Policy Information

Series 6000 - PERSONNEL

SEXUAL HARASSMENT DISTRICT PERSONNEL
Policy # 6121

The Board of Education affirms its commitment to non-discrimination and recognizes its responsibility to provide for all District employees an environment that is free of sexual harassment, including sexual violence. Sexual harassment including sexual violence is a violation of law and stands in direct opposition to District policy. Therefore, the Board prohibits and condemns all forms of sexual harassment by employees, school volunteers, students, and non-employees such as contractors and vendors which occur on school grounds and at all school-sponsored events, programs and activities including those that take place at locations off school premises and in another state. Since sexual violence is a form of sexual harassment, the term "sexual harassment" as used in this policy will implicitly include sexual violence even if it not explicitly stated.

Generally, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

a) Submission of such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment;

b) Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individuals; and

c) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

Sexual violence is defined as physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent. Sexual violence as defined by New York Penal Law includes but is not limited to acts such as:

a) Rape;

b) Sexual assault;

c) Sexual battery;

d) Sexual coercion.

The Board acknowledges that in determining whether sexual harassment has occurred the totality of the circumstances should be evaluated. The Board recognizes that sexual harassment can originate from a person of either sex against a person of the opposite or same sex, and from coworkers as well as supervisors, and from a third party such as a school visitor, volunteer, or vendor, or any other individual associated with the School District.

In order for the Board to enforce this policy, and to take corrective measures as may be necessary, it is essential that any employee who believes he/she has been a victim of sexual harassment in the work environment, as well as any other person who is aware of and/or who has knowledge of or witnesses any possible occurrence of sexual harassment, immediately report such alleged harassment to the District's designated Compliance Officers through informal and/or formal complaint procedures as developed by the District. Such complaints are recommended to be in writing, although verbal complaints of alleged sexual harassment will also be promptly, thoroughly
and equitably investigated in accordance with the terms of this policy. In the event that the Compliance Officer is the alleged offender, the employee should report his/her complaint to the next level of supervisory authority.

Upon receipt of an informal/formal complaint (even an anonymous complaint), the District will conduct a thorough, prompt and equitable investigation of the charges. However, even in the absence of a complaint, if the District has knowledge of or reasonably should know of or suspect any occurrence of sexual harassment, the District will investigate such conduct promptly, equitably, and thoroughly. All procedures developed by the District will provide for the prompt and equitable resolution of the sexual harassment.

To the extent possible, within legal constraints, all complaints will be treated as confidentially and privately as possible. However, disclosure may be necessary to complete a thorough investigation of the charges, and any disclosure will be provided on a "need to know" basis. The Superintendent will inform the Board of Education of investigations involving findings of harassment.

Based upon the results of the investigation, if the District determines that an employee has violated the terms of this policy and/or accompanying regulations, immediate corrective action will be taken, as warranted, up to and including termination of the offender's employment in accordance with legal guidelines, District policy and regulation, the District's Code of Conduct, and the applicable collective bargaining agreement(s). Third parties (such as school volunteers, vendors, etc.) who are found to have violated this policy and/or accompanying regulations will be subject to appropriate sanctions as warranted and in compliance with law.

**Prohibition of Retaliatory Behavior (Commonly Known as "Whistle-Blower" Protection)**

The Board prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participated in the investigation of a complaint of sexual harassment. Follow-up inquiries shall be made to ensure that sexual harassment has not resumed and that all those involved in the investigation of the sexual harassment complaint have not suffered retaliation.

**Finding That Harassment Did Not Occur**

At any level/stage of investigation of alleged harassment, if a determination is made that harassment did not occur, the Compliance Officer will so notify the complainant, the alleged offender and the Superintendent of this determination. Such a finding does not preclude the complainant from filing an appeal pursuant to District policy or regulation and/or pursuing other legal avenues of recourse.

However, even if a determination is made that harassment did not occur, the Superintendent/designee reserves the right to initiate staff awareness and training, as applicable, to help ensure that the school community is not conducive to fostering harassment in the workplace. **SUBJECT: SEXUAL HARASSMENT OF DISTRICT PERSONNEL –Con’t**

In all cases, the Superintendent will inform the Board of Education of the results of each investigation involving a finding that sexual harassment did not occur.

**Knowingly Makes False Accusations**

Employees and/or students who **knowingly** make false accusations against another individual as to allegations of harassment may also face appropriate disciplinary action.

**Privacy Rights**
As part of the investigation, the District has the right to search all school property and equipment including District computers. Although rooms, desks, cabinets, lockers, computers, etc. are provided by the District for the use of students and staff, the users do not have exclusive use of these locations or equipment and should not expect that materials stored therein will be private. The purpose of searches is to further the special needs of school security, to ensure the safety of students, faculty and staff members, and to prevent disruptions to the learning environment. Searches can also have a deterrent effect on unwanted behavior.

**Development and Dissemination of Administrative Regulations**

Regulations will be developed for reporting, investigating and remediying allegations of sexual harassment. An appeal procedure will also be provided to address any unresolved complaints and/or unsatisfactory prior determinations by the applicable Compliance Officer(s).

Such regulations will be developed in accordance with federal and state law as well as any applicable collective bargaining agreement(s).

The Superintendent/designee(s) will affirmatively discuss the topic of sexual harassment with all employees, express the District's condemnation of such conduct, and explain the sanctions for harassment. Training programs will be established for employees to help ensure awareness of the issues pertaining to sexual harassment in the workplace, and to disseminate preventative measures to help reduce such incidents of prohibited conduct. Furthermore, special training will be provided for designated supervisors and managerial employees, as may be necessary, for training in the investigation of sexual harassment complaints.

A copy of this policy and its accompanying regulations will be available upon request and may be posted at various locations in each school building. The District's policy and regulations on sexual harassment will be published in appropriate school publications such as teacher/employee handbooks and/or school calendars.

Civil Rights Act of 1991, 42 United States Code (USC) Section 1981(a)  
29 Code of Federal Regulations (CFR) Section 1604.11(a)  
Civil Service Law Section 75-B  
Education Law Section 2801(1), Executive Law Sections 296 and 297  
Title VII of the Civil Rights Act of 1964, 42 United States Code (USC) Section 2000e et seq.  
Title IX of the Education Amendments of 1972, 20 United States Code (USC) Section 1681 et seq.  
34 Code of Federal Regulations (CFR) Section 100 et seq.

Adoption Date: 2/5/2003, Revised: 9/20/2006; Amended 10/05/11, 2/06/13  
6000 - PERSONNEL
Policy Information

Series 7000 - STUDENTS

STUDENT WELFARE
SEXUAL HARASSMENT OF STUDENTS
Policy # 7531

The Board of Education affirms its commitment to non-discrimination and recognizes its responsibility to provide for all District students an environment that is free of sexual harassment, including sexual violence. Sexual harassment including sexual violence is a violation of law and stands in direct opposition to District policy. Therefore, the Board prohibits and condemns all forms of sexual harassment by employees, school volunteers, students, and non-employees such as contractors and vendors which occur on school grounds and at all school-sponsored events, programs and activities including those that take place on a school bus at locations off school premises or those that take place in another state. Since sexual violence is a form of sexual harassment, the term, "sexual harassment" in this policy will implicitly include sexual violence even if it is not explicitly stated.

Sexual Harassment

Generally, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct or communication of a sexual nature when:

a) Submission to or rejection of such sexually harassing conduct and/or communication by a student affects decisions regarding any aspect of the student's education, including participation in school-sponsored activities;

b) Conditions exist within the school environment that allow or foster obscene pictures, lewd jokes, sexual advances, requests for sexual favors or other harassing activities of a sexual nature; and

c) Such conduct and/or communication has the purpose or effect of substantially or unreasonably interfering with a student's academic performance or participation in an educational or extracurricular activity, or creating an intimidating, hostile or offensive learning environment; and/or effectively bars the student's access to an educational opportunity or benefit.

Sexual Violence

Sexual violence is defined by New York Penal Law as physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent. Sexual violence includes but is not limited to acts such as:

a) Rape;

b) Sexual assault;

c) Sexual battery;

d) Sexual coercion.

A person may be unable to consent to a sexual act due to his/her age, use of drugs or alcohol or due to intellectual or other disability. In order to encourage victims of sexual violence to come forward, a District must inform students that the District's primary concern is with their safety. The school
should assure victims that any broken rules or violations made by them will be addressed separately from the sexual harassment allegation. For example, victims need to know that their use of alcohol or drugs never makes them at fault for sexual violence.

The Board acknowledges that in determining whether sexual harassment has occurred the totality of the circumstances, expectations, and relationships should be evaluated including, but not limited to, the ages of the offender and the victim; the number of individuals involved; and the type, frequency and duration of the conduct. A single incident of sexual harassment may be sufficiently severe to create a hostile environment in the school and a student may experience the continuing effects from off-campus sexual harassment when in the school setting. The Board recognizes that sexual harassment can originate from a person of either sex against a person of the opposite or same sex, and from a third party such as a school visitor, volunteer, or vendor, or any other individual associated with the School District. Sexual harassment may occur from student-to-student, from staff-to-student, from student-to-staff, as well as staff-to-staff.

In order for the Board to enforce this policy, and to take corrective measures as may be necessary, it is essential that any student who believes he/she has been a victim of sexual harassment, as well as any other person who is aware of and/or who has knowledge of or witnesses any possible occurrence of sexual harassment, should immediately report such alleged harassment. Such report shall be directed to or forwarded to the District's designated Compliance Officers through informal and/or formal complaint procedures as developed by the District. Such complaints are recommended to be in writing, although verbal complaints of alleged sexual harassment will also be promptly investigated in accordance with the terms of this policy. In the event that the Compliance Officer is the alleged offender, the report will be directed to the next level of supervisory authority.

Upon receipt of an informal/formal complaint (even an anonymous complaint), the District will conduct a prompt, equitable, and thorough investigation of the charges. However, even in the absence of a complaint, if the District has knowledge of or has reason to know of or suspect any occurrence of sexual harassment, the District will investigate such conduct promptly, equitably, and thoroughly. To the extent possible, within legal constraints, all complaints will be treated as confidentially and privately as possible. However, disclosure may be necessary to complete a thorough investigation of the charges, and any disclosure will be provided on a "need to know" basis. The Superintendent will inform the Board of Education of investigations involving findings of harassment.

Based upon the results of the investigation, if the District determines that an employee and/or student has violated the terms of this policy and/or accompanying regulations, immediate corrective action will be taken as warranted. Should the offending individual be a student, appropriate disciplinary measures will be applied, up to and including suspension, in accordance with District policy and regulation, the Code of Conduct, and applicable laws and/or regulations. Should the offending individual be a school employee, appropriate disciplinary measures will be applied, up to and including termination of the offender's employment, in accordance with legal guidelines, District policy and regulation, the Code of Conduct and the applicable collective bargaining agreement(s). Third parties (such as school volunteers, vendors, etc.) who are found to have violated this policy and/or accompanying regulations will be subject to appropriate sanctions as warranted and in compliance with law.

**Prohibition of Retaliatory Behavior (Commonly Known as "Whistle-Blower" Protection)**

The Board prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participated in the investigation of a complaint of sexual harassment. Follow-up inquiries shall be made to ensure that sexual harassment has not resumed and that all those involved in the investigation of the sexual harassment complaint have not suffered retaliation.

**Finding That Sexual Harassment Did Not Occur**
At any level/stage of investigation of alleged harassment, if a determination is made that harassment did not occur, the Compliance Officer will so notify the complainant, the alleged offender and the Superintendent of this determination. Such a finding does not preclude the complainant from filing an appeal pursuant to District policy or regulation and/or pursuing other legal avenues of recourse.

However, even if a determination is made that harassment did not occur, the Superintendent/designee reserves the right to initiate staff awareness and training, as applicable, to help ensure that the school community is not conducive to fostering harassment in the workplace.

In all cases, the Superintendent will inform the Board of Education of the results of each investigation involving a finding that sexual harassment did not occur.

**Knowingly Makes False Accusations**

Employees and/or students who *knowingly* make false accusations against another individual as to allegations of harassment may also face appropriate disciplinary action.

**Privacy Rights**

As part of the investigation, the District has the right to search all school property and equipment including District computers. Although rooms, desks, cabinets, lockers, computers, etc. are provided by the District for the use of staff and students, the users do not have exclusive use of these locations or equipment and should not expect that materials stored therein will be private. The purpose of searches is to further the special needs of school security, to ensure the safety of students, faculty and staff members, and to prevent disruptions to the learning environment. Searches can also have a deterrent effect on unwanted behavior.

**Development and Dissemination of Administrative Regulations**

Regulations will be developed for reporting, investigating and remedying allegations of sexual harassment. An appeal procedure will also be provided to address any unresolved complaints and/or unsatisfactory prior determinations by the applicable Compliance Officer(s).

Such regulations will be developed in accordance with federal and state law as well as any applicable collective bargaining agreement(s).

The Superintendent/designee(s) will affirmatively discuss the topic of sexual harassment with all employees and students, express the District's condemnation of such conduct, and explain the sanctions for such harassment. Appropriate training and/or "awareness" programs will be established for staff and students to help ensure knowledge of and familiarity with the issues pertaining to sexual harassment in the schools, and to disseminate preventative measures to help reduce such incidents of prohibited conduct. Furthermore, special training will be provided for designated supervisors and managerial employees, as may be necessary, for training in the investigation of sexual harassment complaints.

A copy of this policy and its accompanying regulations will be available upon request and may be posted at various locations in each school building. The District's policy and regulations on sexual harassment will be published in appropriate school publications such as teacher/employee handbooks, student handbooks, and/or school calendars.
Civil Rights Act of 1991, 42 United States Code (USC) Section 1981(a)
Title VII of the Civil Rights Act of 1964, 42 United States Code (USC) Section 2000e et seq.
Title IX of the Education Amendments of 1972, 20 United States Code (USC) Section 1681 et seq.
34 Code of Federal Regulations (CFR) Section 100 et seq.
29 Code of Federal Regulations (CFR) Section 1604.11(a)
Civil Service Law Section 75-B
Education Law Section 2801(1)
Executive Law Sections 296 and 297

Adoption Date: 6/7/2006, Revised: 9/20/2006; Amended 10/05/11, 2/06/13
7000 - STUDENTS
SUBJECT: STAFF-STUDENT RELATIONS (FRATERNIZATION)

The Board of Education requires that all School District employees maintain a professional, ethical relationship with District students that is conducive to an effective, safe learning environment; and that staff members act as role models for students at all times, whether on or off school property and both during and outside of school hours. Staff must establish appropriate personal boundaries with students and not engage in any behavior that could reasonably lead to even the appearance of impropriety.

Staff members are prohibited, under any circumstances, to date or engage in any improper fraternization or undue familiarity with students, regardless of the student's age and/or regardless of whether the student may have "consented" to such conduct. Further, employees shall not entertain students or socialize with students in such a manner as to create the perception that a dating relationship exists. Similarly, any action or comment by a staff member which invites romantic or sexual involvement with a student is considered highly unethical, in violation of District policy, and may result in the notification of law enforcement officials and the filing of criminal charges and/or disciplinary action by the District up to and including termination of employment.

Inappropriate employee behavior includes, but is not limited to, flirting; making suggestive comments; dating; requests for sexual activity; physical displays of affection; giving inappropriate personal gifts; frequent personal communication with a student unrelated to course work or official school matters; providing alcohol or drugs to students; inappropriate touching; and engaging in sexual contact and/or sexual relations. ("Frequent personal communication with a student unrelated to course work or official school matters" means any form in which that personal communication may occur including, but not limited to, voice or text-based communication via phone, e-mail, instant messaging, text messaging or through social networking Web sites.)

Even if the student participated "willingly" in the activity (regardless of the student's age), inappropriate fraternization of staff with students is against District policy and may be in violation of professional standards of conduct and New York State Law. However, inappropriate employee conduct does not need to rise to the level of criminal activity for such conduct to be in violation of District rules and subject to appropriate disciplinary sanctions.

Any student who believes that he/she has been subjected to inappropriate staff behavior as enumerated in this policy, as well as students, school employees or third parties who have knowledge of or witness any possible occurrence of inappropriate staff-student relations, shall report the incident to any staff member or either the employee's supervisor, the student's principal or the District's designated complaint officer. In all events such reports shall be forwarded to the designated complaint officer for further investigation. Anonymous complaints of inappropriate fraternization of staff members with students shall also be investigated by the District. Investigations of allegations of inappropriate staff-student relations shall follow the procedures utilized for complaints of harassment within the School District. Allegations of inappropriate staff-student behavior shall be promptly investigated and will be treated as confidential and private to the extent possible within legal constraints.

Any employee having knowledge of or reasonable suspicion that another employee may have engaged in inappropriate conduct with a student that may constitute child abuse (specifically, child
SUBJECT: STAFF-STUDENT RELATIONS (FRATERNIZATION) (Cont'd.)

abuse in an educational setting) must also follow the District's reporting procedures as per Policy #7530 for such allegations; and such information will be reported by the designated administrator as required by state law to law enforcement officials, the State Education Department and/or Child Protective Services as may be applicable.

If a student initiates inappropriate behavior toward a staff member, that employee shall document the incident and report it to his/her building principal or supervisor immediately.

The District shall promptly investigate all complaints of inappropriate staff-student relations, and take prompt corrective action to stop such conduct if it occurs.

Prohibition of Retaliation

The Board of Education prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participate in the investigation of allegations of inappropriate staff-student relations. Follow-up inquiries and/or appropriate monitoring shall be made to ensure that the alleged conduct has not resumed and that all those involved in the investigation have not suffered retaliation. Any act of retaliation is subject to appropriate disciplinary action by the District.

District Responsibility/Training

A) The principal of each school and/or program supervisor shall be responsible for informing students, staff and volunteers of the requirements of this policy, including the duty to report and the procedures established for investigation and resolution of complaints. Further, staff training shall be provided to facilitate staff identification of possible behavior that may constitute inappropriate staff-student relationships. Students shall be provided such training in an age appropriate manner.

B) The District's policy (or a summary thereof) shall be disseminated as appropriate to staff, students and parents. Further, this topic shall be addressed in the District Code of Conduct.

C) Upon request of the student/parent/guardian, the District will provide appropriate forms of assistance (including counseling) for student(s) who have been involved with the fraternization.

Disciplinary Sanctions

Any staff member who engages in inappropriate conduct with a student, prohibited by the terms of this policy, shall be subject to appropriate disciplinary measures up to and including termination of employment in accordance with legal guidelines, District policy and regulation, and the applicable collective bargaining agreement. A violation of this policy may also subject the employee to criminal and/or civil sanctions as well as disciplinary action by the State Education Department.

SUBJECT: CHILD ABUSE AND NEGLECT/MALTREATMENT

The School District subscribes to all of the provisions of Title 6 - Child Protective Services of the Social Services Law Sections 411-428. Our purpose is to provide protective services to abused and neglected/maltreated children as described by the law, and to make all school personnel within the District aware of our legal responsibilities under this law.

Regulations shall be developed, maintained and disseminated by administration regarding the:

a) Mandatory reporting of suspected child abuse or neglect/maltreatment;
b) Reporting procedures and obligations of persons required to report;
c) Provisions for taking a child into protective custody;
d) Mandatory reporting of deaths;
e) Immunity from liability and penalties for failure to report;
f) Obligations for provision of services and procedures necessary to safeguard the life of a child; and

g) Provision of information in recognizing signs of unlawful methamphetamine laboratories for all current and new school officials (i.e., "mandated reporters") who, as part of their usual responsibilities, visit children's homes.

Additionally, an ongoing training program for all current and new school officials shall be established and implemented to enable such staff to carry out their reporting responsibilities. The Superintendent shall distribute copies of the policy and regulations regarding child abuse reporting requirements to all current employees and new employees (Sect. 413, Social Services Law).

School Officials Required to Report

The definition of a "school official" who is mandated to report cases of child abuse or neglect/maltreatment to the State Central Register (SCR) pursuant to Social Services Law Section 413(1) includes, but is not limited to, school teachers, school guidance counselors, school psychologists, school social workers, school nurses, school administrators or other school personnel required to hold a teaching or administrative license or certificate.

All mandated reporters shall make the report themselves and then immediately notify the Building Principal or his/her designee. The Building Principal or his/her designee shall be responsible for all subsequent administration necessitated by the report.

Any report shall include the name, title and contact information for every staff member who is believed to have direct knowledge of the allegations in the report.

(Continued)
SUBJECT: CHILD ABUSE AND NEGLECT/MALTREATMENT (Cont'd.)

Prohibition of Retaliatory Personnel Action

Social Services Law Section 413(1) also prohibits a school from taking any retaliatory personnel action against an employee because such employee believes that he/she has reasonable cause to suspect that a child is an abused or neglected/maltreated child and that employee makes a report to SCR pursuant to Social Services Law. Further, no school or school official shall impose any conditions, including prior approval or prior notification, upon any staff member specifically designated a mandated reporter.

Pursuant to Labor Law Section 740(1)(e), "retaliatory personnel action" means the discharge, suspension or demotion of an employee, or other adverse employment action taken against an employee in the terms and conditions of employment.

Report Form

The Revised May 2007 New York State Office of Children and Family Services "Report of Suspected Child Abuse or Maltreatment" Form LDSS-2221A may be accessed at:
http://www.ocfs.state.ny.us/main/cps/

Education Law Section 3209-a
Family Court Act Section 1012
Labor Law Section 740(1)(e)
Social Services Law Sections 411-428
Identifying and Reporting Child Abuse and Neglect
A MANDATED REPORTER HANDBOOK

- Define Child Abuse, according to NYS Law
- Identify Indicators of CA/N
- Explain Possible Behavioral and Environmental Characteristics of Abusive Parents or Caretakers
- Describe Reportable Situations
- Explain Reporting Procedures
- Consider Actions That May Be Taken
- Describe Legal Protections & Consequences for Failure to Report

For more information call:
Prevention Information Resource Center
1-800-342-PIRC

PHYSICAL ABUSE OF CHILDREN - DEFINING THE PROBLEM

The non-accidental physical injury of a child inflicted by a parent or caretaker, which ranges from superficial bruises and welts to broken bones, burns, serious internal injuries and, in some cases, death.

Summary of Legal Definition in NYS: An abused child is one who is under 18 years of age whose parent- or other person legally responsible for his/her care-inflicts or allows to be inflicted upon the child physical injury by other than accidental means, or creates or allows to be created a substantial risk of physical injury by other than accidental means, which would be likely to cause death or serious or protracted disfigurement, or protracted impairment of physical or mental health or protracted loss or impairment of the function of any body organ.

INDICATORS OF PHYSICAL ABUSE

Special attention should be paid to injuries that are unexplained or are inconsistent with the parent or caretaker's explanation and/or the child's developmental stage.

Note: "Behavioral indicators" of child abuse have a valid place in decision making. Particularly when there is otherwise unexplained change in behavior, these indicators provide important clues for potential reporters to pursue, and crucial corroborative evidence of maltreatment. But, behavioral indicators tend to be missed to report suspected abuse, without physical or other evidence and without statements of the child or others. Any list of behavioral indicators standing on their own and without an accompanying history of past and present behaviors, should not be the basis of a report. There are many other explanations for such behavior. (Beskorov, Douglas, Recognizing Child Abuse, A Guide for the Concerned, The Few Press 1990.)

Physical Indicators

- Bruises, welts and bite marks
  - on face, lips, mouth, neck, wrists or ankles, on torso, back, buttocks, thighs
  - injuries to both eyes/checks (accidents usually injure only one side)
  - clustered, forming patterns
  - in shape of article (e.g., be, cord)
  - on several different surface areas
  - evidence of human bites (compares rather than teats)
  - in various stages of healing
  - regularly appearing after absence, weekend, vacation
  - Lacerations or abrasions
  - to mouth, lips, gums, eyes
  - to external genitalia
  - on back of arms, legs or torso
  - Burns
  - Eiger, cigarette, esp. on soles, palms, back, buttocks
  - scalding water immersion (sock-like, glove-like, doughnut shaped on buttocks or genitalia)
  - patterned like electric cord, iron, etc.
  - rope burns on arms, legs, neck, and torso

Behavioral Indicators

- Wary of contacts with parents or other adults
- Appearance when other children cry
- Behavior extremes, such as:
  - aggressiveness, or
  - withdrawal, or
- Extreme mood changes
  - Fearful to go home, repeated incidents of running away
  - Reports injury by parents (sometimes blames self, e.g., "I was bad")
  - Habit disorders
  - Self-injurious behaviors
  - Psychoneurotic reactions (phobias, compulsions, obsessions, hypochondria)
  - May wear long sleeves or other concealing clothing inappropriate for weather, to hide injuries
  - Manifestations of low self-esteem
  - Suicide attempts
SEXUAL ABUSE of CHILDREN - DEFINING the PROBLEM

The sexual exploitation of a child by a parent, relative, caretaker or other person, such as fondling, intercourse or use of child in the production of pornographic materials.

Summary of Legal Definition in NYS. A sexually abused child is a child less than eighteen years of age whose parent- or other person legally responsible for his/her care- commits or allows to be committed a sexual offense against such child, as defined in the Penal law; commits incest; allows, permits or encourages such child to engage in acts or conduct which constitute prostitution or a sexual performance.

INDICATORS OF SEXUAL ABUSE

Because most sexual abuse cases do not present apparent physical evidence or indicators, identification and recognition are often very difficult. And, the many legitimate fears which child victims of sexual abuse experience make it extremely difficult for them to report the abuse even to a very trusted adult or friend. The fact that the vast majority of child molesters are family members or friends of the child or his/her family makes disclosure of the abuse very difficult for the child. There is absolutely no profile of a child molester or of the typical victim. Do not assume that, because an alleged offender has an unimpeachable reputation for good works in the community or holds a certain job, he or she could not also be a child molester.

Note: "Behavioral indicators" provide important clues for potential reporters to pursue, particularly when there is otherwise unexplained change in behavior. But, behavioral indicators should not be the basis of a report without physical or other evidence of statements of the child or others.

Physical Indicators
- Difficulty in walking or sitting
- Torn, stained or bloody underclothing
- Pain or itching in genital area
- Bruises or bleeding in external genitalia, vaginal or oral areas
- Bruises to the hard or soft palate
- Sexually transmitted diseases, especially in presence of venereal oral infections
- Pregnancy, especially in early adolescent
- Painful discharge of urine and/or repeated urinary infections
- Foreign bodies in vagina or rectum

Behavioral Indicators
- Unwilling to change for gym or participate in physical education class
- Withdrawal, fantasy or infatiable behavior
- Bizarre, sophisticated or unusual sexual behavior or knowledge; seductive or promiscuous behavior
- Poor peer relationships
- Delinquent or runaway; truancy
- Reports sexual assault by caretaker
- Prostitution
- Forcing sexual acts on other children
- Extreme fear of being touched, unwilling to submit to physical examination
- Self-injurious behaviors; suicide attempts
- Manifestations of low self-esteem, general fearfulness

NEGLECT / MALTREATMENT of CHILDREN - DEFINING the PROBLEM

PHYSICAL MALTREATMENT

The withholding, or failure to provide a child, adequate food, shelter, clothing, education, hygiene, medical care and/or supervision needed for normal growth and development.

Summary of Legal Definition in NYS. A neglected child is a child less than eighteen years of age whose physical, mental or emotional condition has been impaired or is in imminent danger of becoming impaired as a result of the failure of the parent- or other person legally responsible for his/her care- to exercise a minimum degree of care:
1. in supplying the child with food, clothing, shelter or education, or medical, dental or psychological or surgical care, though financially able to do so or offered financial or other reasonable means to do so; or
2. in providing the child with proper supervision or guardianship, by unreasonably inflicting or allowing to be inflicted harm, or a substantial risk thereof, including the use of excessive corporal punishment; or
3. by giving the child drugs or alcohol to the extent that he or she loses self-control of his/her actions; or
4. by any other acts of similarly serious nature requiring the aid of the court; or
5. who has been abandoned by his/her parents or other person legally responsible for the child's care.

EMOTIONAL MALTREATMENT (ABUSE and NEGLECT)

Acts or omissions that cause or could cause serious conduct, cognitive, affective or other mental disorders as a result of such parent or caretaker behavior as torture or close confinement or the constant use of verbally abusive language to harshly criticize and denigrate a child; generally a result of the child's inability to meet unrealistic demands made by parents. Also includes emotional neglect -- the withholding of physical and emotional contact to the detriment of the child's normal emotional development, and in extreme cases, physical development.

Summary of Legal Definition in NYS. "Impairment of emotional health" and "impairment of mental or emotional condition" includes a state of substantially diminished psychological or intellectual functioning in relation to, but not limited to, such factors as failure to thrive, control of aggressive or self-destructive impulses, ability to think and reason, or acting out and maladjustive, including insincerity, ungodliness or habitual truancy provided, however, that such impairment must be clearly attributable to the unwillingness or inability of the parent or other person legally responsible for the child to exercise a minimum degree of care toward the child.

Indicators of Neglect and Maltreatment

Note: "Behavioral indicators" have a valid place in decision making, particularly when there is otherwise unexplained change in behavior. These indicators provide important clues for potential reporters to pursue. But, behavioral indicators alone should not be the basis of a report. There are many other explanations for such behavior.

Physical Indicators
- Failure to thrive (physically or emotionally)
- Presence of indicators of toxocology, esp. in newborn; drug withdrawal symptoms, tremors, etc.
- Lags in physical development
- Current hunger, poor hygiene (skin, teeth, ears, etc.)
- Inappropriate dress for the season
- Speech disorders
- Consistent lack of supervision, especially in dangerous activities or for long periods
- Chronic truancy
- Abandonment

Behavioral Indicators
- Barging, sneaking food
- Extended stays at school
- Constant fatigue, listlessness, falling asleep in class
- Alcohol or drug abuse
- Delayed (e.g., thefts)
- Stares there is no caretaker
- Runaway behavior
- Habit disorder (e.g., rocking, lieng, rocking)
- Conduct disorder (e.g., stealing, destructive)
- Neurotic traits (sleep disorders, inability of play)
- Psychoneurotic reactions (hysteria, obsession)
- Behavior extremely; compliant/passive, aggressive, overly adaptive behavior, adult-like or infantile
- Lags in mental/emotional development

Prevail Child Abuse N.Y. 3

Prevail Child Abuse N.Y. 4
POSSIBLE BEHAVIORAL and ENVIRONMENTAL CHARACTERISTICS of
ABUSIVE PARENTS or CARETAKERS

These indicators are clues, not conclusive proof. Although they are useful to remember when dealing with
the parent/caretaker, these characteristics also exist where a child is not abused or neglected. Typically,
several clues or indicators will appear, rarely as separate entities. Except for the obvious, single clues should
be treated as “flags” which indicate that the professional needs to look further and more carefully.

Parent / Caretaker History

→ Parent abused or neglected as a child
→ Lack of friendships or emotional support ie. isolated from supports such as friends, relatives,
neighbors, community groups
→ Lack of self-esteem, feelings of worthlessness
→ Marital problems of parents, including spouse abuse
→ Physical or mental health problems, irrational behavior
→ Life crises: financial debt, unemployment / underemployment, housing problems, etc
→ Alcohol / substance abuse
→ Adolescent parents

Parent - Child History

→ Parent's unrealistic expectation of child's physical and emotional needs mentally/developmentally
disabled children are particularly vulnerable
→ Parent's unrealistic expectations of child to meet parent's emotional needs (role reversal), children
viewed as “miniature adults”
→ Absence of nurturing child-rearing skills or violence accepted as unquestioned child-rearing practice
or as a normal means of personal interaction
→ Delay or failure in seeking health care for child's injury, illness, routine checkups, immunizations,
etc.
→ Parent views child as bad, evil, different, etc.

Environmental

→ Lack of social support inability to ask for and receive the kind of help and support parents need for
themselves and their children
→ Homelessness

CHILD ABUSE and NEGLECT
in RESIDENTIAL CARE FACILITIES-DEFINING the PROBLEM

Persons legally responsible for a child in a residential care- or custodial- include director, operator of,
employee or volunteer of a residential care facility or program.

AN ABUSED CHILD in residential care is one whose custodian inflicts, or allows to be inflicted upon
the child, physical injury by other than accidental means, or creates or allows to be created a substantial risk of
physical injury by other than accidental means, which would be likely to cause death or serious or protracted
disfigurement, or protracted impairment of physical or emotional health or protracted loss or impairment of
the function of any bodily organ; or commits or permits the commission of a sex offense against the child.

An Abused Child in residential care is also one whose custodian fails to comply with a rule or regulation (of
the state agency operating, certifying or supervising the facility) involving care, services or supervision, and
such failure to comply results in death, serious or protracted disfigurement or impairment of physical health
or loss or impairment of the function of any organ where the result was reasonably foreseeable.

A NEGLECTED CHILD in residential care is one whose custodian
→ inflicts by act or omission physical injury, excluding minor injury, by other than accidental means
→ creates a substantial risk of other than minor injury by other than accidental means
→ fails to comply with a rule or regulation involving care, services or supervision of the child, and
such failure to comply results in other than minor physical injury or in serious emotional injury,
where such result was reasonably foreseeable
→ intentionally administers to the child any prescription drug other than in accordance with a
physician's, physician's assistant's or nurse practitioner's prescription.

AN INSTITUTIONALLY NEGLECTED CHILD in residential care means a child whose health, safety or
wellbeing is harmed or placed in imminent danger of harm as a result of a lack of compliance with applicable
standards of the state agency operating, certifying or supervising the facility, including but not limited to,
provision of supervision, food, clothing, shelter, education, medical, dental, optometric or surgical care.

CHILDREN UP TO 21 YEARS of age, rather than 18 years, may be considered abused or neglected, if
they have a handicapping condition and their care is provided in one of the following,
• the NY state school for the blind or the NY state school for the deaf
• a private residential school which has been approved by the Commissioner of Education for special
education services or programs
• institutions for the instruction of the deaf and the blind which have a residential component and are
under the authority of the state commissioner of education
• a special act school district.
HANDLING DISCLOSURES OF ABUSE

Recognizing Disclosures

Very seldom will a child disclose abuse immediately after the first incident has occurred. Victimized children often experience a great sense of helplessness and hopelessness and think that nobody can do anything to help them. Also, victimized children may try to make every attempt to protect an abusive parent. Or, they may be extremely reluctant to report any abuse for fear of what the abuser may do to them.

Typically, a child may not report abuse for months and even years, particularly if the abuser is someone close to the child.

Sometimes an outcry may not be verbal but portrayed in a drawing left behind inadvertently for the teacher, the counselor, or a trusted relative to see. Another form of outcry may be seen in a child who will frequently go to the school nurse complaining of vague, somatic symptoms, often without organic basis, hoping that the nurse will guess what has happened. This way, in their minds, they have not betrayed nor will they be punished, since they did not directly report the abuse. Some children, while totally reluctant to report or discuss the abuse, may be more willing to express their apprehensions and anxieties about the perpetrator or the home situation. In some cases, abused children will make an outcry which may take the extreme form of a suicide gesture or attempt.

Children may disclose abuse in a variety of ways. They may blurt it out to you, especially after you have created a warm nurturing environment. They may communicate directly and specifically about what is going on. But more common ways include:

Indirect Hints: “My brother wouldn’t let me sleep last night.” “My babysitter keeps bothering me.” A child may talk in these terms because he/she hasn’t learned more specific vocabulary, feels too ashamed or embarrassed to talk more directly, has promised not to tell, or for a combination of these reasons.

Appropriate responses would be invitations to tell you more, such as “Is it something you are happy about?” and open-ended questions such as “Can you tell me more?” or “What do you mean?” Gently encourage the child to be more specific. It is important that the child use his/her own language, and that no additional words are given to the child.

Disguised Disclosure: “What would happen if a girl told someone her mother beat her?” “I know someone who is being touched in a bad way.” Here the child might be talking about a friend or sibling, but is just as likely to be talking about him/herself.

Encourage the child to tell you what he/she knows about the “other child.” It is probably that the child will eventually tell you about whom he/she is talking.

Disclosure with Strings Attached: “I have a problem, but if I tell you about it, you have to promise not to tell anyone else.” Most children are all too aware that some negative consequences will result if they break the secret of abuse. Often the offender uses the threat of these consequences to keep the child silent.

Let the child know you want to help him/her. Tell them, from the beginning, that there are times when you may need to get help with the problem. In order to help them, it may be necessary to get some special people involved. The fact that the child has chosen this particular moment to disclose is important. Usually they will agree to seek help if you talk about it ahead of time. Assure the child that you will respect his/her need for confidentiality by not discussing the abuse with anyone other than those directly involved in getting help. And, if you can explain the process to them, it may help with their initial fear.

RESPONDING TO DISCLOSURES

In school, if a child discloses during a lesson, acknowledge the child’s disclosure and continue the lesson. Afterwards, find a place where you can talk with the child alone. It is best to present child abuse curricula before a playtime or recess so that you have a natural opportunity to talk with children privately if they come forward.

Before notifying anyone outside of your school or agency, you or another designated person should sit down in a quiet room, without interruptions and speak with the child. If a child has chosen you as the person in whom to confide, you should take the time to speak with the child about the problem. If that is not possible, ask the child if s/he would feel comfortable discussing it with someone else. If the child indicates that he wants to tell you, you must make every effort to listen and support the child. She/he may not trust another enough to tell them.

Multiple interviews should be avoided. The child will have to share the story with many others. When you speak with the child, sit down together, assure him/her that you are concerned and want to know more and that it’s alright to tell you. Go slowly, allowing the child to explain as much as he/she can. Do not suggest in any way that any particular person may have done something to him/her or that the child was touched in any particular way. Let the child talk as much as possible.

Explain, in age appropriate language, that the law requires you to make a report if any child discloses abuse and that the law is there to protect them. Describe for them who will be involved, for example, the social worker, principal and the CPS caseworker.

When Talking to the Child, DO

• Find a private place to talk with the child.
• Sit next to the child, not across a table or desk.
• Use language the child understands; ask the child to clarify words you don’t understand.
• Express your belief that the child is telling you the truth.
• Reassure the child that it is not his/her fault, and that he/she is not bad and did nothing to deserve this.
• Determine the child’s immediate need for safety.
• Let the child know you will do your best to protect and support him/her.
• Tell the child what you will do, and who will be involved in the process.

When Talking to the Child, DON’T

• Disparage or criticize the child’s choice of words or language.
• Suggest answers to the child.
• Probe or press for answers the child is unwilling to give.
• Display shock or disapproval of parent(s), child, or situation.
• Talk to the child with a group of interviewers.
• Make promises to the child, about “not telling” nor about how the situation will work out.

Supporting the Child After the Report Has Been Made

if it is necessary for Child Protective Services or a Law Enforcement officer to interview the child at the school or agency, you should cooperate and assist by providing access for such an interview. Unless there are compelling reasons against it, a staff member the child trusts should be present during the interview to provide support for the child. (This situation may also arise when the report did not originate from your school or agency.)

Adapted from information provided by Orange-Ulster BOCES in New York.

Prevent Child Abuse New York
### EXAMPLES OF REPORTABLE SITUATIONS

- A school principal calls the State Central Register (SCR-the Hotline) and reports that a 10-year-old pupil, Ed, has told him repeatedly for several weeks that he does not get enough to eat at home. The child appears pale and eats excessively at the school lunch program.

- Mary brings her four-year-old daughter to the emergency room because of a vaginal discharge. The child is diagnosed to have gonorrhea.

- A five-year-old boy, Jason, is continually brought to the school nurse for an advanced case of head lice.

- Nancy, a 12-year-old, comes to school with two bruises. One is on her upper left arm and one is on the lower area of her neck. Nancy states that her mother was upset yesterday and threw her against the refrigerator.

- Three-year-old Amy is brought to the emergency room and is diagnosed to have second-degree immersion burns.

- A school counselor calls the SCR and states that Teddy has missed 34 out of a possible 95 days of school; Teddy has submitted an excuse for 10 of his absences. The school has attempted to contact the parents. The parents have not responded to the contacts.

- A neighbor calls the SCR and states that Kim and Meghan, a three-year-old and four-year-old, sit on the windowsill every day during warm weather. The family live in a fourth floor apartment without any screens.

- A mother calls the SCR and reports that she is afraid her husband is going to harm her six-month-old baby. He has on more than one occasion violently shaken the baby when the baby doesn't stop crying.

- A neighbor calls the SCR and states that three young children, who live two trailers down, roam the trailer park all night long vandalizing neighbors’ property.

- A 16-year-old boy, Roger, is repeatedly drinking (two-three times a week) to the point of intoxication. He drinks in front of his mother. The aunt is concerned and calls the SCR.

### OUTLINE of PROCEDURES for MANDATED REPORTING of CA/N in NYS

- **WHO:** Mandated reporters are those persons and officials required by law to report suspected child abuse, or cause a report to be made. They include any:
  - physician
  - psychologist
  - physician assistant
  - registered nurse
  - physical therapist
  - hospital personnel engaged in admission, examination, care or treatment
  - Christian Science practitioner
  - school official
  - social services worker
  - day care center worker
  - family or group family day care provider
  - employee or volunteer in a residential care facility
  - child care or foster care worker
  - mental health professional
  - substance abuse counselor
  - alcoholism counselor
  - police officer
  - district attorney or assistant district attorney
  - investigator employed in a district attorney's office
  - other law enforcement officer
  - emergency medical technician

- **WHEN:** As a mandated reporter, you must report immediately when you have reasonable cause to suspect that a child who comes before you in your professional role is an abused or neglected child - or when a parent or caretaker who comes before you in your professional role makes statements from his/her personal knowledge which, if correct, would render the child an abused or neglected child.

- **HOW:** Call the NYS Central Register of Child Abuse and Maltreatment, Mandated Reporter number (child abuse reporting hotline): 1-800-635-1522
  
  [People who are not mandated reporters call the hotline at 1-800-342-3720]

  In schools, hospitals and clinics and other institutions, take your concern to the person, in your institution who is designated to contact the child abuse reporting hotline. They make the phone call to the hotline. That person is the "reporter"; you are the "source of the report." Only one report is required. If that person refuses to make the report, then you must do so, unless you receive new information that legitimately removes your suspicion of child maltreatment. (For example, you may learn that what you believed were bruises are actually Mongolian spots.)

- **Include in the oral report**
  - Information about the child(ren), parent(s) or caretaker: name & address, age, gender, race
  - Other persons in the family/household
  - The Allegation and the Basis of Your Suspicion
    - Nature and extent of injuries, abuse, maltreatment
    - Child's condition, behavior
    - Including also evidence of prior abuse or of maltreatment of siblings
  - Person you suspect is responsible for injury, abuse, maltreatment
  - Source of report and person making report
  - Any additional information that may be helpful
  - Other actions taken, e.g., photos, X-rays, keeping the child in protective custody

Source: New York State Department of Social Services
From "The Identification and Reporting of Child Abuse and Maltreatment: NYS Syllabus," The University of the State of New York, The New York State Education Department, Albany, NY 12234

Person Child Abuse New York
Essential Elements for a Report to Be Accepted:

- Child is under 18
- Jurisdiction is within New York State
- Demographics: names, address, etc.
- Allegations: abuse and/or maltreatment suspected
- Person legally responsible for the child's care

Other Permissible Actions of Mandated Reporters

May take, or cause to be taken, photographs or X-rays of visible trauma

Such photographs or X-rays must be attached to the written report sent to CPS.

The child may be taken into protective custody by certain mandated reporters (law enforcement, hospital administrators, CPS workers).

After the Oral Report Is Made, a Written Report Must Be Mailed

Within 48 hours, a written report, Form DSS 2221-A, must be sent to Child Protective Services in the county which will handle the case. Generally, that is the county in which the family resides. If the child and the suspected perpetrator (person who abused the child) live in different counties, the written report is sent to the county where the perpetrator resides. If photos or X-rays of the trauma were taken, enclose them with the report. You may obtain the forms from your county Child Protective Services, Department of Social Services

Legal Protections for Mandated Reporters

Immunity: When a report is made in good faith, the reporter is immune from civil or criminal liability. Furthermore, Mandated Reporters' good faith is presumed.

Confidentiality: Child Protective Services is required to maintain confidentiality about the source of reports, i.e., they may not release identifying information about the source of the report to the subjects of the report (unless they have the reporter's written permission).

Consequences For Failure to Report

Criminal Sanction: It is a class A misdemeanor for a mandated reporter to willfully fail to report a case of suspected child abuse or maltreatment.

Civil Sanction: A mandated reporter who knowingly and willfully fails to make a report of suspected child abuse or maltreatment is civilly liable for damages caused by such failure.

Recommended Reading: Recognizing Child Abuse: A Guide for the Concerned, Douglas J. Bejarov, The Free Press, 1990. Directed at professionals and private citizens, provides comprehensive, enormously practical (e.g., little technical jargon) guidance for deciding whether there is "reasonable suspicion" of CA/N, i.e., a report should be made.

Do you have further questions about reporting child abuse and neglect?
Contact the Child Abuse Prevention Information Resource Center at 1-800-342-PIRC (7472)
SUBJECT:  STUDENT PRIVACY AND CONFIDENTIALITY AGREEMENT FOR SCHOOL VOLUNTEERS

Your service as a volunteer in our schools is greatly appreciated. In your association with teachers and students, you may have access to student information that is not to be shared or discussed with anyone other than designated personnel. Confidentiality is of the utmost importance in your work with teachers and students. You may not discuss a child even with that child's parents/guardians; nor are you to contact parents/guardians regarding the behavior or performance of students. You must always refer any questions regarding students to the student's teacher or the building principal. If you need help with a student, discuss the matter professionally with the child's teacher or other designated school official. Before beginning service as a volunteer in our School District, it is requested that you acknowledge your intent to fulfill this responsibility by endorsing the statement below.

1) I will not discuss with others, when serving as a volunteer or when no longer in a volunteer role, the content of any confidential student information which was learned in the course of or because of my volunteer work in the school; nor will I disclose or permit to be disclosed, directly or indirectly, student education records, personally identifiable student information in such records, or other confidential information regarding any student. Exceptions to this rule include my ability to discuss student information with designated staff members and/or as authorized by administration.

2) The confidentiality of student information shall include, but not be limited to, the following topics:
   a. Academic standing (including student grades and test scores);
   b. Attendance;
   c. Financial status;
   d. Physical/mental health identity and history;
   e. Disciplinary status/records.

3) I further understand that, in accordance with the Family Educational Rights and Privacy Act, "education records" (generally defined as "those records, files, documents, and other materials which contain information directly related to a student; and are maintained by an educational agency or institution or by a person acting for such agency or institution") cannot be released, except as enumerated in law, without parent/guardian permission.

4) As a volunteer, I understand that I am not authorized to examine, release or comment on student records/information unless expressly authorized by school officials in accordance with applicable law.

(Continued)
SUBJECT:  STUDENT PRIVACY AND CONFIDENTIALITY AGREEMENT FOR SCHOOL VOLUNTEERS (Cont'd.)

5) While in the possession and control of confidential student data, I understand that I must protect those documents from being viewed or obtained by non-authorized individuals.

6) I will never take any confidential student data off campus unless authorized by the building principal or his/her designee.

7) Concerns or questions regarding student records or issues of confidentiality should be brought to the attention of the school administrator and/or staff member that supervises the volunteer.

8) I must report any breach or suspected breach in this confidentiality agreement to the building principal or his/her designee.

Volunteers in our School District shall perform tasks only under the supervision and guidance of appropriate staff, and are expected to comply with all District rules and regulations. Orientation and inservice training will be provided by appropriate staff to help ensure volunteer awareness of their duties, responsibilities, and expectations; and will stress the issues and importance of confidentiality of student information. Volunteers shall be given selected materials, including applicable Board policies and/or administrative regulations, that address the role of the volunteer.

Violation of these guidelines may constitute cause for termination of the volunteer's services. The Superintendent or his/her designee is responsible for decisions concerning continuation or discontinuance of a volunteer's activities.

Volunteer Confidentiality Agreement and Signature (required for all volunteers)

By signing, I acknowledge that I have read, understand, and will comply with the Confidentiality Statement above.

Name of Volunteer (please print)

Signature of Volunteer ____________________________ Date __________

Signature of Administrator ____________________________ Date __________

This Confidential Agreement will be kept on file in the Main Office of the building to which the volunteer is assigned. A copy of the Agreement will be provided to the volunteer.