

## **E 5141.42-2 ADMINISTRATIVE RESPONSE CHECKLIST**

This checklist identifies proactive, best practices and subjects to consider in addressing situations in which a school employee has been accused of inappropriate boundaries or sexual misconduct involving a student.

**Overall duties:** A school district has three duties in relation to allegations of such misconduct. First, **protect any students** involved. Second, **investigate** the allegations. And third, **take action** after the investigation where appropriate. There may be many moving parts to the school district's response to the allegations. It is best that district administration is guided through the process by an attorney with an understanding of how school districts should respond to such situations.

**The size of the problem:** There are big problems and little problems with employees ignoring professional boundaries. Be cautious. What looks like a little problem may be the tip of the iceberg of an even bigger problem. There may be a pattern of other boundary invasions that school employees are not aware of.

When there are allegations of something that appears minor, it may be appropriate to have site administration do any investigation. It may also be appropriate to forego placing the employee in question on administrative leave. Outside help may be called in at any point. If it becomes apparent that the problem is a bigger problem, District Office should be consulted.

The checklist below may assist in determining whether the problem is a big problem or little problem in consultation with an attorney, superintendent, insurance person, and site administrator.

### **First Day Checklist**

1. **First notice:** When a site or District Office administrator hears of an allegation that an employee has engaged in inappropriate boundary invasions or sexual misconduct with a student that administrator should promptly do the following:
  - a. Do not immediately investigate. Others will do that. **Obtain specific information about what is alleged from the person making the initial report** when that person makes the initial report. (Write down the information.)
  - b. Do not immediately inform the employee whose conduct is in question. Others will do that.
  - c. Without delay, **report the allegations to the Superintendent or designee.**

- d. Other than meeting mandatory reporting duties, administrator reporting the situation should **hold off doing** anything after this, unless instructed, other than **seeing to it that the student is protected**. There may be other steps site administration is asked to take, like taking part in placing an employee on administrative leave.
2. **Mandatory reporting and discussion with law enforcement** has either occurred or occurs. (A.S. 47.17.020 and Board Policy 5141.4) When appropriate make a report to Office of Children's Services (OCS) and/or law enforcement. If sexual misconduct involving touching is alleged, law enforcement should be called. Document these conversations.
  - Inform law enforcement that the employee will be placed on administrative leave by the end of the day, if that is to occur. They may want to speak with the employee first.
  - Also let law enforcement know you need to report to the parent. They may ask you to hold off to allow them to make the contact.
3. **Contact insurance.** Many insurers will want to take part in any investigation and in some circumstances will pay for the investigation.
4. **Contact legal counsel.** This may be a person insurance puts you in contact with.
5. **Teleconference call to plan response:** This call would include the attorney who will be guiding the school district through the process, the Superintendent, possibly the insurance person, and the administrator who received the initial notice of the allegations. The purpose is to plan the school district's response to the allegations and assure that each person knows their role. Depending on the situation, the following items might be discussed:
  - a. Discuss **investigation**:
    - 1) Identify who will investigate. With big problems and potential big problems, an outside investigator is preferred where feasible.
    - 2) Preliminarily, identify people who should be interviewed.
    - 3) Gather records for the investigator to review including board policies and procedures, professional boundaries training records for the employee, site administrator's notes of the initial report, and the personnel file of the employee in question, including any prior discipline.
  - b. Review the collective bargaining agreement governing employment of each employee whose conduct is at issue to determine whether there are any applicable requirements.

- c. Determine whether the employee will be placed on **administrative leave**. If it seems that you are dealing with sexual misconduct or a pattern of inappropriate boundary invasions, administrative leave may be warranted. If it seems you are dealing with a minor, isolated incident, it may be a little problem that you are dealing with.
  - 1) When placing an employee on administrative leave, **secure the employee's work-space and district technology** simultaneously with placing the employee on leave. Lock the employee out of the district's email system. Isolate and preserve any school computers the employee uses.
- d. **Mandatory reporting:** Verify that OCS and/law enforcement have been notified where such notification is appropriate.
- e. **Inform the parent:** Determine who will **contact the parent or parents** and when that will happen.
  - 1) If the parent is unaware of the situation, it should be done immediately. If the parent is aware of the situation, someone should be reporting back to the parent to inform them of the process that is being followed so the parent knows what to expect.
  - 2) In addition to informing the parent of the allegations, inform the parent of what measures are being taken to protect the child.
  - 3) In situations where sexual misconduct may have occurred, the superintendent and site principal should meet with the parent to go through what is known, what is being done, and to answer any questions the parent may have. As part of this discussion, let the parent know that the District would pay for **psychological counseling** for the child up to a certain dollar amount if counseling is something the parent wishes to pursue. Also inform the parents that the results of the investigation will be provided to them. (Document this in a confirming letter to the parent.)
- f. Prepare to respond to any media inquiries.
- g. Discuss response to staff or community questions which may arise.

## 6. Contact the parent.

## 7. Administrative leave

