

SCENARIO 4: TO HUG, OR NOT TO HUG?

(elementary schools)

(approximate 1 to 2-minute review)

You observe that Ms. J is a popular teacher assistant. She is often seen chitchatting and playfully joking with students in the halls and in a classroom after school. It is common for her to greet students with a hug or a pat on the back. The principal has cautioned her about hugging students many times, but she responded that other staff members hug students. A student who is often isolated and moping around school has complained to you that Ms. J's physical contact makes him feel awkward, especially when no one is around. He said that these "alone" hugs are longer than normal. Also, the student showed you an iPad that Ms. J gave him for his birthday.

District Policy

All employees with reasonable suspicion of child abuse or neglect *must* report the suspected abuse or neglect to a child protective agency (CPA) pursuant to *Child Abuse and Neglect Reporting Requirements*, BUL-1347.4.

Reasonable Suspicion Definition

Reasonable suspicion means it is reasonable for a person, based on the person's training, education, and experience, to entertain a suspicion of child abuse or neglect.

Clarifying Questions

An employee who does not have reasonable suspicion of child abuse or neglect may ask clarifying questions to determine whether or not suspected abuse or neglect exists. If an employee, however, does have reasonable suspicion of child abuse or neglect, the employee *must* file a Suspected Child Abuse Report (SCAR) without further questioning. Also, an employee with reasonable suspicion *must* file SCAR even if the CPA states "handle it administratively."

Required Steps for Filing a SCAR

Filing a SCAR consists of two steps: (1) Telephone call *must* be made immediately, or as soon as practically possible, to a CPA; and (2) Written report *must* be filed with a CPA within 36 hours of receiving the information. The CPA will either be the Department of Children & Family Services (DCFS) or the local law enforcement. Generally, SCARs are filed with DCFS if the alleged perpetrator is in the home, and if the allegations involve an out-of-home perpetrator (e.g., employee), the SCARs are filed with local law enforcement (e.g., LAPD).

(approximate 4 to 5-minute small group discussion)

Discussion Questions

1. Do you, as the recipient of the information, have any immediate responsibilities?
2. Does the school have any immediate responsibilities?
3. Is this information enough for reasonable suspicion of child abuse? If not, what information is required?
4. If you did not have reasonable suspicion, what clarifying questions would you ask?
5. Who can you ask clarifying questions to? The student, principal, student's parents, Ms. J?
6. Does it matter if Ms. J was only hugging this particular student or many students?

7. Would your analysis change if the student initially consented to the hugs, but now is complaining?
8. If other staff members are hugging students, does this give Ms. J the right to hug any student?
9. What possible concerns arise from this scenario?
10. How could or how does this situation become a violation of law or District policy?
11. Would your response change if the teacher assistant was a male?
12. Would your response change if the adult was a teacher?
13. Is it relevant that the student is or is not a student in the teacher assistant's class?
14. Do you notice any indicators for possible grooming behavior by the teacher assistant?

(approximate 5 to 10-minute large group discussion)

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 in order 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 involve "grooming" or adult sexual misconduct, and it also involves Student Code of Conduct violations. Accordingly, a SCAR may be filed with a CPA. Also, since the allegations involve suspected abuse by an employee, these SCAR reports are generally filed with local law enforcement.

Considerations

1. GROOMING OR ADULT SEXUAL MISCONDUCT

As described below, this inappropriate conduct violates the 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, student's parents, or other adults with the purpose of developing a sexual or romantic relationship with the minor.

As described herein, 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 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 student.

Based on the above, an employee with reasonable suspicion of child abuse must file a SCAR without further questioning. Also, pursuant to 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.

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 type 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 Students 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*, BUL-5167.0. Additionally, if Ms. J's hugs are unwelcome and are interpreted to be inappropriate or of a sexual nature by the person receiving them, this could be a violation of the District's *Sexual Harassment Policy*, BUL-3349.1.

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.

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.

Emotional Support

Listen

Ask open-ended questions that are not of an accusatory nature and actively listen to their response.

Protect

Even if there is no reasonable suspicion for child abuse, it is still important to monitor the student's overall well-being. Ongoing communication with the student can also indicate if further assistance is needed, or mandated reporting procedures must be followed. This is an opportunity to become familiar with and use the procedures, policies, and resources at your work site.

Connect

Convey concern for the student's well-being. Every school site has protocols, systems, and resources to support and address student safety and well-being.

Model

Maintain a professional and calm level of emotions and reactions to help the student achieve balance and restore a calm environment.

Teach

Teach students to identify supportive adults at home and school. Teach concepts of healthy relationships. Students may express different reactions to the same event.