Capital School District
Board of Education Policy

Section: Human Resources
Title: Responding to Adult Sexual Misconduct
Policy#: 500-30
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PURPOSE

This document is a policy for school response to acts of adult sexual misconduct between students and school employees, contractors, coaches, and volunteers.

This policy provides guidance to the Capital School District and law enforcement agencies when responding to adult sexual misconduct.

Students value positive and supportive relationships with school adults while also recognizing the importance of clear professional boundaries. Students do not view professional boundaries as a barrier to the development of respectful and caring relationships. Rather, they appreciate adults who are approachable yet maintain appropriate boundaries that help students feel safe.

A separate document addresses the components below and is incorporated as an appendix.

- A provision establishing appropriate and inappropriate interactions between adult employees, contractors, coaches, and volunteers and students.
- A provision prohibiting adult sexual misconduct in schools which shall apply to employees, contractors, coaches, and volunteers.
- A provision prohibiting any sexual relationship between a student, even if the student is an adult, and a school district employee while the student is a current student.
- A provision emphasizing the mandatory reporting requirements of § 903 of Title 16.
- A provision delineating preferred and prohibited methods of electronic communications between school employees, contractors, coaches, volunteers and students.
- A provision that substantiated incidents of adult sexual misconduct will be reported in future reference checks for employment or volunteer work.
- A provision requiring the development of hiring practices to screen for adult sexual misconduct in school employees, contractors, coaches, and volunteers.

DEFINITIONS

1. **Adult Sexual Misconduct** is any activity - physical, sexual, or otherwise - of a romantic or sexual nature, directed to a student.
2. **Alleged Perpetrator** is the school employee, contractor, coach, or volunteer who is suspected of committing an act of misconduct against a student.

3. **Child Sexual Abuse** is any sexual act which is non-consensual or prohibited due to the ages of the child and perpetrator.
4. **Contractor** is a person or business hired to do a specific job or provide a service under a legal agreement called a contract.
5. **Grooming** constitutes a pattern of deliberate behaviors an adult (or older youth) uses to form a trusting relationship with a child (and sometimes the child's family) with the intent of later facilitating sexual abuse or exploitation. Grooming often includes giving gifts or special attention, isolating the child, gradually crossing physical boundaries, and/or manipulating the child's trust and secrecy. It is a preparatory process that may precede abuse and is itself a red flag for potential abuse.
6. **Inappropriate Sexual Conduct** includes making any sexual contact with a student such as: genital contact, groping, fondling, kissing, touching, showing a child one's genitalia or pornography, and participating in child exploitation conducted in online settings.
7. **Inappropriate Verbal Conduct** includes making sexual comments and questions, jokes, taunting, and teasing; whether in person, by phone, or using electronic means.
8. **Inappropriate Physical Conduct** includes making physical contact with a student such as kissing, hair stroking, tickling, and frontal hugging.
9. **Minimal Facts Questions** are questions that help reporters to obtain the information needed to make a clear and concise report of child abuse and neglect to the Division of Family Services, and it focuses reporters on the essential information – what, when, where and who?
10. **Parent** includes a natural parent, adoptive parent, or any person, agency, or institution that has custody or guardianship over a student.
11. **School Employee** shall include all persons employed by the Capital School District; subcontractors such as bus drivers or security guards; substitute employees; and persons hired by or subcontracted by other state agencies to work on school property. This includes school-based wellness center staff and volunteers and community agency staff.
12. **School Environment** means within or on school property, and at school sponsored or supervised activities, including, for example, on school buses, at functions held on school grounds, at school sponsored extracurricular activities held on and off school grounds, and on field trips.
13. **School Crimes** means a school employee has reasonable suspicion that a student has been the victim of a violent felony, Assault III or Unlawful Sexual Contact III and the offense was committed by another student as outlined in Title 14 *Del. C.* §4112.
14. **School Property** shall include any building, structure, athletic field, sports stadium that is owned, operated, leased or rented by the Capital School District; any motor vehicle owned, operated, leased, rented or subcontracted by the District; or remote learning platform.
15. **School Volunteer** means a person 18 years of age or older who, without compensation, renders service to the District. School volunteer includes parents who assist in school activities or chaperone school functions.
16. **Title IX of the Education Amendments of 1972** is a federal statute that prohibits discrimination on the basis of sex, including sexual harassment, in educational programs and activities. Complaints or inquiries concerning sexual harassment or discrimination on the basis of sex should be directed to the School District's Title IX Coordinator in accordance with the Title IX Policy #500-28.

17. **Victim** is a current student allegedly harmed by a school employee, contractor, coach, or volunteer.

CONFIDENTIALITY

1. School Counselors, School Nurses, Mental Health & Medical Professionals

These professions are bound by their professional licensure and code of ethics and as such they are required to maintain confidentiality. However, certain information can be released under certain circumstances such as: law enforcement investigations, mandatory reporting (such as adult sexual misconduct) and in the course of certain judicial or administrative proceedings. Additionally, students may give informed consent to release their information. Mental health and medical professionals are required to maintain confidentiality of all information acquired from clients in a professional capacity except in the following situations:

- a student communicates an explicit and imminent threat to kill or seriously injure a clearly identified victim or victims (including themselves), or
- any reasonable suspicion of child abuse or neglect, or
- a student presents with the following: a stab wound; non-accidental poisoning; a bullet/gunshot wound; powder burn or other injury caused by the discharge of a firearm.

2. Other School Employees, Including Teachers & Administrators

These professions are not bound by confidentiality. Once a school employee knows or reasonably should know of possible adult sexual misconduct, the school employee must take immediate and appropriate action to keep the victim safe and report the incident. While these professionals are not bound by confidentiality, it is important that the reports are kept confidential and limited to certain individuals within the school to maintain the privacy of students. The procedures below will address in what specific circumstances reports to the Division of Family Services (DFS) and/or law enforcement are mandated.

RESPONSE TO ADULT SEXUAL MISCONDUCT

1. IDENTIFICATION OF ADULT SEXUAL MISCONDUCT

A school employee or volunteer may develop reasonable suspicion that a student has been the victim of adult sexual misconduct by a school employee, contractor, coach, or volunteer when:

- The incident is witnessed;
- A student makes a disclosure, even if it is minimal in detail; or,
- Indicators of possible adult sexual misconduct are known, such as the inappropriate interactions noted in Section 2.d. under the Procedures for Staff Interactions with Students.

School employees or volunteers shall not interview the victim or alleged perpetrator when adult sexual misconduct is suspected; only Minimal Facts Questions should be asked.

2. IMMEDIATE RESPONSE BY SCHOOL EMPLOYEES & VOLUNTEERS

Separate Victim & Alleged Perpetrator – Separate the victim and alleged perpetrator, keeping the victim in a location that allows for safety and confidentiality.

3. **Assess Need for Medical or Mental Health Intervention** – Assess for injuries and need for medical or mental health intervention. Contact 911 and the school Nurse for medical assistance and connect the victim with mental or emotional health resources.

REQUIRED IMMEDIATE NOTIFICATIONS

The following 4 notifications are required:

· **DFS Report Line** – The school employee or volunteer shall make an **immediate** report to the Division of Family Services (DFS) for any **adult sexual misconduct between a student and school employee, contractor, coach, or volunteer regardless of where the offense occurred**. Call 1-800-292-9582.

· **Law Enforcement** – An **immediate 911** report to law enforcement shall also be made by the School Principal or a Designee for any **adult sexual misconduct between a student and school employee, contractor, coach, or volunteer**. Notification to a School Resource Officer, if one is assigned to the school, fulfills the obligation to report to law enforcement. This report shall be made **regardless of where the offense occurred.**

· **DOE, School District Central Office & Title IX Coordinator** – The school employee or volunteer, or the school administrator shall notify the Delaware Department of Education (DDOE), School District Central Office and the Title IX Coordinator for the school. **Document time, date and method of notification to law enforcement and DOE in Comment Section of Infinite Campus Incident report**.

· **Superintendent or Designee at District Central Office** - The school employee or volunteer, or the school administrator shall notify the Superintendent or designee at the central office of the circumstances and provide the contact information for the DFS investigator and law enforcement officer. **Document time, date and method of notification in the Comment Section of Infinite Campus Incident Report.**

NEXT STEPS BY SCHOOL EMPLOYEES & VOLUNTEERS

1. **Protect Physical Evidence** - Protect any physical evidence, whether related to the victim, suspect, or scene, which could be lost or destroyed prior to law enforcement arrival. Absent an urgent medical issue, the victim should not be examined for physical evidence or injury and should not bathe nor wash their hands. Any evidence, such as weapons or electronic devices, should be placed in a sealed envelope and secured in the school safe until delivered to law enforcement.

2. **Do Not Conduct Interviews** – School employees shall NOT interview the victim, witnesses or alleged perpetrator or inform the alleged perpetrator of the pending criminal investigation.

3. **Do Not Notify the Alleged Victim's or Perpetrator's Parents** - DFS and law enforcement will be responsible for notifying parents.

4. **Do Not Investigate** - School employees shall NOT attempt to establish the credibility of a suspected incident of adult sexual misconduct and shall not request written statements from anyone.

5. **Develop Safety Plan** - Develop and implement a safety plan with the victim as indicated in the Teen's Guide to Safety Planning to increase, enhance and monitor the victim's safety. Include IEP and 504 Teams as needed to ensure students with disabilities needs are addressed appropriately.

6. **Inform Victim of Title IX Rights** - Refer victim to Title IX Coordinator as appropriate, and notify the Title IX Coordinator.

7. **Maintain Complaints** – Maintain adult sexual misconduct complaints in a file separate from the victim's academic records. This practice is recommended to prevent inadvertent disclosure of confidential information.

IMMEDIATE RESPONSE BY DISTRICT OFFICE DESIGNEE(S)

1. Ask the Minimal Facts Questions - Gather minimal information from the victim regarding the incident, using **Minimal Facts Questions**. School employees should be seeking information only to determine **what** is alleged to have happened, **when** it happened, **who** is the alleged perpetrator, and **where** it happened. No written statement should be sought from the victim or alleged perpetrator at any point. Document initial findings in Required DDOE Incident Report submitted via Reporting Platform.

2. Document Victim's Statement - Document the details of the victim's disclosure being sure to include the victim's exact words. Do not require victim or alleged perpetrator to write a statement.

3. Identify Potential Witnesses - Identify for law enforcement any potential witnesses, who may have been present or involved. Law enforcement will conduct interview of witness(es). Do not require any witnesses to write a statement.

4. Protect Physical Evidence - Protect any physical evidence, whether related to the victim, suspect, or scene, which could be lost or destroyed prior to law enforcement arrival. Absent an urgent medical issue, the victim should not be examined for physical evidence or injury, and should not bathe nor wash their hands. Any evidence, such as weapons or electronic devices, should be placed in a sealed envelope and secured in the school safe until delivered to law enforcement.

5. Consider Administrative Leave – Determine whether the alleged perpetrator should be placed on paid or unpaid administrative leave or subject to disciplinary action or dismissal. Prior to placing the alleged perpetrator on administrative leave, coordinate with law enforcement and DFS (if involved) to determine what, if any, impact such actions would have on the criminal and civil investigations and attempt to mitigate those impacts. Consider termination of access to any hardware or software, including but not limited to email, student information systems, learning management platforms and listserv distributions.

6. Request Information on Employment History – Request information about the alleged perpetrator's current or past employment history at other schools and child venues. If the Superintendent has knowledge that the alleged perpetrator is currently employed by another school district/school or other child venue, they will share this information with the investigating law enforcement agency, and DFS if involved, immediately or as soon as practicably possible.

FOLLOW UP ACTIONS BY DISTRICT OFFICE DESIGNEE(S)

§ **Administer Discipline** - After law enforcement concludes or declines its involvement, administer disciplinary action to the alleged perpetrator for incidents of adult sexual misconduct per the district's policies.

§ **Promote School Recovery** – After law enforcement concludes or declines its involvement, implement measures to address school recovery after an incident of adult sexual misconduct.

§ **Maintain Complaints -** Maintain adult sexual misconduct complaints in the alleged perpetrator's personnel file. Substantiated incidents of adult sexual misconduct will be reported in future reference checks for employment or volunteer work.

RESPONSE BY LAW ENFORCEMENT OR SCHOOL RESOURCE OFFICERS

The Memorandum of Understanding for the Multidisciplinary Response to Child Abuse and Neglect is the guiding document for the multidisciplinary response to child abuse and neglect, which includes the response to adult sexual misconduct. The procedures below are meant to serve as additional guidance for these incidents in the school environment.

§ **Respond to School -** If the investigating officer will not be the School Resource Officer present at the school, the officer shall respond to school on the date incident is reported.

§ **Assess Need for Medical or Mental Health Intervention** – Ensure the victim is in a location where the victim feels safe, and confidentiality is protected. Assess the victim's immediate safety and medical needs.

§ **Cross-Report to DFS** - Ensure report to DFS has been made. If not, report any and all allegations to the DFS Report Line. Communicate and collaborate with the investigating DFS worker, conducting a multidisciplinary team (MDT) investigation for the adult sexual misconduct requiring a DFS response.

§ **Contact the Victim's Parents -** Contact the victim's parents to inform them that there are allegations of adult sexual misconduct.

§ **Utilize the Children's Advocacy Center** - Victims ages 3 through 12, and all suspected child victims of trafficking, shall be interviewed at the Children's Advocacy Center (CAC). All other victims may be interviewed at the CAC.

§ **Interview Victim** – If the victim is not being interviewed at the CAC, law enforcement will interview the victim in a confidential setting and shall be audio-recorded. Law enforcement will invite DFS to observe the interview.

§ **Obtain Statements from Witnesses** - Obtain statements from witness(es), when possible, including statements from persons observing the incident and persons providing corroborative details.

§ **Identify Other Potential Victims** – Consider the potential that other students may have been exposed to or victimized by the alleged perpetrator.

§ **Collect Physical Evidence** - Collect and document physical evidence, including any already collected by the school. For physical evidence needing to be collected from the victim, such as DNA or saliva evidence, the collection should occur at a local hospital by a forensic nurse examiner (FNE) or sexual assault nurse examiner (SANE). Law enforcement and DFS will determine the most appropriate setting to photograph the victim's injuries and the most appropriate person to take the photographs.

§ **Discuss Protection from Abuse Order** - If applicable, inform the victim and caregivers of the right to file for a PFA, providing contact numbers and websites for resources to assist with filing for the PFA Order.

§ **Refer Victim to Services** - Refer victim and caregivers to resources, ensuring police-based victim services are notified of this allegation.

§ **Communicate Outcome to School** - Communicate investigation progress and outcome to the School Principal or a Designee.

RESOURCES FOR ADULT SEXUAL MISCONDUCT

Delaware Resources:

- Rape Crisis Providers:
  - Kent & Sussex Counties – Contact Lifeline: 302-761-9100
  - New Castle County – YWCA Sexual Assault Response Center – (800) 773-8570
- Delaware Domestic Violence, Sexual Violence and Stalking Policy: https://dvcc.delaware.gov/background-purpose/dynamics-domestic-abuse/state-delaware-domestic-violence-policy/
- Delaware Victims Services: https://www.delawarevictimservices.org
- Domestic Violence Coordinating Council: Victim Resource Guide
- Mandatory Reporting of Child Abuse and Neglect Resource Guide: https://courts.delaware.gov/forms/download.aspx?id=136188
- Statutory Reporting Requirements for School Employees: https://courts.delaware.gov/forms/download.aspx?id=136168

National Resources:

- Rape, Abuse & Incest National Network: www.RAINN.org
- National Sexual Assault Hotline: 1-800-656-4673
- Love is Respect's A Teen's Guide to Safety Planning: https://www.loveisrespect.org/pdf/Teen-Safety-Plan.pdf

Training:

- Community Outreach from the Delaware Domestic Violence Coordinating Council: https://dvcc.delaware.gov/training/
- Law Enforcement Officers Education Reimbursement Program: https://cjc.delaware.gov/le-reimbursement-program/
- Office of the Child Advocate: https://courts.delaware.gov/childadvocate/training.aspx
- Online Training Center at the Delaware Coalition Against Domestic Violence: https://dcadv.org/what-we-do/training-and-certification/online-training-center.html

APPENDIX A: Appropriate Adult Conduct with Students

Objective: District/School (hereafter District) staff members have an obligation to promote the health, safety, and wellbeing of students by establishing and maintaining role-appropriate communicative, physical, emotional, and social boundaries in their interactions and relationships with students. Maintaining appropriate boundaries promotes (1) structure, safety, security, and predictability in an educational environment; (2) consistency in students' understanding of staff members' roles and responsibilities; and (3) appropriate objectivity in each staff member's performance of his/her District-authorized role(s).

Policy Scope: The District's expectation is that a staff member's interactions with students will be grounded in the staff member's District-authorized role and remain consistent with the scope of the staff member's assigned duties and responsibilities. The District recognizes that the vast majority of staff members maintain appropriate relationships and boundaries in their own interactions with students. However, one purpose for identifying rules, guidelines, and standards in written policy is to assist such staff in identifying potentially inappropriate conduct by others that should be reported for further investigation or supervisory follow-up.

It is not practical to establish an exhaustive list of rules that expressly define appropriate and inappropriate conduct in all situations. Staff-student relationships may become inappropriate depending on, for example, the frequency, timing, or location of any meetings, activities, or communications between the staff member and a student, and/or due to the specific nature, purpose, or subject matter of any meetings, activities, communications, or other conduct. The consent or purported consent of the student and/or his/her parent or guardian does not alone determine whether a staff member has maintained appropriate boundaries.

Examples of inappropriate conduct: The following are statements and examples of conduct that constitute an inappropriate staff-student relationship and/or a failure to maintain appropriate staff-student boundaries:

Boundary violations:
Serious cases of misconduct arise when an adult does not respect the dynamics of the power imbalance between student and adult. Misconduct occurs when a student and a teacher are spending significant time alone or communicating privately. Adults will never create a culture or a relationship with a student that features shared secrets or excessive self-disclosure.

Adults shall never create an unhealthy dependency within a student relationship. Rather, adults should always work to encourage the healthy autonomy of students. Times have changed dramatically. What once was valid and mission-important in terms of mentoring and taking a student "under my wings," now often is perceived as (or is) grooming (the practice of manipulative behaviors in order to gain and exploit trust for potential sexual abuse). Staff must always be cognizant of the power differential between adults and students. Students are vulnerable and young. Never shall they be manipulated.

Adults must always be cognizant of not only their own intentions, but of how they are perceived by students. Students are younger, experienced formative years during a pandemic, and may

receive/interpret social cues differently than intended. What an adult may intend as warm and caring may come across to a student as offensive, flirtatious, or uncomfortable. Young people lack the awareness of boundaries, the ability to consent, and the level of emotional intelligence required to know when an adult may be joking. Adults shall not create any situation where a student questions the intentions of the adult.

1. No staff member may engage in a relationship, interaction, or communication with a student that is sexual or romantic in nature. This includes, but is not limited to: dating, making sexual or romantic advances toward a student, accepting or encouraging any sexual or romantic advance initiated by a student, having sexual contact with a student, or communicating with a student using sexual innuendo or in a sexually-explicit or sexually-suggestive manner. Such communications may be either verbal, written and/or electronic and the location of origination of such communication is not relevant to their matter, the nexus to the learning environment rests with the staff members employment status with the District.

2. No staff member may engage in grooming behaviors with any student. In this context, grooming is defined as any conduct or communication that fosters, exploits, or is intended to gauge a student's vulnerability or willingness to engage in inappropriate behavior. Grooming may involve a course of repeated or escalating conduct that normalizes inappropriate conduct from a student's perspective or otherwise desensitizes a student to inappropriate behaviors. Grooming often involves but is not limited exclusively to sexual contexts. Examples of conduct that can constitute grooming include:

a. Singling out a student for inordinate and inappropriate special attention, which may include exchanging special gifts, arranging to meet or communicate at inappropriate times or locations or without a sufficient school-related purpose, or making sexually suggestive or otherwise inappropriate comments about a student's body or appearance.

b. Gift Giving

Examples of Permissible Gift-Giving (staff to student)

- Equitable Whole-Group Incentives: Distributing standard, low-value token items (e.g., pencils, stickers, bookmarks, or small novelty items) to an entire class, school bus, or advisory group as part of an established, transparent academic or positive behavior intervention (PBIS) reward system.
- Official School-Sanctioned Recognition: Presenting approved certificates, awards, or books purchased through district-authorized accounts during public assemblies, graduation ceremonies, or official end-of-year banquets.
- Uniform Extracurricular/Team Apparel: Distributing team shirts, athletic gear, or equipment purchased through district funds, student activity accounts, or approved booster organizations equally to all members of an athletic team, club, or performing arts group.
- Crisis or Essential Needs via District Support Channels: Facilitating the provision of essential items (e.g., winter coats, school supplies, hygiene products) to students in need, provided the items are funneled through the school counselor, district social worker, or designated student support team rather than given directly and privately by individual staff members.

- Uniform Seasonal or Birthday Acknowledgments: Distributing modest, identical items (e.g., a standard birthday pencil or small winter break gift bag) to all students in the homeroom or class equally, provided there is no selective or individualized favoritism.

Examples of Impermissible Gift-Giving (staff to student)

- Individual High-Value Personal Items: Purchasing or presenting high-value personal items—such as designer clothing, jewelry, expensive athletic gear, personal electronics, or smartwatches—to an individual student.
- Cash, Checks, or Digital Money Transfers: Providing cash, personal checks, or digital currency transfers (e.g., Venmo, Cash App, Zelle) to a student for any reason, including personal chores, tutoring, or financial assistance.
- Private Gift Cards and Retail Vouchers: Distributing individual gift cards (e.g., gaming credits, coffee shop cards, retail store gift cards) directly to selected students outside of documented, district-wide incentive programs with written administrative approval.
- Gifts Tied to Secrecy or Special Relationships: Giving any item, regardless of monetary value, accompanied by statements or expectations that the gift remain secret between the staff member and the student (e.g., "Don't tell your parents/classmates I got you this").
- Personalized Services, Subscriptions, or Private Memberships: Paying for or gifting personal subscriptions (e.g., streaming services, gaming accounts), gym memberships, private event tickets, or personal cell phone plans to individual students.

c. Engaging in expressly or implicitly sexualized communication, including exchanging information about a student's or an adult's sexual experiences or communicating other sexual content or sexual subject matter.

d. Stating or agreeing that any communications between the staff member and a student will be secret or confidential and should not be shared or disclosed to others.

e. Using threats, bribery, fear, intimidation, harassment, embarrassment, or guilt to encourage secrecy in the relationship or to facilitate the start or continuation of inappropriate conduct or an inappropriate relationship.

3. No staff member may engage in any activity, conduct, or communication that constitutes, encourages, or invites either unlawful conduct or conduct that would unreasonably endanger the safety or well-being of any person. Such activity may be either verbal, written or communicated electronically.

The following expectations are necessarily context-sensitive and require staff members to reasonably exercise judgment and discretion in particular circumstances in order to maintain appropriate boundaries with students.

1. Staff shall not engage with students as if they are peers. Staff shall not form peer-like social relationships with students that could compromise the staff member's ability to serve as an effective and objective adult authority figure.

2. Staff shall not foster, encourage, or maintain relationships with students in which there is an inappropriate level of communicative, interpersonal, or emotional intimacy that reasonably may compromise the staff member's ability to perform his/her District role, including his/her ability to serve as an effective and objective adult authority figure, even though there may be no sexual or romantic aspect to the relationship.

In-Person or Physical student interactions: Staff shall appropriately limit their physical contact with students. For example, staff are expected to avoid physical contact with students that, taken in context, a reasonable person would be likely to perceive as suggestive of romantic/sexual interest or involvement, or as inappropriately familiar or intimate and without a legitimate purpose.

1. One-on-one meetings with students

There will be times when adults are alone with students to discuss legitimate educational issues, including discipline or academic performance. When possible, adults should meet one-on-one with students in public spaces, such as libraries, open classrooms, or in places observable by others, such as offices or classrooms with uncovered windows and open doors. When supporting students with sensitive issues, as is common for staff such as counselors and social workers, it is appropriate to provide a private setting where students feel safe and comfortable. To maintain transparency, it is also good practice to let others know when and where meetings with a student will occur.

- Unless documented administrator approval is given, a staff member should not be alone and unobservable with a student.

2. Physical contact with students

Adults should not initiate any physical contact without a legitimate educational purpose including offering public greetings, positive acknowledgments, or responding to a crisis. There are times when adults have a legitimate educational purpose to initiate physical contact with a student, and noninvasive contact, such as "high fives" or fist bumps to acknowledge a job well done are generally appropriate. However, the importance of respecting individual student comfort levels and personal space should always be considered.

In other instances, adults may be required to assist an injured student or a student with special needs who requires physical assistance. Likewise, adults may need to touch a student's arms or hands to redirect them in an activity. Coaches, music teachers, and other instructors may have a need for physical contact as a method of instruction. Adults need to be aware of what kinds of physical contact with which a student is and is not comfortable and limit physical contact to only that which is necessary for a legitimate purpose. In addition, any conduct which may meet the definition of a "restraint" must be reported as required in Delaware Regulation 610 Limitations on Use of Seclusion and Restraint.

Mandatory Reporting Requirements: As noted in Delaware Code, Title 16, Chapter 9 Reports and Investigations of Abuse and Neglect as well as Title 14, Chapter 41 § 4112. Reporting school crimes. Staff members, just as any reasonable person within the State of Delaware, are mandatory reporters with the responsibility to report any witnessed or reported allegations of misconduct to their Administrator as well as Law Enforcement AND the Department of Family Services Hotline.

All District staff are required to promptly report any known or reasonably suspected violation of this policy to their Administrator and/or the District's Title IX Coordinator. The obligation to report based on reasonable suspicion applies to incidents and circumstances that are known by the staff member and that a reasonable person in the staff member's role would identify as a probable violation of this policy. The District will not impose consequences against a staff member who reasonably and in good faith determines that a specific situation does not rise to the level of

reportable conduct. Staff members are further encouraged to contact their District Title IX Coordinator any time that they have questions or concerns about the scope and possible application of this policy or any rules or guidelines adopted under this policy.

The District encourages all other persons, including students, parents, or other community members, to also submit any reports, complaints, or concerns regarding possible violations of this policy to the District Title IX Coordinator.

The District will not retaliate against or, to the extent within the District's reasonable control, tolerate any harassment or retaliation by others against a person for making a good-faith report or for cooperating in any investigation commenced under this policy.

Appropriate Means of Communication: Unless otherwise expressly permitted by Board Policy or this Rule, District staff may only engage in electronic communication with students using a District-provided or otherwise District-approved means of electronic communication (e.g., a District-approved social media account, a District-provided online learning platform, or a District-provided email account). The District will establish and maintain a list of District-approved means of electronic communications. The expectation that staff members will use a District-approved means of electronic communication shall not be interpreted or applied in a manner that would restrict common and practical activities in school-related settings that, by their nature, already have a high degree of accessibility/visibility, such as using a microphone or sound system to communicate to a group.

The Capital School District's approved list of electronic communications includes Talking Points, Capital email, Schoology, and Safe DE.

District staff are prohibited from communicating electronically with students using a personal (i.e., non-District) email, text messaging, or social media account unless (1) exigent circumstances are present that suggest that there is an imminent threat to the health, safety, or property of any person and the staff member promptly communicates their reliance on this exception to the school principal or to another appropriate administrator; or (2) District Title IX Coordinator has granted written approval for such communication for a limited purpose. For purposes of this paragraph, prohibited communication includes using a staff member's personal account to "friend" or "follow" a student's social media account(s) or to accept a similar request from a student.

If a District staff member receives an unsolicited electronic communication from a student that was sent to a personal account, the staff member should not reply to the student using the personal account unless authorized to do so by an appropriate administrator or supervisor or unless exigent circumstances are present that suggest there is an imminent threat to the health, safety, or property of any person.

If a District staff member receives any electronic communication from a student that a reasonable person would perceive as crossing appropriate staff-student boundaries or as being otherwise inappropriate, or if the staff member has relied on the exception for exigent circumstances to communicate with a student using a personal account, the staff member shall report the contact to the school principal or to another appropriate administrator as soon as possible. If necessary, an administrator will advise the staff member on the means and content of an appropriate response or follow-up, which may include:

1. A parent contact;
2. A statement that the student's communication to the staff member was inappropriate or addressed matters that are outside the boundaries of the staff member's responsibilities;
3. A statement that the student is expected to refrain from initiating similar communications in the future;
4. Identification of appropriate means and content of communication that the student should use to contact the staff member moving forward.

District staff may not initiate a communication with any student using a form of electronic communication that does not enable the staff member to retain a record of the communication (e.g., Snapchat) unless: (1) the particular form or means of electronic communication has been provided or approved by the District (e.g., certain online learning platforms); (2) the staff member is communicating with a student via voice call at an appropriate time and when doing so is reasonably expected or necessary in the normal course of the performance of the staff member's District role and responsibilities; or (3) exigent circumstances are present that suggest that there is an imminent threat to the health, safety, or property of any person and the staff member promptly communicates their reliance on this exception to the school principal or to another appropriate administrator.

Except as authorized by the District, District staff may not delete or destroy any record of an electronic communication with a student that was sent or received in connection with the staff member's District-authorized role. If any such electronic communication with a student occurs outside of a District-provided system, application, or account, the staff member should, to the extent feasible and consistent with student record confidentiality, forward a complete electronic copy of the relevant record to a District-controlled system, application, or account. If forwarding a copy of any such record is not feasible, then, prior to deleting any such record, the staff member is expected to seek additional direction from the District Title IX Coordinator regarding retention of the record.

Human Resources Requirements:

1. Release of information regarding substantiated violations of this Policy to future potential employers.

As part of this policy, all new and existing employees, as defined herein, shall be aware that any substantiated reports of misconduct will be reported as part of any subsequent reference check conducted after the conclusion of the District investigation. This reporting requirement shall occur regardless of whether a criminal case has been pursued or adjudicated within the criminal justice and court system. The release of this information does not depend upon the current status of employment within the District and/or how the nature of the conclusion of the employee's employment with the District. This reporting will only be based upon a substantiated violation of the policies and procedures enumerated above.

2. Screening process for potential new hires.

As required by Code, the Human Resources Department shall implement criminal background screening processes necessary to seek information from previous employers in regards to potential incidents of adult sexual misconduct.

Definitions:

1. **District Staff:** As used in this policy, "District staff" (or "staff" or "staff member") includes all full-time, part-time, and substitute District employees, including as examples teachers, pupil services staff, student health/medical staff, administrators, supervisors, support staff, activity directors, coaches, and athletic trainers. For purposes of this policy, "District staff" also includes District-authorized student teachers; District-authorized interns and practicum or fieldwork students; and District-authorized adult volunteers who are serving in a role that would otherwise be filled by a District employee (e.g., a volunteer coach) or that involves significant responsibility for the independent supervision of one or more students. "District staff" under this policy also includes independent contractors and employees of contracted service providers when such persons have a role that involves a regular presence on school grounds or regular, direct interaction with District students.

a. It is a requirement of this Policy that any of the individuals who meet the requirements noted in the above definition MUST be notified of their responsibilities to comply with the scope of this Policy in writing at the time of employment or the beginning of their service within the school community.

2. **Students:** As used in this policy, the term "District students" (or "student" or "students") includes all pupils currently enrolled in any District school, including part-time students and students who are age 18 or older, and also includes any individual of school-age who is participating in any District-sponsored class, program, or activity that is offered for children and other school-age youth. The age of the student and the staff member are not relevant to the administration of this Policy as the focus is on the Staff Members role in relation to the Student at the time of the alleged Policy Violation.