



# New York State Association of Independent Schools

## Principles of Best Practice

### Preventing and Responding to Sexual Misconduct and Abuse

Approved by NYS AIS Board of Trustees: January 23, 2018

**It is a fundamental expectation that schools will provide a safe environment for all members of its community. Young people must trust their teachers and caretakers implicitly. Sexual misconduct and abuse undermines the central purpose of an independent school education; it is profoundly reprehensible as it undermines the basic trust so important to all learning communities. In addition sexual misconduct is profoundly unethical and violates the adult-student relationship. In addition, it abuses the inherent power and influence an adult has over a student. All NYS AIS schools need to take decisive steps to prevent and respond to sexual misconduct and abuse to the fullest extent possible. It is only through such vigilance that each NYS AIS school can protect their students and staff from those who would do harm and, in doing so, uphold the standards for excellence that have distinguished--and will continue to distinguish--the education provided by each NYS AIS independent school. The following Principles of Best Practice are set forth to provide a common perspective on the responsibilities of independent school boards and administrators in preventing and responding to sexual misconduct and abuse.**

#### **To Prevent Sexual Misconduct, the School Engages in\*:**

##### **Hiring Practices that Strengthen the Screening of Potential and Current Employees**

- Utilize the State of New York fingerprinting procedures for all newly hired personnel (implementation to begin September 1, 2018).
- Utilize the State of New York fingerprinting procedures for all existing personnel (to be completed by September 1, 2020).
- Develop and implement a clear, written, consistently applied, hiring policy and other procedures which include requiring the use of an employment application for all applicants as well as the use of a checklist of vetting procedures which include reference and criminal background checks, a social security check, academic and employment history verification, and other steps to ensure the safety of personnel such as social media activity, status of teaching licenses, and driving record status.

##### **Boundary Establishment and Enforcement**

- Develop, communicate, and enforce a code of conduct for all staff that establishes and maintains expectations for clear and appropriate professional boundaries between students and adults.
- Develop a culture of awareness and sensitivity to the safety and well-being of students where all personnel accept the responsibility to report any activities or behaviors that raise any boundary concerns that they observe or suspect.
- Provide regular mandatory training for all school personnel, including school volunteers and those that are regularly interacting with students on appropriate boundaries, behavior (including predatory "grooming" behavior) and other strategies to prevent employee sexual misconduct and abuse and the process for raising concerns and reporting acts of misconduct.
- Develop clear, written, and regularly communicated policies related to the use of all forms of technology, including cell phones and social media.
- Develop procedures for reviewing and monitoring the use of social media and electronic communication between students and adults.

##### **Sound Business and Employment Termination Practices**

- To the extent possible, avoid committing to, or including, non-disclosure provisions in severance and/or separation agreements that prevent school personnel from disclosing inappropriate behavior on the part of the terminated and/or departing employees.
- Maintain accurate current and historical records of the school's insurance policies regarding educator sexual misconduct.
- Develop policies for providing references and disclosure of information related to former employees.
- Create policies for maintaining accurate current and historical records of allegations of misconduct and boundary issues and any and all investigations of such matters including reports to child protection agencies and law enforcement.

##### **Creating a Safe and Informed School Community**

- Create and maintain an investigation procedure and internal reporting system that centralizes information, including issues related to behavior and/or allegations concerning boundaries, misconduct, suspicion of abuse, and other inappropriate behavior raised by parents, colleagues, and students.

- Establish and communicate specific procedures to respond to, report, record, and track suspected cases of employee sexual abuse and regularly practice scenarios for responding to allegations and incidents.
- Create a child protection/safety committee that regularly evaluates, monitors, assesses, and promotes the school's practices for ensuring student safety including training scenarios on relevant procedures and evaluating the safety of the school's physical spaces.
- Pursuant to the authority established in the by-laws and other governing documents of the school, establish a small and efficient "response team/task force" (e.g. head of school, communications staff, legal counsel, board chair and board representatives) to respond to historical and/or current allegations of sexual misconduct and abuse.
- Interview and establish a relationship with a crisis management firm; a party that can conduct an "arms-length" and independent investigation and legal counsel experienced in addressing allegations of historical and current sexual misconduct and abuse.
- Develop effective working relationships with community partners who are able to provide support services and resources.
- Consider an external audit of policies, practices, and procedures related to student safety.
- Provide age and developmentally appropriate information and training to students, parents, and family members about adult-student boundaries, predatory "grooming" behavior, ways students can report uncomfortable adult-student contact, health and physical safety, and concerns of sexual abuse and misconduct.

### **In Responding to Allegations of Current and Past Sexual Misconduct, the School Should Consider\*:**

In preparation for addressing allegations of current and past sexual misconduct and abuse review the NAIS-TABS document, *"Prevention and Response: Recommendations for Addressing Educator Sexual Misconduct in Independent Schools"* which provides detailed suggestions and strategies for responding to allegations of sexual misconduct and abuse.

### **Receiving and/or Becoming Aware of an Allegation of Sexual Abuse or Misconduct**

- Take allegations of sexual abuse or misconduct seriously and avoid ignoring or dismissing them as false complaints or complaints of a troubled or disturbed child.
- If reported verbally via phone or in person, listen and respond with empathy to the person reporting abuse or sexual misconduct.
- If reported via email, social media, or other method, consider the school "on notice" and consider necessary steps to communicate individually with those alleging misconduct or abuse.

### **After Receiving an Allegation**

- Respond quickly.
- Activate response team/taskforce upon receipt of an allegation of sexual abuse or misconduct.
- Know and follow the law related to reporting child abuse and notification to the authorities.
- Consider steps such as conducting an investigation which may include notifying the community and inviting those with information related to acts of employee sexual misconduct or misbehavior to come forward and report their experiences.
- Establish a procedure to deal promptly and equitably with current and/or previous personnel accused of sexual abuse or misconduct.
- Consider how to protect the confidentiality and privacy interests of the reporter, potential survivors, and those coming forward to participate in the investigation, including possible current employees, if protecting such confidentiality is practical and desired by the reporting individual.
- Create a crisis management communication plan for addressing and communicating with the community and press.

The NYSAIS *Principles of Best Practice* for member schools define high standards and ethical behavior in key areas of school operations to guide schools in becoming the best education communities they can be. Accordingly, membership in NYSAIS is contingent upon agreement to abide by the spirit of the PBPs. Principles are precepts grounded in an ethic and ethos of doing the right thing. Practices are common activities.

\*The NAIS-TABS document *"Prevention and Response: Recommendations for Addressing Educator Sexual Misconduct in Independent Schools"* provides detailed suggestions for each of the above PBPs.