in a manner to manipulate student's affection; engaging in intimidation and threats to silence and isolate a student.

Based on the above, an employee with reasonable suspicion of child abuse must file a SCAR without further questioning. Also, pursuant to District policy, an employee must inform their site administrator of these allegations of inappropriate conduct because the District administrator is obligated to:

- (1) Stop the misconduct, if any;
- (2) Investigate the misconduct, if any; and
- (3) Take appropriate administrative and/or disciplinary action, if warranted.



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In general, if you, however, do not have reasonable suspicion of child abuse you may ask clarifying questions to determine whether or not suspected abuse exists. Also, if based upon the initial information you receive, you do not have reasonable suspicion of child abuse, you may call and consult with the CPA and inform your site administrator of the inappropriate employee (or adult working with student) conduct. Although some grooming types of conduct may not be criminal, it often violates other laws and professional codes of conduct in the educational setting.

2. CODE OF CONDUCT WITH STUDENTS/SEXUAL HARASSMENT

This scenario may be an example of a Code of Conduct with Student violation. The teacher assistant was cautioned by the principal about hugging, and she not only continued to hug students but also one student is specifically complaining about it. The iPad gift may also be inappropriate. Further, Ms. J is not avoiding situations that may be inappropriate or perceived to be inappropriate. Thus, this scenario may violate the District's *Code of Conduct with Students*. Additionally, if Ms. J's hugs are unwelcome and are interpreted to be inappropriate or of a sexual nature by the student receiving them, this could be a violation of the District's Title IX Policy/Nondiscrimination Complaint Procedures (Including for Sex Discrimination and Sexual Harassment) policy.

In short, whether other staff members are hugging students does not give Ms. J the right to hug students. The District administration must review the totality of the circumstances and determine if Ms. J's conduct is inappropriate. The District must attempt to treat all employees equally and fairly but should take action to ensure the safety and well-being of every student. Though conduct of this nature may be seemingly innocuous on its face, it can, in some cases, also be considered a form of boundary invasion that some adults use to get closer to young persons, build trust, and potentially engage in other increasingly more inappropriate boundary invasions leading up to and including sexual misconduct. If left unaddressed, this behavior could escalate and even result in reasonable suspicion of child abuse and discipline for the employee. In general, when allegations of inappropriate conduct or behavior are made, the relevant District administrator is obligated to:

- (1) Stop the misconduct, if any;
- (2) Investigate the misconduct, if any; and
- (3) Take appropriate administrative and/or disciplinary action, if warranted.

In general, if you have reasonable suspicion of child abuse based on the scenario, you must file a SCAR without further questioning. If you, however, do not have reasonable suspicion of child abuse you may ask clarifying questions to determine whether or not suspected abuse exists. Thus, you may ask clarifying questions of the student or colleague if the information provided raises any concerns for you. Depending on the context and any additional overtures that may become known or suspected, you may develop concerns about possible other violations leading to suspicion of child abuse and required mandated reporting.