JCS-Inc. Policies

Student Relations Policy

Per Education Code Section 44050, JCS is required to include a section on employee interactions with students in their code of conduct. Section 44050 also requires schools to provide a written copy of this section to the parents or guardians of each enrolled student at the beginning of each school year. JCS provides this to parents each year in the Annual Parent Notifications, in addition to providing the copy here.

The JCS, Inc. Employee Handbook Section 702 Student Relations Policy is provided here for public availability.

Boundaries Defined

For the purposes of this policy, the term "Boundaries" is defined as acceptable professional behavior by employees while interacting with a student. Trespassing beyond the Boundaries of a student/teacher or student/educator relationship is deemed an abuse of power and a betrayal of public trust.

Unacceptable and Acceptable Behavior

Some activities may seem innocent from an employee's perspective, but some of these can be perceived as an inappropriate interaction from a student or parental point of view. The purpose of the following lists of acceptable and unacceptable behaviors is not to restrain innocent, positive relationships between employees and students but to prevent relationships that could lead to, or may be perceived as, as inappropriate, or sexual misconduct, or "grooming."

Grooming is defined as an act or series of acts by a sexual predator to gain physical and/or emotional control by gaining trust (of staff and/or family and a minor) and desensitizing the minor to various forms of touching and other intimate interaction.

Employees must understand their own responsibilities for ensuring that they do not cross the Boundaries as written in this policy. Disagreeing with the wording or intent of the established Boundaries will be considered irrelevant for any required disciplinary purposes. Thus, it is critical that all employees study this policy thoroughly and apply its spirit and intent in their daily activities. Although sincere, professional interaction with students fosters the charter mission of academic excellence, employee-student interaction has Boundaries regarding the activities, locations, and intentions.

The following is an illustrative list of unacceptable behavior, which includes, but is not limited to:

- Giving gifts to an individual student that are of a personal and intimate nature (including photographs); or items such as money, food, outings, electronics, etc. without the written pre-approval of the Executive Director. It is recommended that any such gifts be filtered through the school Principal along with the rationale therefore
- Kissing of ANY kind
- Massage (Note: Prohibited in athletics unless provided by massage therapist or other certified professional in an open public location. Coaches may not perform massage or rub-down. Permitted in special education only as instructed under an IEP or 504 plan.)
- Full frontal or rear hugs and lengthy embraces
- Sitting students on one's lap (grades 3 and above)

- Touching buttocks, thighs, chest or genital area
- Wrestling with students or other staff member except in the context of a formal wrestling program
- Tickling or piggyback rides
- Any form of sexual contact
- Any type of unnecessary physical contact with a student in a private situation
- Intentionally being alone with a student away from JCS
- Furnishing alcohol, tobacco products, or drugs to a student or failing to report knowledge of such
- “Dating” or “going out with” a student
- Remarks about physical attributes or physiological development of anyone. This includes comments such as, “Looking fine!” or “Check out that [body part].”
- Taking photographs or videos of students for personal use or posting online
- Undressing in front of a student
- Leaving campus alone with a student for lunch
- Sharing a bed, mat, or sleeping bag with a student
- Making, or participating in, sexually inappropriate comments
- Sexual jokes or jokes/comments with sexual double entendre
- Seeking emotional involvement (which can include intimate attachment) with a student beyond the normative care and concern required of an educator
- Listening to or telling stories that are sexually oriented
- Discussing inappropriate personal troubles or intimate issues with a student in an attempt to gain their support and understanding
- Becoming involved with a student so that a reasonable person may suspect inappropriate behavior
- Giving students a ride to/from JCS or JCS activities without the express, advance written permission of school
- Principal and the student’s parent or legal guardian
- Being alone in a room with a student at JCS with the door closed and/or windows blocked from view
- Allowing students in your home without signed parent permission for a preplanned and pre-communicated educational activity that must include the presence of another educator, parent, or other responsible adult
- Staff mirroring the immature behavior of minors
- Remarks about the physical attributes or physiological development of anyone
- Excessive attention toward a particular student
- Sending emails, text messages, instant messages, social media messages, notes or letters to students if the content is not about JCS activities and not in accordance with applicable JCS policies or in violation of JCS’ Social Media Policy
- Being “friends” with a student on any personal or non-JCS social media website
- Communicating with students or parents/guardians in violation of JCS’ Social Media Policy
- Engaging in inappropriate and/or unprofessional communications with students on JCS social media
- Using profanity with or to a student
- Involving students in non-educational or non-JCS related issues, including, but not limited to, the employee’s employment issues
- Inflicting, or causing to inflict, corporal punishment upon a student. “Corporal punishment” means willful infliction of, or willfully causing the infliction of, physical pain on a pupil.

The following is an illustrative list of acceptable and recommended behavior, which includes, but is not limited to:

- Pats on the shoulder or back
- Side hugs
- Handshakes

- “High-fives” and hand slapping
- When age appropriate, touching face to check temperature, wipe away a tear, remove hair from face, or other similar types of contact
- Placing TK through second grade students on one’s lap for purposes of comforting the child for a short duration only
- Holding hands while walking with small children or children with significant disabilities
- Assisting with toileting of small or disabled children in view of another staff member
- Touch required under an IEP or 504 Plan
- Reasonable restraint of a violent person to protect self, others, or property
- Obtaining parents’ written consent for any after-school activity on or off campus (exclusive of tutorials)
- Obtaining formal approval (JCS and parental) to take students off JCS property for activities such as field trips or competitions
- E-mails, text messages, phone conversations, and other communications to and with students must be
- professional and pertain to JCS activities or classes, and communication should be initiated via JCS-based technology and equipment
- Keeping the door open when alone with a student
- Keeping reasonable space between you and students
- Stopping and correcting students if they cross your own personal boundaries
- Keeping parents informed when a significant issue develops about a student
- Keeping after-class discussions with a student professional and brief
- Asking for advice from senior staff or administrators (such as Human Resources or the Executive Director) if you find yourself in a difficult situation related to Boundaries
- Involving your supervisor if conflict arises with a student
- Informing Human Resources or the Executive Director about situations that have the potential to become more severe
- Making detailed notes about an incident that could evolve into a more serious situation later
- Recognizing the responsibility to stop unacceptable behavior of students and/or coworkers
- Asking another employee to be present if you will be alone with any student who may have severe social or emotional challenges
- Asking another employee to be present, or within close supervisory distance, when you must be alone with a student after regular school hours
- Giving students praise and recognition without touching them in questionable areas
- Keeping your professional conduct a high priority during all moments of student contact
- Asking yourself if any of your actions that go contrary to these provisions are worth sacrificing your job, your career, and the reputation of JCS

This policy does not prevent: (1) touching a student for the purpose of guiding them along a physical path; (2) helping them up after a fall; or (3) engaging in a rescue or the application of Cardiopulmonary Resuscitation (CPR) or other emergency first-aid. Nor does it prohibit the use of reasonable and necessary force and touching to quell a disturbance threatening physical injury to persons or damage to property, for purposes of self-defense or the defense of others, or to obtain possession of weapons or other dangerous objects within the control of the student. Restraining a child who is trying to engage in violent or inappropriate behavior is also allowed. Only such force as necessary to defend one’s self, another person, or the child or to protect property is legally permitted. Excessive force is prohibited.

Corporal Punishment

Corporal punishment shall not be used as a disciplinary measure against any student. Corporal punishment includes the willful infliction of, or willfully causing the infliction of, physical pain to a student. For purposes of this policy, corporal punishment does not include the use of force that is reasonable and necessary to protect employees, students, or other persons, or to prevent damage to property. The following examples are offered to provide guidance, but are not intended to cover all permitted and prohibited conduct:

<u>Permitted Conduct (NOT corporal punishment)</u>

- Stopping a student from fighting with another student
- Preventing a student from committing an act of vandalism
- Defending yourself from physical injury or assault by a student
- Forcing a student to give up a weapon or dangerous object
- Engaging in group calisthenics, team drills, or other physical education or voluntary recreational activities

<u>Prohibited Conduct (constitutes corporal punishment)</u>

- Hitting, shoving, pushing, or physically restraining a student as means of control
- Making unruly student do push-ups, run laps, or perform other physical acts that cause pain or discomfort
- as a form of punishment
- Paddling, swatting, slapping, grabbing, pinching, kicking, or otherwise causing physical pain

Employees who engage in any form of corporal punishment will be subject to disciplinary action, up to and including termination. Employees may also be reported to appropriate law enforcement agencies and/or child protective services.

Reporting Violations

When any employee becomes aware of an employee (or volunteer, guest, or vendor) having crossed the Boundaries specified in this policy, or has a reasonable suspicion of misconduct, he or she must promptly report the suspicion to Human Resources or the Executive Director. All reports shall be kept as confidential as possible. Prompt reporting is essential to protect students, the suspected employee, any witnesses, and JCS as a whole. Employees must also report to the administration any awareness of, or concern about, student behavior that crosses Boundaries or any situation in which a student appears to be at risk for sexual abuse.

Child Abuse and Neglect Reporting

If, within your professional capacity or within the scope of your employment, you observe or gain possession of knowledge that a child has been a victim of child abuse or sexual abuse or neglect, or you reasonably suspect it, California Penal Code Section 11166 requires you to immediately report this information or suspicion to a child protective agency or the police. Reasonable suspicion means that it is objectively reasonable for a person to entertain a suspicion, based upon facts that could cause a reasonable person in a like position, drawing, when appropriate, on the person's training and experience, to suspect child abuse or neglect. It does not require certainty that child abuse or neglect has occurred nor does it require a specific medical indication of child abuse or neglect. The report shall be made by phone as soon as possible and a subsequent written report must be sent within 36 hours of your knowledge or suspicion of the abuse. Internal reporting to the school Principal occurs after the phone-in report. Failure to meet these obligations can result in a monetary fine and/or jail.

Investigating

The Human Resources Department will promptly investigate any allegation of a violation of the Student Relations Policy, using such support staff or outside assistance as he or she deems necessary and appropriate under the circumstances, unless the allegation also constitutes a reportable allegation under California Penal Code section 11166. In the event the allegation also constitutes such a reportable allegation, the Human Resources Department shall comply with the legal requirements of immediately reporting the allegation to a child protective agency and shall follow up such a report with a written report within thirty-six (36) hours. Depending on the circumstances, the Human Resources Department may also investigate according to this section. If the allegation is only a violation of the Employee-Student Relations Policy, but not a violation of California Penal Code section 11166, the Human Resources Department or other appropriate administrator shall conduct an investigation as set forth above. Throughout this fact-finding process, the investigating administrator, and all others privy to the investigation, will protect the privacy interests of any affected student(s) and/or employee(s), including any potential witnesses, to the fullest extent possible. The investigating administrator shall promptly notify the Governing Board in closed session of the existence and status of any investigations. Upon completion of any such investigations, the Executive Directorshall report
to the Governing Board any conclusions reached. The investigating administrator shall consult with legal counsel, as appropriate, prior to, during, and after conducting any investigation.

Violations

Violations of this policy may result in disciplinary action, up to and including termination. When appropriate, violations of this policy may also be reported to authorities for potential legal action.