

6214 ABUSE OF STUDENTS BY STAFF

Physical or sexual abuse of students, including inappropriate and intentional sexual behavior, by staff will not be tolerated. The definition of *staff* for the purpose of this policy includes not only those who work for pay but also those who are volunteers of the district under the direction and control of the school district. Staff found in violation of this policy will be subject to disciplinary action up to and including discharge.

All instances of suspected or potential abuse will be reported as required by Policy 8550 Child Abuse/Neglect. The Grand Island Public Schools will respond promptly to allegations of abuse of students by school district staff by investigating or arranging for the investigation of allegations. The process of a complaint or allegation will be handled confidentially to the maximum extent possible. Staff are required to assist in the investigation when requested to provide information and maintain confidentiality of the reporting and investigation process.

The Superintendent will appoint an investigator, typically the School Safety Coordinator. An alternative investigator may be appointed as necessary (i.e. same sex investigator as appropriate). The investigator will pass the findings to the Superintendent and proper authorities.

Physical Abuse. Physical abuse is non-accidental physical injury to the student as a result of the action of a staff member. Injury occurs when evidence of it is still apparent at least twenty-four hours after its occurrence. The following *do not* constitute physical abuse, and no employee is prohibited from:

1. Using reasonable and necessary force, not designed or intended to cause pain:
 - To quell a disturbance or prevent an act that threatens physical harm to any person.
 - To obtain possession of a weapon or other dangerous object within a pupil's control.
 - For purposes of self-defense or defense of others as provided for in Neb. Stat. 28-1409 and 1410.
 - For the protection of property as provided in Neb. Stat. 28-1411.
 - To remove a disruptive pupil from class, or any area of the school premises or from school-sponsored activities off school premises.
 - To prevent a student from self-infliction of harm.
 - To protect the safety of others.
2. Using incidental, minor, or reasonable physical contact to maintain order and control. In determining the reasonableness of the contact or force used, the following factors shall be considered:
 - The nature of the misconduct of the student, if any, precipitating the physical contact by the staff member.
 - The size and physical condition of the student.
 - The means or device used in making the physical contact.
 - The motivation of the staff member in initiating the physical contact.
 - The extent of injury to the student resulting from physical contact.

"Reasonable force" is that force and no more which a reasonable person, in like circumstance, would judge to be necessary to prevent an injury or loss and can include deadly force if it is reasonable to believe that such force is necessary to avoid injury or risk to one's life or safety or the life or safety of another, or it is reasonable to believe that such force is necessary to resist a like force or threat.

Sexual Abuse. Sexual abuse is defined as including sexual acts involving a student, acts that encourage the student to engage in prostitution, inappropriate intentional sexual behavior, or physical manifestations of sexual harassment by the employee toward a student. "Sexual harassment" is defined as unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when:

- Submission to the conduct is made either implicitly or explicitly as a term or condition of the student's education or benefits;
- Submission to or rejection of the conduct is used as the basis for academic decisions affecting that student; or

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- The conduct has the purpose or effect of substantially interfering with a student's academic performance by creating an intimidating, hostile or offensive educational environment.

Legal Reference: Neb. Rev. Stat. 79-295

Cross Referenced: 8550 CHILD ABUSE
8551 ABUSE FO STUDENTS BY EMPLOYEES
8451 CORPORAL PUNISHMENT/USE OF PHYSICAL FORCE
1311 BULLYING AND HARASSMENT (Staff)

Policy Adopted 2-7-07
Policy Revised: 02.11.2016
Policy Reviewed: 04.12.2018
Policy Revised: 11.12.2020
(This policy is repeated in 8551)

The Grand Island Public Schools does not discriminate on the basis of sex in any educational program or activity that it operates. The District is required by Title IX (20 U.S.C. § 1681) and 34 CFR Part 106 not to discriminate in such a manner. This requirement not to discriminate also applies to admission and employment. Any inquiries about the application of Title IX may be referred to the District Title IX Coordinator, to the Assistant Secretary of the Office of Civil Rights, or both. The GIPS Board of Education designates the following individuals to serve as GIPS Title IX Coordinators for students and staff and serve as Compliance Coordinator:

Title: Dr. Robin R. Dexter, Associate Superintendent
Coordinator for Student Complaints and Compliance Coordinator
Office address:
Kneale Administration Building, 123 S. Webb Road, Grand Island, NE 68802
Email: rdexter@gips.org
Phone number: 308-385-5900

Title: Ms. Kristen Irej, Chief of Human Capital Management
Coordinator for Staff Complaints
Office address:
Kneale Administration Building, 123 S. Webb Road, Grand Island, NE 68802
Email: ireygips.org
Phone number: 308-385-5900

For information regarding the Grand Island Public Schools procedure for complaints of sexual harassment including the complaint process, how to file a report or a complaint of sexual harassment, how to file a formal complaint of sexual harassment, and how the District will respond to such complaints see Board Policy, 6205 Staff and 8505 Student, located on the GIPS web site.

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6214.1–Administrative Procedures for 6214

When any school personnel suspects or has knowledge of any type of abuse or neglect as defined by Grand Island Board of Education Policy 8550 or 8551, the principal or administrator in authority will be notified immediately.

- 1) In the case of suspected abuse or flagrant neglect, the witness or complainant shall contact the proper authorities after reporting to the school administrator, and apprising him or her of the situation. An oral report shall be made on the HHS Child Abuse Hotline at 800-652-1999. *Every case of suspected abuse or neglect will be reported to the proper authorities.*
- 2) The authorities will be responsible for a formal investigation and will contact the parents/guardians.
- 3) Following police contact, the administrator or Liaison Officer will complete an incident report (attached) and place on file at school building.
- 4) If neglect of a non-flagrant nature is suspected, the administrator will document incidences on the attached form. If three documented incidences occur the School/Community Liaison office will be contacted for investigation. The School/Community Liaison officer will contact the appropriate authorities, if warranted. Documented incidences should be forwarded to the Superintendent's Office after contact with authorities.
- 5) All information regarding the involved student must remain confidential. During the investigation, the administrator shall make every effort to ensure that the student is protected from harm.

**Incident Report
Suspected Abuse**

Name of Student Involved: _____

Birthdate: _____ Male Female

Parent or Guardian: _____ Phone: _____

Address: _____

Name of Alleged Abuser: _____

Date and Place of Incident or Incidents: _____

Description of Misconduct (Attach report if necessary):

Name of Witnesses (Complete witness report):

1) _____

2) _____

Other Information (Inc. evidence of abuse, i.e. letters, photos, etc.):_

I agree that all of the information on this form is accurate and true to the best of my knowledge.

Signature of Investigator

Date

Witness Disclosure Form

Name of Witness: _____

Position of Witness: _____

Date of Testimony, Interview: _____

Description of Instance Witnessed (Attach report if necessary):

Other Information:

I agree that all of the information on this form is accurate and true to the best of my knowledge.

Signature of Witness

Date