

Appendix C: Guidelines for Student Contact

GUIDELINES FOR STUDENT CONTACT

PROTECTING TEACHERS AS WELL AS STUDENTS

Advice You Need – General

The following guidelines are general in nature and tend to be restrictive and focused on extremely conservative practices. Use these guidelines as a point of determining your practices. These guidelines are not school procedures or school district policy; they reflect sound advice from a number of agencies and associations.

- Make it an absolute rule never to be left alone with a child of either sex no matter what their age. It is best always to have as many children with you as possible.
- In rendering first aid to students, take care to see that another member of the staff and/or older students are present. If the injured child is female and if there is a woman on the staff, under no circumstances should a male teacher attend to her injury and first aid administered to male children should always be administered in the presence of responsible witnesses.
- Never detain a single child if there are no other staff members or children present. An open door to a colleague's classroom is a good measure to insure oversight.
- Never allow yourself to be alone with a child or two children in the school building before school or after school. A habit can grow up of having senior students perform various tasks in the classroom or around the school. It is much safer not to allow children to develop a privileged position as this can result in a dangerous situation for the teacher.
- If you have to discuss a personal problem with the student, and this may particularly apply in small schools where students are in various stages of maturity, ensure that a discussion of this kind takes place in a conspicuous situation in the playground, that is, out of hearing but in sight of as many people as possible.
- Avoid at all times conveying children in your own car even where parents have given their consent. This situation can provide an opportunity for allegations of inappropriate conduct. Also, should the child be injured due to your negligence you may be liable for such injuries.
- If you are involved in coaching small groups, especially of the opposite sex, always have another adult present and wherever possible conduct the coaching session in a public place.

Advice You Need – Specific

The types of complaints and reports received by the Child Protection Services fit broadly into three categories: sexual, physical and non physical (psychological).

1. Avoid allegations of sexual abuse

Teachers should always avoid:

- unwarranted and/or inappropriate touching
- conversations of a sexual nature (other than in accordance with syllabus)
- jokes of a sexual nature
- suggestive remarks or actions

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- obscene gestures
- obscene language of a sexual nature
- showing of publications, electronic media, illustrations which are sexually suggestive
- showing of inappropriate videos (make yourself aware of CSD policy on the use of videos in classrooms)
- deliberate exposure of a child or young person to sexual behavior of others, other than in the case of curriculum material in which sexual themes are contextual
- personal correspondence with a child or young person in respect of the teacher's feelings (including sexual feelings) for the child or student
- comments about a student's appearance which may be misconstrued or considered offensive by the student.

2. Avoid Allegations of Physical Abuse

Teachers should always be aware that even if their intentions are innocent, this may not be how they are perceived by others.

- Try not to touch students.
- It is unfortunate that a hug or pat aimed at encouraging or comforting a student may be misinterpreted by the student, or a staff or community member as "unwarranted or inappropriate touching".
- Apart from inevitable situations, such as first aid, a teacher should avoid touching children.
- A slap, a push or a shake can give rise to serious legal charges and/or departmental disciplinary action and it is usually most difficult to defend a teacher who, through impatience or exasperation loses self control, even momentarily.
- Avoid placing yourself in a position, for example, a doorway, where a student may have accidental or deliberate contact when entering or exiting the room.
- Avoid touching a student to gain their attention or to censure their behavior.
- It is not proper or acceptable to permit students to rub or touch teachers physically. If you allow students to touch you, it may be misconstrued.
- An area of particular difficulty for teachers is how to intervene to prevent students causing physical harm to themselves, other students or to teachers. The carrying of emergency cards or using a mobile phone to gain help while on supervisory duty, stating clearly and loudly in front of witnesses the action you are about to take and the use of minimal force can lessen the opportunity for your appropriate action being misconstrued.

3. Avoid Allegations of Non-physical Abuse (psychological)

Misconduct or improper conduct which involves non physical or psychological abuse may also be the issue of a complaint or report.

In this regard, teachers are urged to avoid practices which may be construed as:

- targeted and sustained criticism, belittling, teasing or excessive staring
- excessive or unreasonable demands
- using inappropriate locations or social isolation as punishment
- persistent hostility and verbal abuse, rejection and scapegoating

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- frightening a student because of an overbearing physical presence.

Some complaints have involved allegations that teachers of larger physique and loud voices have caused psychological abuse to students. Whilst few of these allegations are sustained the experience of being subject to an allegation and investigation is extremely stressful for a teacher. Teachers, especially those in promotions positions, who have special responsibility in disciplining students, need to be sure that they always act in accordance with the schools documented student welfare and discipline policy.

The neglect of a child, young person or student such as refusal to render aid to a student who is injured or act to reduce the risk of injury or harm will be construed as non physical abuse.

Teachers should, in this situation, be aware of the advice offered above regarding the application of first aid. Wherever possible call an ambulance or involve staff specifically trained in first aid.

4. Avoid Situations Which Can Increase the Risk of a Complaint or Report

Friendships with students can be misinterpreted.

Some teachers have formed friendships with students where they participate frequently in activities outside school. Teachers are seen to be in a more powerful or influential position in these situations and are still considered having a duty of care.

Some examples of situations that have resulted in investigations of improper conduct include:

- drinking in a bar where students known to be underage are drinking and not reporting this to the appropriate authority.
- corresponding with students including by e-mail in a personal manner
- discussing personal relationship
- dating older students. Remember that even if the student welcomes the friendship, it may still be deemed improper conduct of a sexual nature and result in legal or disciplinary action. Relationships at or over the legal age of consent will not stop a Child Protection Services investigation or action being taken against the teacher.
- Overnight excursions can place teachers in positions of additional risk of complaint or report, particularly in cases where teachers have had interrupted sleep and relax standards they would normally adopt in the more formal environment of the school.
 - The informal nature of excursions means that actions are more likely to be misconstrued.
 - Teachers should never drink alcohol with, or in the presence of, students whether on or off duty.
 - Because excursions do involve greater risks for teachers they should know that they cannot be compelled to participate in overnight excursions. When it is decided to have an excursion, teachers must insist that there is adequate staff so that no teacher is ever required to be alone with students.

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5. Extra curricula activities which involve coaching individuals or small groups of students before or after school place teachers in positions of potential risk.

Teachers involved in the following situations should establish practices which eliminate their working in isolation with students:

- coaching sporting teams especially where physical contact may be involved
- coaching debating teams, mock trial teams or public speakers
- supervising music lessons for individuals or small groups
- any situation where you would have difficulty defending your behavior should it be misconstrued
- activities which occur before or after normal school hours.

6. Special Education Settings

Documented policies in relation to the management of students should be discussed with and well understood by parents where the student's behavior routinely or even occasionally requires a teacher to restrain the student.

The limits of the restraint are a matter of the situation, the level of safety concern and the directions contained within the Individual Education Plan document.

Whenever possible, teachers should ensure another teacher or adult is present when there is a need to restrain a student.

General guidelines when dealing with a student with an I.E.P. include:

- Treat students with Individual Education Plans the same as other students unless the I.E.P. calls for special treatment.
- If a student has special conditions as part of the I.E.P. that have to do with touching that student in manner inconsistent with the general procedure, then insure that the touching is only done when needed and for as long as needed.
- Any anomalies or interactions that are beyond the scope of the I,E,P, should be reported to the building administrator.
- If a general classroom teacher has any questions concerning a student with an I.E.P., contact the Special Education case manager or the school principal.