

# Harassment or Abuse?

## The Scenario:

Sharon, a 3rd grader, tells you that Herb, one of the 5th grade students, keeps touching her breasts. She asks you to make him stop. What do you do?

## Discussion Begins

## What do you do?

**Do you report?** If so, to whom? If so, when? Is there more than one victim here? If so, do you make one or two reports? If you don't, what might happen to Sharon? To Herb? To other students? To you? To your school? To LAUSD?

If you report and the Local Law Enforcement Agency or the Department of Children and Family Services (DCFS) tells you...

...to **handle it administratively**, what do you do next?

...**they will investigate**, what do you do next?



## Legal Response

If there is reasonable suspicion that child abuse occurred, a Suspected Child Abuse Report must be filed with either the Department of Children and Family Services (DCFS) or the Local Law Enforcement Agency. In this scenario, you may want to file two Suspected Child Abuse Reports; one for each child, since the 5th grader may also be a victim.

### Other Considerations

Whether or not you have reasonable suspicion that child abuse occurred, there may be sufficient information to determine that Sexual Harassment has occurred (applicable for students in 4th through 12th grade). Accordingly, you should notify an administrator and the Title IX Complaint Manager. Follow the steps in the Title IX Policy/Complaint Procedure Bulletin (BUL-2521.1) and Sexual Harassment Policy Bulletin (BUL-3349.0). The Complaint Manager must take steps to ensure that any inappropriate behavior ceases. Educational Equity can provide training in this area for both students and staff.

If DCFS or the Local Law Enforcement Agency say **they will investigate**, you should cooperate and inform an administrator.

If you are an administrator, you should then notify the Local District Operations Coordinator. As appropriate, the Local District Operations Coordinators and/or Division of Human Resources Representatives shall consult with Employee Relations and communicate with the Local Law Enforcement Agency to determine whether they may begin an administrative investigation. Once clearance has been obtained from the Local Law Enforcement Agency, the administrative investigation shall proceed. Upon conclusion of the investigation, appropriate disciplinary action should be taken, if warranted. The type of disciplinary action should be based on whether this situation is Sexual Harassment, which is grounds for suspension or expulsion for students in 4th grade and older (Education Code section 48900.2), or sexual battery (the fact pattern didn't indicate whether the touching was under or over clothes), in accordance with Education Code section 48900 et. seq.

### Listen

You may or may not have a strong emotional reaction (i.e., anger, sadness, guilt). However, listen carefully, pay attention, and convey your concern and interest in her well-being. Ask open-ended questions as needed.

### Protect

The situation must be addressed by following the legal response. Doing so is the best way to protect the student and the learning environment. As a caring school staff member, you could talk with Herb, gently reminding him that it is never OK to touch another person's "private parts".

### Connect

Let Sharon know that you will be informing the learning support staff (psychiatric social workers, counselors, nurses, pupil services and attendance counselors, school psychologists) as available on campus. Ask if there is anything else you can do to help her. As you continue to see Sharon at school, feel free to continue to be a positive presence in her school life.

### Model

Maintain a professional and calm level of emotions and reactions. Do not express shock or anger at the possible perpetrator or event.

### Teach

Teach your students to identify and use positive coping strategies to help them to deal with similar situations.

## Emotional Support