



Employee-Student Relations Policy

1. Employee-Student Relations Policy
 - 1.1. While the use of appropriate touching is part of daily life and is important for student development, teachers and other staff members must ensure that they do not exceed appropriate boundaries. If a student specifically requests that he or she not be touched, then that request should be honored to the extent possible.
 - 1.2. The School recognizes its responsibility to make and enforce all rules and regulations governing student and employee behavior to bring about the safest and most learning-conducive environment possible. This policy is available on the School's website at [
<https://www.bellamentecharter.org/important-documents>
2. Boundaries Defined
 - 2.1. For the purposes of this policy, the term "boundaries" is defined as acceptable professional behavior by staff members while interacting with a student. Trespassing beyond the boundaries of a student/staff relationship is deemed an abuse of power and a betrayal of public trust.
3. Unacceptable and Acceptable Behavior
 - 3.1. Some activities may seem innocent from an employee's perspective, but may be perceived as an inappropriate interaction from a student or parental point of view. The purpose of the following lists of acceptable and unacceptable behaviors is not to restrain innocent, positive relationships between employees and students but to prevent relationships that could lead to, or may be perceived as inappropriate or sexual misconduct or "grooming." Grooming is defined as an act or series of acts by a sexual predator to gain physical and/or emotional control by gaining trust (of staff and/or family and a minor) and desensitizing the minor to various forms of touching and other intimate interaction.
 - 3.2. Employees must understand their own responsibilities for ensuring that they do not cross the boundaries as written in this policy. If a student specifically requests that he or she not be touched, then that request must be honored. Violations could subject the teacher or staff member to discipline up to and including termination. Disagreeing with the wording or intent of these established boundaries will be considered irrelevant for any required disciplinary purposes. Thus, it is critical that all employees study this policy thoroughly and apply its spirit and intent in their daily activities.

(a) Unacceptable Behavior



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This list (and any subsequent lists) is not meant to be all-inclusive, but rather, illustrative of the types of behavior we intend to address by this policy:

- Giving gifts to an individual student that are of a personal and intimate nature (including photographs); or items such as money, food, outings, electronics, etc. without the written pre-approval of the Principal or Superintendent. It is recommended that any such gifts be approved by Human Resources along with the rationale therefor;
- Kissing of any kind;
- Massage (Note: Prohibited in athletics unless provided by massage therapist or other certified professional in an open public location. Coaches may not perform massage or rub-down. Permitted in special education only as instructed under an IEP or 504 plan);
- Full frontal or rear hugs and lengthy embraces;
- Sitting students on one's lap (grades 3 and above);
- Touching buttocks, thighs, chest or genital area;
- Wrestling with students or other staff member except in the context of a formal wrestling program;
- Tickling or piggyback rides;
- Any form of sexual contact;
- Any type of unnecessary physical contact with a student in a private situation;
- Intentionally being alone with a student away from School;
- Furnishing alcohol, tobacco products, or drugs to a student or failing to report knowledge of such conduct;
- "Dating" or "going out with" a student;
- Remarks about physical attributes or physiological development of anyone. This includes comments such as "Looking fine!" or "Check out that [body part]."
- Taking photographs or videos of students for personal use or posting online;
- Leaving campus alone with a student for lunch;
- Undressing in front of a student;
- Making, or participating in, sexually inappropriate comments;
- Sexual jokes or jokes/comments with sexual overtones or double entendres;
- Sharing a bed, mat, or sleeping bag with a student;
- Seeking emotional involvement (which can include intimate attachment) with a student beyond the normative care and concern required of a school employee;
- Listening to or telling stories that are sexually oriented;
- Discussing your personal troubles or intimate issues with a student;
- Becoming involved with a student such that a reasonable person may suspect inappropriate behavior;



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- Giving students a ride to/from School or School activities without the express, advance written permission of the Superintendent and the student's parent or legal guardian;
- Being alone in a room with a student at the School with the door closed and/or windows blocked from view;
- Allowing students at your home and/or in rooms or areas within your home without signed parental permission for a preplanned and pre-communicated educational activity which must include the presence of another educator, parent, or designated School volunteer;
- Excessive attention toward a particular student;
- Mirroring the immature behavior of minors;
- Sending e-mails, text messages, instant messages, social media messages, or letters to students or making phone calls or sending notes if the content is not about School activities. Communication via personal accounts such as social media is prohibited;
- Being "friends" with a student on any personal or non-School social media website;
- Communicating with students or parents/guardians in violation of the School's Social Media Policy;
- Engaging in inappropriate and/or unprofessional communications with students on School social media;
- Using profanity with or to a student;
- Involving students in non-educational or non-school related issues, including, but not limited to, the employee's employment issues; and
- Inflicting, or causing to inflict, corporal punishment upon a student. "Corporal punishment" means willful infliction of, or willfully causing the infliction of, physical pain on a pupil.

(b) Acceptable Behavior

The following is an illustrative list of acceptable and recommended behavior, which includes, but is not limited to:

- Pats on the shoulder or back;
- Side hugs;
- Handshakes;
- "High-fives" and hand slapping;
- When age appropriate, touching face to check temperature, wipe away a tear, remove hair from face, or other similar types of contact;
- Obtaining parents' written consent for any after-school activity on or off campus (exclusive of tutorials);
- Placing TK through second grade students on one's lap for purposes of comforting the child for a short duration only;
- Holding hands while walking with small children or children with significant disabilities;



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- Assisting with toileting of small or disabled children in view of another staff member;
- Touch required under an IEP or 504 Plan;
- Reasonable restraint of a violent person to protect self, others, or property;
- Obtaining formal written pre-approval from Principal to take students off School property for activities such as field trips or competitions, including parental written permission and waiver form for any sponsored after-school activity whether on or off campus;
- E-mails, text messages, phone conversations, and other communications, if permitted, to and with students must be professional and pertain to School activities or classes (communication should be initiated via transparent, non-private School-based technology and equipment);
- Keeping the door wide open when alone with a student;
- Keeping reasonable and appropriate space between you and the student;
- Stopping and correcting students if they cross your own personal boundaries (including touching your legs, or buttocks, frontal hugs, kissing or caressing);
- Keeping administration informed when a significant issue develops about a student, such as a change in demeanor or uncharacteristic behavior;
- Keeping after-class discussions with a student professional and brief;
- Immediately asking for advice from senior staff or administrators (such as the Principal) if you find yourself in a difficult situation related to boundaries;
- Involving your supervisor if conflict arises with a student;
- Involving the Principal in discussions about situations related to boundaries that have the potential to become more severe (including, but not limited to, grooming or other red flag behaviors observed in colleagues, written material that is disturbing, or a student's fixation on an adult);
- Making detailed notes about an incident that, in your best judgment, could evolve into a more serious situation later;
- Recognizing the responsibility to stop unacceptable behavior of students and/or coworkers;
- Asking another employee to be present if you will be alone with any student who may have severe social or emotional challenges;
- Asking another employee to be present, or within close supervisory distance, when you must be alone with a student after regular School hours;
- Prioritizing professional behavior during all moments of student contact;
- Asking yourself if any of your actions which are contrary to these provisions are worth sacrificing your job and career.



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This policy does not prevent: 1) touching a student for the purpose of guiding them along a physical path; 2) helping them up after a fall; or 3) engaging in a rescue or the application of Cardio Pulmonary Resuscitation (CPR) or other emergency first-aid. Nor does it prohibit the use of reasonable force and touching in self-defense or in the defense of another. Restraining a child who is trying to engage in violent or inappropriate behavior is also allowed. Only such force as necessary to defend one's self, another person, or the child or to protect property is legally permitted. Excessive force is prohibited.

4. Reporting Violations

4.1. When any employee becomes aware of another employee (or volunteer, guest or vendor) having crossed the boundaries specified in this policy, or has a reasonable suspicion of misconduct, he or she must promptly report the suspicion to the Principal or Human Resources. Prompt reporting is essential to protect students, the suspected employee, any witnesses, and the School as a whole. Employees must also report to the administration any awareness of, or concern about, student behavior that crosses Boundaries or any situation in which a student appears to be at risk for sexual abuse. All reports will be kept as confidential to the extent possible.

5. Investigating

5.1. The Superintendent will promptly investigate any allegation of a violation of the Employee-Student Relations Policy, using such support staff or outside assistance as he or she deems necessary and appropriate under the circumstances, unless the allegation also constitutes a reportable allegation under California Penal Code section 11166. In the event the allegation also constitutes such a reportable allegation, the Superintendent shall comply with the legal requirements of immediately reporting the allegation to a child protective agency and shall follow up such report with a written report within thirty-six (36) hours.

5.2. If the allegation is only a violation of the Employee-Student Relations Policy, but not a violation of California Penal Code section 11166, the Superintendent or other appropriate administrator shall conduct an investigation as set forth above. Throughout this fact-finding process, the investigating administrator, and all others privy to the investigation, will protect the privacy interests of any affected student(s) and/or employee(s), including any potential witnesses, to the fullest extent possible.

6. Violations

6.1. Violations of this policy may result in disciplinary action, up to and including termination. When appropriate, violations of this policy may also be reported to authorities for potential legal action.