

End Sexual abuse of Children with

ESCAPE
Awareness Prevention Education

6 Steps for
Preventing Adult Sexual Misconduct
& Child Sexual Abuse



Brought to you by
Schools Insurance Authority, SIA

Step 4:

Reporting

Contents:

- Duty to Report: Mandated Reporter—Child Protective Services Report, Criminal Activity – Local Law Enforcement Report, District Policy Violation – District Superintendent or Designee Report
- Response to Reports: Suspected Abuse by a School Adult
- Response to Reports: Student-to-Student Sexual Activity/Abuse
- Reporting Poster for display and dissemination
- Sample Anonymous Reporting Tools

Checklist:

- Disseminate and post the Reporting Poster provided.
- Adopt an electronic reporting tool with anonymous reporting capability to ensure that anyone can report misconduct at any time.
- Identify a district coordinator to oversee all reports and investigations. Title IX Coordinator or Uniform Complaint Procedure Coordinator are possible candidates.
- Ensure all reports are handled according to the best practices Response to Reports and your District Policy for investigation.

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Duty to Report

In the event that School Adults observe suspicious or inappropriate behaviors on the part of other School Adults or between students, it is their personal duty to immediately report their observations as outlined below to protect students from misconduct, harassment or sexual abuse. Note that there are multiple possible reporting agencies and **depending upon the situation, multiple reports may be required.**

Mandated Reporter – Child Protective Services Report

A School Adult who has knowledge of, or reasonably suspects that, child abuse has occurred, shall file a report with Child Protective Services, pursuant to the District's child abuse reporting procedures as required by *ARTICLE 2.5. Child Abuse and Neglect Reporting Act [11164 - 11174.3] of the California Penal Code and CHAPTER 3.2. Staff Development in the Detection of Child Abuse and Neglect [44691- 44691.] of the California Education Code.*

NOTE: A report required as above is separate from a report required by District Policy Violation.

Agencies that are required to receive reports of suspected child abuse or neglect may not refuse to accept a report of suspected child abuse or neglect from a mandated reporter or another person unless otherwise authorized pursuant to this section, and shall maintain a record of all reports received. *California Penal Code ARTICLE 2.5. Child Abuse and Neglect Reporting Act §11165.9.*

Criminal Activity – Local Law Enforcement Report

When a School Adult has reasonable suspicion of another School Adult harming or endangering a child she/he/they shall **immediately** report such conduct directly to the local law enforcement agency (District police or security is excluded per Section 11165.9 of the California Penal Code) followed by a report to the Superintendent or designee either in person, or by phone, email or anonymous reporting tool as identified by the District.

District Policy Violation – District Superintendent or Designee Report

There may be times when a School Adult perceives conduct that violates a District policy, but may not surmount, in their minds, to reasonable suspicion of abuse or neglect. These policy violations must still be documented. When a school adult observes another School Adult's conduct that is in violation of or contradiction of District policies, he/she/they must disclose that violation to the District Superintendent or designee either in person, or by phone, email or anonymous reporting tool as identified by the District. The conduct may be disclosed to the site administrator or to Human Resources as well, however, this process is specifically reserved for situations where reasonable suspicion does not exist.

When a School Adult gains knowledge of, or has reasonable suspicion of violation of or contradiction of the boundaries identified in this policy, between any School Adult **and a student** a report must be made to the local law enforcement agency (as outlined below) as well as to the District Superintendent or designee.

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Response to Reports: Suspected Abuse by a School Adult

School Adult:

- If you witness abuse, interrupt the behavior immediately
- If abuse is disclosed to you, assure the individual disclosing that he or she did the right thing by telling you
- Report the incident immediately to Child Protective Services as applicable
- Report the incident immediately to Local Law Enforcement as applicable
- Report the incident/policy violation immediately to the District Superintendent or designee or via the anonymous reporting tool provided by the District
- Document the incident, disclosure with observed and factual information only. Opinions should not be included on the incident report.
- Do not investigate the incident yourself

Supervisor and Administrator: In addition to the above response procedures, supervisors and administrators should ensure the following:

- Determine the immediate needs of the victim and provide information regarding services available.
- Ensure that the incident has been reported to the proper authorities; Child Protective Services, Local Law Enforcement and District Superintendent or designee or via the anonymous reporting tool provided by the District
- Notify parent/guardians of the student(s) of the incident and ensure them that all appropriate and required reports have been filed
- Remove the accused from access to students
- Review the file of the accused
- Gather and document information surrounding the incident
- Local Law Enforcement and Child Protective Services have a responsibility to investigate suspicion of criminal activity or child abuse. The District has a responsibility to investigate policy violations. Coordinate with Child Protective Services and Local Law Enforcement as to who will perform various aspects of the investigation.
- If authorities request that the District takes no action, document the request and proceed in accordance with it.
- If authorities do not request that the District take no action, District officials may proceed with the internal investigation or contract with a third party investigator to complete the internal investigation
- If abuse and/or violations of School policies are confirmed, follow the District's disciplinary procedures.
- Report to the California Commission on Teacher Credentialing (CCTC) regarding possible educational misconduct, as required
- Develop a written corrective action or follow-up plan in response to the incident including, but not limited to; targeted training on boundary policies and appropriate behaviors with students
- Notify the community as appropriate

District Response: After the internal investigation is complete, the District will review the following to provide additional protections for students:

- Consider the need for additional supervision
- Consider the need for revised policies or procedures
- Consider the need for additional training

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Response to Reports: Student-to-Student Sexual Activity/Abuse

School Adult Response: In the event that a School Adult sees a student exhibit sexualized behaviors or suspects unlawful student-to-student sexual activity, the School Adult should do the following:

- Report the incident immediately to Child Protective Services as applicable
- Report the incident immediately to Local Law Enforcement as applicable
- Report the incident immediately to the District Superintendent or designee
- Document the incident, disclosure with observed and factual information only. Opinions should not be included on the incident report.
- Do not investigate the incident yourself

Supervisor or Administrator Response: In the event that a supervisor or administrator receives a report of a student's sexualized behavior or unlawful student-to-student sexual activity, the supervisor should do the following:

- Determine the immediate needs of the victim and provide information regarding services available including Title IX rights.
- Ensure that the incident has been reported to the proper authorities; Child Protective Services, Local Law Enforcement and District Superintendent or designee.
- Notify parent/guardians of both students of the incident and ensure them that all appropriate and required reports have been filed.
- Remove the accused student from access to other students.
- Review the file of the accused student for prior incidents.
- Gather and document information surrounding the incident.
- Local Law Enforcement and Child Protective Services have a responsibility to investigate suspicion of criminal activity or child abuse. The District has a responsibility to investigate policy violations. Coordinate with Child Protective Services and Local Law Enforcement as to who will perform various aspects of the investigation.
- If authorities request that the District takes no action, document the request and proceed in accordance with it.
- If authorities do not request that the District take no action, District officials may proceed with the internal investigation or contract with a third party investigator to complete the internal investigation.
- If abuse and/or violations of School policies are confirmed, follow the District's policy for student disciplinary procedures.
- Develop a written corrective action or follow-up plan in response to the incident.
- Notify the community as appropriate in coordination with your District Public Information Officer.

District Response: After the internal review of the sexualized behavior or unlawful student-to-student sexual activity, the District will determine what can be done to prevent a reoccurrence, such as:

- Consider the need for additional supervision
- Consider the need for revised policies or procedures
- Consider the need for additional training
- Alert others in the organization as per your policy