

## 1.13 Code of Conduct with Clerc Center Students

***Last Revised: 10 October 2014***

***Refer Questions To: Vice President, Clerc Center***

### Scope

This policy applies to employees of the Laurent Clerc National Deaf Education Center (Clerc Center) at Gallaudet University, and to other employees and individuals (including, but not necessarily limited to, volunteers, interns, practicum students and University students) who may come in contact with students of the Clerc Center.

### Policy

The Clerc Center and its demonstration elementary and secondary schools provide students with a positive and nurturing environment where their welfare and self-esteem are constantly fostered. The legal and human rights of students must be respected at all times, both on and off campus. All those involved with Clerc Center students are expected to maintain the highest standards of professional conduct in their relationships with them, regardless of the student's age. Any act of misconduct, neglect, exploitation, or inappropriate fraternization will not be tolerated.

Anyone who violates this policy is subject to disciplinary action, up to and including termination of employment.

Anyone who observes or suspects an act of misconduct, neglect, exploitation, or inappropriate fraternization is expected to intervene and provide for the safety and well-being of the student. All witnessed or suspected acts of misconduct, neglect, exploitation, or inappropriate fraternization should be reported immediately to the Principals of the Demonstration Schools (Clerc Center), or his/her designee or to the Department of Public Safety. All reports will be promptly investigated and, when appropriate, submitted to legal authorities.

This policy is not intended to discourage appropriate and professional interaction with students. It is not intended to abridge the rights of parents or legal guardians who may also be employees of the Clerc Center. Its purpose is to assure the safety and well-being of Clerc Center students. The guidelines and definitions in this policy may not be all inclusive. The University will, at all times, take whatever

action is necessary to fulfill the intent of the policy and to comply with applicable laws and regulations.

## **PROHIBITED ACTS/DEFINITIONS**

Misconduct: Inflicting or attempting to inflict physical pain or injury, causing or attempting to cause serious emotional distress, contributing to the delinquency of students, attempting to coerce or encourage a student to follow the employee's (or other individual's) personal or professional convictions, or engaging in sexual activity or conduct or in an amorous relationship with a student. Examples of misconduct include, but are not limited to:

Misconduct does not include actions which are an approved part of a treatment program or behavior management program, reasonable acts to gain a student's attention, reasonable demonstrations of caring or greeting (such as hugging a student), reasonable acts of restraint or force if the student poses a threat to himself/herself or to others, or unavoidable or unintended accidents.

- Any physical action which causes or may cause physical harm such as: (1) hitting, kicking, pinching, pulling, biting, dragging, spitting on, jerking, burning, cutting, shoving, or throwing an object at a student; (2) subjecting a student to any excessive, inappropriate, or unauthorized force, conditions or treatment.
- Any non-physical action which causes or may cause sustained psychological harm or distress such as: (1) locking a student in an isolated area; (2) intimidating a student; (3) belittling, degrading, embarrassing, or ridiculing a student; (4) using obscenities or profanity in the presence of, or directed to, a student; (5) threatening a student with the intent to injure or harm; (6) taunting, baiting, or attempting to embarrass or humiliate a student; (7) yelling and/or signing in uncontrolled anger at a student; (8) making fun of disabling conditions; (9) using ethnic, racial, religious, or sexual orientation slurs; (10) depriving a student of understanding by not signing when communicating with him/her.
- Any violation of the University's policies related to drug and alcohol use, or any act which encourages or condones a student's involvement in illegal or unethical activities.
- Any form of sexual activity with a student, consensual or otherwise, such as sexual intercourse, molesting, fondling, sodomy, viewing, touching of a sexual nature, or penetration with objects.
- Direct or indirect propositions, sexual advances or invitations, or subtle pressure for sexual activity.

- Any form of relationship with a student, other than a professional relationship, regardless of the student's age or consent, unless a parent, relative, or legal guardian.
- Any pattern of conduct (not legitimately related to the subject matter of a course in which the student is involved) which may discomfort or humiliate a reasonable person that includes one or more of the following: (1) comments of a sexual nature; (2) sexually explicit statements, questions, jokes, or anecdotes; (3) unnecessary following, including repeated unwarranted appearances anywhere on campus; (4) remarks of a sexual nature about a student's clothing or body; (5) remarks about sexual activity or speculations about sexual experiences; (6) physical touches of a sexual nature; (7) sexual pictures, calendars, graffiti, or objects.

Misconduct does not include actions which are an approved part of a treatment program or behavior management program, reasonable acts to gain a student's attention, reasonable demonstrations of caring or greeting (such as hugging a student), reasonable acts of restraint or force if the student poses a threat to himself/herself or to others, or unavoidable or unintended accidents.

#### **NEGLECT:**

The failure to provide, or the careless disregard for, the care and services necessary to maintain the mental health, physical health and well-being of students. This particularly refers to any situation in which those individuals involved in the provision of services to Clerc Center students fail to fulfill their responsibilities or fail to act in a situation which adversely affects the health, safety, or welfare of students. Examples of neglect include, but are not limited to:

- Failure to provide adequate supervision of, or attention to, students.
- Failure to assist a teacher or staff member needing assistance with a student, or failure to intervene in a situation in order to prevent possible harm (mental or physical) to a student.
- Failure to assure prompt and appropriate medical care for, or to report, illnesses and injuries.
- Failure to provide for the students' proper personal hygiene, nutritional care, or proper dress, within the scope of services provided by, and while under the direct care of, the Clerc Center.
- Failure to exercise precautions and interventions to protect students from, or failure to report observed or suspected misconduct, neglect, exploitation or inappropriate fraternization.

Neglect does not include reasonable inattention to students while a teacher or staff member is in the process of intervening with another student.

Exploitation: The improper or illegal use of a student and/or his/her resources for profit, pleasure, or advantage. Examples of exploitation include, but are not limited to:

- Taking, borrowing, buying or using a student's funds or other personal possessions for other than the student's personal benefit, or selling personal items to a student.
- Using a student for professional or personal work unless part of a school activity or a planned vocational training activity that is clearly described in the student's Individualized Education Plan.
- Encouraging or allowing a student to participate in sexual activities for personal pleasure or gain.

Exploitation does not include receiving a non-monetary gift of nominal value from a student.

## **FRATERNIZATION**

Gallaudet University and the Clerc Center recognizes the very positive benefits to be gained from student interaction with the adult role models who work in the demonstration schools and on campus. These interactions are encouraged and supported when they are kept at a professional level and promote healthy social, emotional, and intellectual development. The Clerc Center is committed to fostering a positive learning and working environment for all students and employees in order to promote educational excellence. The spirit and intent of this policy is meant to help employees understand and appreciate the delicate balance that exists between employees and students and to delineate the boundaries that their respective roles dictate.

The relationship between a Clerc Center employee and a student enrolled in the demonstration schools should be one of cooperation and respect. Employees have a responsibility to conduct themselves in a professional manner that will maintain an atmosphere that is conducive to learning and the safety and well-being of students.

All employees must be aware that students of all ages and intellect are susceptible to influence by adults employed by the Clerc Center. While this influence most often yields positive educational results, it can also be used in a manner that is entirely inappropriate. Accordingly, staff must be cognizant of their appropriate roles and professional duties in the development of students. Similarly, employees must be cognizant of the imbalance of power that exists in relationships between employees and students. Due to this

imbalance of power, students are vulnerable and cannot always make proper decisions with regard to interactions with employees. Thus, it is the Clerc Center's expectation that employees will recognize and respect this vulnerability when interacting with students. Accordingly, it is the responsibility of employees not to take advantage of, or otherwise exploit, this imbalance of power to further any non-educational, personal, or inappropriate objective.

Clerc Center employees are strictly prohibited from engaging in any romantic, sexual, or physical relationship with students. Clerc Center employees are prohibited from entering any type of sexual relationship, sexual contact, or sexually-nuanced behavior with an enrolled student regardless of the student's age. This includes internet chat rooms, social media sites, cell phones, and all other forms of electronic or other types of communication. This prohibition applies to students of the same or opposite sex of the school employee. It also applies regardless of whether the student or the school employee initiated the sexual behavior, and whether or not the student welcomes the sexual behavior and/or reciprocates the attention.

To maintain appropriate professional boundaries:

- Clerc Center employees shall not engage in any type of close personal relationship with a student that may reasonably be perceived as unprofessional, including, but not limited to, the perception of a dating relationship. Clerc Center employees shall not entertain students, socialize with students, or spend an excessive amount of time with students in such a manner as to reasonably create the impression to Clerc Center employees, administration, other students, their parents, or the public that an unprofessional relationship exists.
- Clerc Center employees may not allow students to reside in their homes (unless they are parents, family members, or legal guardians of the student).
- Clerc Center employees are strongly discouraged from allowing students to visit their homes or ride in their personal vehicles. Employees should be aware of the risk of misperception, as well as the risk of accusation by a student for inappropriate behavior by the employee should students be allowed to visit the employee's home or ride in their personal vehicle. If students are permitted to visit an employee's home, it is strongly encouraged that the parent or legal guardian of the child also be present.

Employees are responsible for appropriate and professional conduct in all settings and in all forms of communication, including, but not limited to, verbal/signed communication, written communications, internet and e-mail communications, physical gestures, motions or any other form of interaction.

Personal relationships with students that are not related to legitimate educational purposes may also violate this policy depending upon the circumstances. However, it is understood that many interactions between employees and students outside of work hours are entirely appropriate and develop through mutual interest, family, or neighborhood interactions. These relationships should maintain the essential and appropriate professional boundaries and will therefore not be deemed a violation of this policy. Regardless of the student's advances, gestures or comments, it is the employee's responsibility to terminate any relationship that would otherwise violate this policy and report it immediately to the principal and immediate supervisor. As such, it is the employee's responsibility to ensure that such relationships continue along and within the appropriate boundaries. Failure to adhere to the requirements of this policy may result in severe consequences, up to and including termination.

Any question by an employee as to the appropriateness of an activity, relationship, or interaction with a student should be directed to the principal or designee. All inquiries into the appropriateness of an activity or relationship will be confidential to the fullest extent possible. All employees that suspect an inappropriate relationship exists between a Clerc Center employee and a student are required to immediately notify, in person or in writing, the principal or designee. Submission of a good faith report of a suspected violation of this policy will not adversely affect the reporting individual's employment.

## **REPORTING AND CONFIDENTIALITY**

Any knowledge of misconduct, neglect, exploitation, or inappropriate fraternization involving a Clerc Center student must be reported, regardless if the student asserts that the information is confidential.

Any report of misconduct, neglect, exploitation, harassment, or inappropriate fraternization is promptly investigated. Incidents involving a University employee or student are reported to the appropriate administrative officer for investigation. The purpose of any investigation is to establish whether there is a reasonable basis for believing that an alleged violation of this policy has occurred. At all times, the administrator conducting the investigation will take steps to provide for confidentiality. Employees and other individuals are expected to keep matters under investigation confidential.

Gallaudet University and the Clerc Center will report incidents of misconduct, neglect, exploitation, harassment or inappropriate fraternization to the parent(s)/legal guardian(s) and legal authorities as appropriate.

## FORMAL DISCIPLINARY ACTION

Formal disciplinary action may range from a reprimand to termination of employment or assignment. A Clerc Center employee may be placed on administrative leave, suspended, or transferred while a case is being reviewed. Decisions regarding administrative leave, suspension, transfer or dismissal will take into consideration the nature of the appointment, the severity of the offense, any pattern or history of similar incidents, the possible duration of the investigation, and other factors.

Any individual found to have been intentionally dishonest in making allegations or in filing a false report is subject to disciplinary action.

Violations of this policy and any appeals will be governed, in part, by the Clerc Center teacher policies. Violations of this policy and any appeals by University faculty members will be governed by University faculty guidelines and by-laws. Violations of this policy and any appeals by staff employees will be governed by policies and procedures in the Administration and Operations Manual. Violations of this policy by a University student will be governed by student judicial procedures.

***Approved by: Gallaudet University Board of Trustees***

### Procedures

1. Any Clerc Center employee, volunteer, intern, or practicum student who observes or suspects misconduct, neglect, exploitation, or inappropriate fraternization is expected to intervene and take appropriate steps to provide for the safety and well-being of the student.
2. All witnessed or suspected acts of misconduct, neglect, exploitation, or inappropriate fraternization must be reported promptly to the Principals of the Demonstration Schools (Clerc Center), or his/her designee immediately. A written incident report must be submitted within 24 hours.
3. The Principals of the Demonstration Schools (Clerc Center), or his/her designee will arrange for immediate medical care for the student if needed and will promptly contact the school social worker. The role of the social worker is to interview the student and to consult with the Principals regarding contacting the appropriate legal authorities, if appropriate.

4. The Principals of the Demonstration Schools (Clerc Center), or his/her designee, will arrange for an investigation (including participation by the Department of Public Safety if appropriate) and determine any action to be taken with the employee, volunteer, intern, or practicum student. Any investigation will afford the accused a full opportunity to respond to the allegations.
5. The Principals of the Demonstration Schools (Clerc Center), or his/her designee will report the incident to the parent(s)/legal guardian(s) when appropriate.
6. Anyone who has used any reasonable restraint or force to control a situation or who has been involved in an unavoidable or unintended accident that could later be suspect should make an oral report to his/her immediate supervisor immediately and make a written report to the immediate supervisor within 24 hours of the incident. Written reports must be submitted to the Principals of the Demonstration Schools.