

AB500 Employee / Student Boundaries

Assembly Bill 500 (AB500), which went into effect in 2018, requires schools to provide sections related to employee interactions with students in its code of conduct to parents and guardians of enrolled students on a school's website. Listed below are portions of the Presidio Knolls School ("the School") Employee Handbook policies that include language relating to interactions between students and employees.

Employee / Student Boundaries Policy

The School encourages positive, friendly, and supportive relationships between community members, including employees and students. Interactions between employees and students must always be professional and appropriate, whether on campus or away from campus, and employees are responsible for keeping them that way. For purposes of this policy, the term "employee" also includes volunteers. For those employees whose children attend the School, this policy does not apply to employees' interactions with their own children while off campus or outside of School sponsored activities.

This policy is not intended to restrict warm and supportive relationships between employees and students, which are appropriate in an educational environment. Positive and supportive relationships may include strong appreciation, expressions of care such as brief hugs, and appropriate one-on-one support with the knowledge of the School. This policy is intended to prevent employee/student interactions that could lead to, or may be perceived as, as flirtatious, sexually suggestive, unfair, or otherwise inappropriate or abusive of the innate power imbalance in the relationship between an employee and a student.

Employees must take care to avoid any conduct that is not a professional or appropriate employee/student interaction or could be perceived as such.

Below are the rules employees must follow. These rules are not an exhaustive list of prohibited employee conduct, but rather a general framework for describing inappropriate employee-student interaction. PKS may discipline employees for any conduct PKS determines is not in keeping with the School's expectations for appropriate employee/student interactions.

Appropriate Interactions:

- In general, any interaction with a student should be something an employee would feel comfortable saying or doing in front of that student's parents and the employee's supervisor.

- Employees must avoid creating excessive emotional attachments beyond the healthy employee/student relationship.
- Employees must use sound judgment as to how much information they share with students about their own personal life, and may not share information for their own personal emotional gratification or lean on students for emotional support. Employees must not share any information about romantic and intimate experiences, personal problems, or other types of private or sensitive information that is inappropriate to share.
- Employees should consult their supervisor without delay if a student is or seems to be pushing the employee's personal boundaries, attempting to establish an inappropriate relationship, or it appears another type of problem is beginning to emerge.
- Employees must avoid any flirtatious, sexual or romantic interactions or relationships with students or the appearance of one. Dating or one-on-one social interaction unrelated to school, between an employee and student, are not allowed.
- Employees must respect students' personal space at all times, and any physical contact with a student should be very limited. Examples of acceptable limited physical contact may include giving a student a high five or a handshake. Employees should use sound judgment with regard to any physical contact with students and should ask their supervisor or the Head of School if they have any questions.

Favoritism or Special Treatment:

Employees are expected to treat students and families fairly, and not to show favoritism or any special treatment. In keeping with this:

- Employees may not buy or give personal gifts to individual students.
- Employees are prohibited from performing any outside services, including, but not limited to, tutoring and childcare, to any family of a student in their classes.

Communication:

- Employee communications with students (e.g., notes, email, texts or other electronic exchanges, or phone calls) must be professional and appropriate in all respects. This means that employee communications must only contain appropriate, school-related content and must take place at times of the day that are appropriate under the circumstances. This also means that employee communications with students must take place using school-owned technology unless prior authorization has been obtained from the Head of School and parents. If such authorization is granted, the employee must copy the student's parents and the employee's supervisor on the communication.
- Employees may not make jokes, use slang, or make suggestive comments or innuendo of a sexual or discriminatory nature in communicating with students (or at any other time at work).

- Employees are prohibited from friending or following students on social media and from liking or otherwise commenting on social media posts made by students.

Meetings with Students:

- When meeting with a student one-on-one, employees must balance potential privacy concerns with appropriate professionalism and should avoid meeting in locations that are closed off or not visible or accessible to others.
- Employees are prohibited from meeting with students off campus unless it is a pre-approved school activity with other individuals present. If employees would like to meet with students to plan school events or gatherings, the employee must first obtain the permission of the school administration and the student's parent or guardian.
- PKS understands that for those employees whose children attend the school, they and other parents may wish to get their kids together for playdates or other activities that may include school students being in the employee's home. In these cases, where a student is at an employee's home for a playdate or other activity with the employee's child, that is not part of or related to the employee's job duties, and is not within the scope and course of the employee's employment at PKS.

Driving Students:

- Employees are prohibited from giving students rides to and from PKS, unless the employee is also a PKS parent, and is carpooling with other parents. When a PKS employee who is a parent wishes to drive other students as part of a carpool, that employee must first notify the Head of School, and the Head of School must receive written permission from the parents of the students in the carpool, before that employee is permitted to drive other students to and from PKS. Employees acknowledge that driving other students as part of a carpool for their child is not part of or related to their job duties and is outside of the course and scope of the employee's employment at PKS.

Mandatory Reporting:

- If a student shares confidential information that could pose a threat to the student or others, employees have an obligation to notify the Head of School and/or make a report of suspected child abuse or neglect in keeping with the School's child abuse reporting policy and mandated reporting laws.

Drugs and Alcohol:

- Employees may not be under the influence of alcohol or drugs or consume alcohol or drugs while at School or at any School events or activities where students are present.
- Employees are also prohibited from discussing any personal alcohol or drug use, whether past or current, with students.

Employees have ultimate responsibility for ensuring they do not break the rules established in this policy, or create the fact or appearance of an inappropriate relationship. Disagreeing with the wording or intent of the established rules does not except employees from strictly complying with this policy.

If an employee finds themselves in a difficult situation related to boundaries or has questions related to these protocols and requirements, they should consult the Head of School. If any employee becomes aware of another employee failing to adhere to this policy, that employee must immediately report the matter to the Head of School.

Policy Against Discrimination, Harassment and Retaliation

PKS prohibits conduct that violates this Policy. Harassment, discrimination or retaliation against an applicant, employee, student, contractor, unpaid intern, or volunteer by an employee, student, or an individual with whom PKS has a business, contractual, or professional relationship, such as parents, legal guardians, unpaid interns, volunteers, independent contractors, or vendors, on the basis of any protected classification, as defined in this Policy, is strictly prohibited and will not be tolerated. This Policy applies to all terms and conditions of employment, internships, and volunteer opportunities, including, but not limited to, selection, hiring, placement, promotion, disciplinary action, layoff, transfer, leave of absence, compensation, and training.

A single act can violate this Policy and provide grounds for discipline or other appropriate sanctions. Conduct need not be or rise to the level of a violation of law in order to violate this Policy. Similarly, a violation of this Policy does not necessarily qualify as a violation of law and there are many circumstances in which a violation of this Policy would not also constitute a violation of law. Any employee who is in doubt as to whether or not any particular conduct may violate this Policy should not engage in the conduct, and seek guidance from the Head of School or Chief Operating Officer.

1. Definitions

Protected Classifications

This Policy prohibits harassment or discrimination because of an individual's protected classification(s). A "protected classification" includes race (including traits historically associated with race, including, but not limited to, hair texture and protective hairstyles), color, religion (including all aspects of religious beliefs, observance or practice, including religious dress or grooming practices), sex (including gender, gender identity, gender expression, transgender, pregnancy, childbirth, or related medical conditions), sexual orientation (including heterosexuality, homosexuality, and bisexuality), national origin, ancestry, citizenship status, military and veteran status, marital status, age (40 and over), medical condition, genetic characteristics or information, physical or mental disability, or any other characteristic protected by federal, state or local laws.

Policy Coverage

This Policy prohibits employees, students, or individuals with whom PKS has a business, contractual, or professional relationship, such as parents, legal guardians, unpaid interns, volunteers, independent contractors or vendors, from harassing or discriminating against applicants, employees, students, contractors, unpaid interns, or volunteers, because of (1) an individual's protected classification; (2) the perception of an individual's protected classification; or (3) the protected classification or perceived protected classification of a person with whom the individual associates. This Policy also prohibits retaliation as defined below.

Discrimination

Discrimination means treating individuals differently from other similarly situated individuals at the School by taking an adverse action against or denying a benefit to that individual because of the individual's actual or perceived protected classification or the protected classification or perceived protected classification of a person with whom the individual associates.

Harassment

Harassment means words or conduct undertaken because of an individual's actual or perceived protected classification that are both objectively and subjectively offensive to another person.

Harassment is not limited to conduct by PKS employees. Under certain circumstances, harassment can also include conduct by students, or individuals with whom the School has a business, contractual, or professional relationship, such as parents, legal guardians, unpaid interns, volunteers, independent contractors, or vendors. Harassment may include, but is not limited to, the following types of behavior engaged in because of a person's protected classification:

- a. Speech: This includes epithets (nicknames and slang terms), derogatory or suggestive comments, propositioning, jokes or slurs, including graphic verbal commentaries about an individual's body, or that identify a person on the basis of his or her protected classification. This might include comments on appearance including dress or physical features, or dress consistent with gender identification, or race-oriented stories and jokes.
- b. Visual acts: This includes derogatory posters, notices, bulletins, cartoons, drawings, sexually suggestive objects, or e-mails on the basis of a protected classification.
- c. Physical acts: This includes assault, offensive touching, impeding or blocking movement, grabbing, patting, leering, making express or implied job related threats or promises in return for submission to physical acts.
- d. Sexual harassment: This is defined as unwelcome sexual advances, requests for sexual favors, and other conduct of a sexual nature where submission is made a term or condition of employment, where submission to or rejection of the conduct is used as the basis for employment decisions, or where the conduct is intended to or actually does unreasonably interfere with an individual's work performance or create an intimidating, hostile, or offensive working environment. This may include conduct

between members of the opposite or same gender, and may also include conduct not motivated by sexual desire.

Guidelines for Identifying Harassment

To help clarify what constitutes harassment in violation of this Policy, use the following guidelines:

- Harassment includes any conduct which would be “unwelcome” to an individual of the recipient’s same protected classification and which is taken because of the recipient’s protected classification.
- It is no defense that the recipient appears to have voluntarily “consented” to the conduct at issue. A recipient may not protest for many legitimate reasons, including the need to avoid being insubordinate or to avoid being ostracized.
- Simply because no one has complained about a joke, gesture, picture, physical contact, or comment does not mean that the conduct is welcome. Harassment can evolve over time. The fact that no one is complaining now does not preclude anyone from complaining if the conduct is repeated in the future.
- Even visual, verbal, or physical conduct between two employees who appear to welcome the conduct can constitute harassment of a third party who observes the conduct or learns about the conduct later. Conduct can constitute harassment even if it is not explicitly or specifically directed at an individual.
- Conduct can constitute harassment in violation of this Policy even if the individual engaging in the conduct has no intention to harass. Even well-intentioned conduct can violate this Policy if the conduct is directed at, or implicates a protected classification, and if an individual of the recipient’s same protected classification would find it offensive (e.g., gifts, excessive attention, endearing nicknames).

The determination of what constitutes harassment will depend on specific facts and the context in which the conduct occurs.

Retaliation

Retaliation means an adverse action taken because an applicant, employee, student, contractor, unpaid intern, or volunteer has reported harassment or discrimination, or has participated in the complaint and investigation process described herein. An “adverse action” may include, but is not limited to, the following actions: (1) disciplinary action; (2) counseling; (3) taking sides because an individual has reported harassment or discrimination; (4) spreading rumors about a complainant or about someone who supports or assists the complainant or who participates in the investigation; (5) shunning or avoiding an individual who reports harassment or discrimination; or (6) making real or implied threats of intimidation to prevent or deter an individual from reporting harassment or discrimination.

2. Process for Reporting Harassment, Discrimination or Retaliation

An applicant, employee, student, contractor, unpaid intern, or volunteer who feels he or she has been harassed, discriminated against or retaliated against in violation of this Policy should report the conduct immediately as outlined below, so the complaint can be addressed in a timely manner.¹

- a. Oral Report – If a person who believes this Policy has been violated, then he or she should report the conduct to his or her supervisor, or any other supervisor, director, or other management employee of the School. Any supervisor, director or other management employee who receives such a report must in turn direct it to the Head of School. In the event that the complaint is against the Head of School, the report must be directed to the Board Chair.
- b. Written Process – An individual who believes this policy has been violated may provide a written complaint to his or her supervisor, or any other supervisor, director, or other management employee of the School. Any supervisor, director or other management employee who receives such a report must in turn direct it to the Head of School. In the event that the complaint is against the Head of School, the report must be directed to the Board Chair.
- c. Option to Report to Outside Administrative Agencies – applicants, employees, students, contractors, unpaid interns, or volunteers have the option to report harassment, discrimination, or retaliation to the U.S. Equal Employment Opportunity Commission (EEOC) or the California Department of Fair Employment and Housing (DFEH). The EEOC can be reached at 1-800-669-4000 or at www.eeoc.gov. The DFEH can be reached at 1-800-884-1684 or at www.dfeh.ca.gov.

3. School's Response to Complaint of Harassment, Discrimination or Retaliation

After receiving an oral report or written complaint, or the School otherwise learns of an alleged potential violation of this Policy, the Head of School or his or her designee may request clarification and/or conduct an initial inquiry, to determine whether the oral report or written complaint alleges a potential violation of this Policy. In the event the oral report or written complaint is against the Head of School, the Board Chair or his or her designee may request the clarification. To request clarification, the Head of School, Board Chair, or their respective designees may meet with the individual(s) who made the oral report or written complaint and/or that was reportedly subjected to conduct that violates this Policy.

Investigation Procedure

If an oral report or written complaint alleges a potential violation of this Policy, or the School otherwise learns of an alleged potential violation of this Policy, PKS will initiate an investigation. The investigation will be conducted by qualified personnel or a qualified outside investigator as determined in the sole discretion of the School.

¹ There is also a separate policy in the Family/Student Handbook for students to use who experience or witness conduct prohibited by this Policy.

During the pendency of the investigation, the Head of School, Chief Operating Officer, other appropriate administrator, or Board Chair may take interim action as appropriate, such as placing the person alleged to have violated this Policy (the “Respondent”) on paid administrative leave or temporarily transferring the Respondent. Generally, no interim action will be taken to change the working conditions of the individual(s) who made the oral report or written complaint and/or that was reportedly subjected to conduct that violates this Policy, unless that individual voluntarily consents to the temporary change.

The investigation will be conducted in a fair, timely and thorough manner. PKS will document and track the investigation for reasonable progress and timely closures. The investigation will normally include interviews with the individual(s) who made the oral report or written complaint and/or that was reportedly subjected to conduct that violates this Policy, the Respondent, and other persons believed to have relevant knowledge concerning the allegations. Witnesses will be advised that retaliation against those who report alleged harassment, discrimination, or retaliation, or who participate in the investigation is prohibited. The Respondent will be notified that a complaint has been made alleging that he or she has violated this Policy. Whenever possible, the investigation will commence with an interview of the complaining party. Before the investigation is concluded, the Respondent will be informed of the general nature of the allegations made against him or her, and be provided with an opportunity to respond to the allegations. Once the information gathering process is completed, the investigator will prepare an investigative report containing the investigator’s findings of fact, which will be reasonable conclusions based on the evidence collected. The investigator will make findings based on a “preponderance of the evidence” standard. The report will be shared with school administrators who have a legitimate need to know the outcome. Generally, the report will not be shared with the individual that was reportedly subjected to conduct that violates this Policy or with the Respondent, but the outcome of the investigation in general terms will be shared with them as PKS deems appropriate and relevant.

Remedial and Disciplinary Action

Once the investigation is complete, PKS will determine if the conduct violates this Policy (or other PKS conduct policies), and if so, the appropriate corrective action. Any employee or student determined to have violated this Policy will be subject to disciplinary action, up to and including termination or expulsion. Disciplinary action may also be taken against any a supervisor, director or other management employee who condones or ignores potential violations of this Policy, or who otherwise fails to take appropriate action to enforce this Policy. Because an individual with whom the School has business, contractual, or professional relationship, such as parents, legal guardians, unpaid interns, volunteers, independent contractors, or vendors are not employees of PKS, the School may not be able to take corrective action in the same way or to the same extent that it can with respect to PKS employees or students. However, PKS will make appropriate efforts to take corrective action for violations of this Policy, or if appropriate, to cause others to take corrective action.

Please be advised that an employee who engages in unlawful harassment of a co-employee is personally liable for the harassment, regardless of whether PKS knew or should have known of the conduct and/or failed to take appropriate corrective action. PKS does not consider conduct in violation of this Policy to be within the course and scope of employment or the direct

consequence of the discharge of one's duties at the School. Accordingly, to the extent permitted by law, PKS reserves the right to refuse to provide a defense or pay legal fees and costs or to pay damages assessed against any employee based on conduct in violation of this Policy.

Closure

The investigation will be closed in a timely manner. At the conclusion of the investigation, the Head of School or his or her designee will notify the individual that was reportedly subjected to conduct that violates this Policy and the Respondent in general terms of the outcome of the investigation as PKS deems appropriate and relevant.

Confidentiality

PKS cannot keep oral reports or written complaints made under this Policy completely confidential due to the need to investigate potential violations of this Policy and take effective remedial action, or to comply with other legal requirements. PKS will, however, keep oral reports or written complaints made under this Policy confidential to the extent possible. PKS will not disclose a completed investigation report except as it deems necessary to support a disciplinary action, take remedial action, defend the School in adversarial proceedings, or to comply with the law or a court order.

4. Responsibilities of Employees, and Supervisory Employees

Employees

In order to establish and maintain a professional working environment, while at the same time preventing harassment, discrimination and retaliation, employees are expected to:

- Set an example of acceptable conduct by not participating in or provoking behavior that violates this Policy. Try not to be angry or insulted if an individual tells you that your behavior is offensive. People have different ethical values and standards and may be offended by behavior you think is proper. Tell the individual you did not realize your behavior was offensive, and immediately cease the conduct.
- Report harassment, discrimination or retaliation as quickly as possible, whether the employee is the target of the conduct or a witness.
- Fully cooperate with the School's investigation of complaints made under this Policy.

Supervisory Employees

In addition to the responsibilities listed above, supervisors, directors, or any other supervisory or management employees, are responsible for the following:

- Implementing this Policy by taking all complaints seriously and modeling behavior that is consistent with this Policy. Direct all complaints to the Head of School.
- Taking positive steps to eliminate any form of harassment, discrimination or retaliation observed or brought to his or her attention.

- Taking positive steps to protect against retaliation through any action of intimidation, restraint, coercion or discrimination, by any supervisor, director, or any other supervisory, management, or other employee.
- Monitoring the work environment and taking appropriate action to stop potential Policy violations.
- Following up with those who have complained or were reportedly subjected to conduct that violates this Policy, to confirm the conduct complained of has stopped.
- Reporting potential violations of this Policy of which he or she becomes aware, regardless of whether a report has been made or a complaint has been formally submitted.

5. Mandatory Training

The School requires that all of its employees receive at least one hour of training on this Policy, and that all of its supervisory employees receive at least two (2) hours of training on this Policy. Employees will receive training on this Policy within six (6) months of being hired, and then at least once every two (2) years. Temporary and seasonal employees hired to work for less than six (6) months will receive training on this Policy within thirty (30) calendar days after the hire date or within one hundred (100) hours worked, whichever occurs first. The School will schedule training sessions and attendance at the training will be documented.

6. Dissemination of Policy

All employees shall receive a copy of this Policy when they are hired. The Policy may be updated from time to time and redistributed with a form for the employee to sign and return acknowledging that the employee has received, read, and understands this Policy.

Discipline Policy and Practices for Students

PKS employees must promote the safety of all students. Employees are required to adhere to the following discipline policy and practices:

- Use positive guidance with the students to help them learn appropriate behaviors;
- Set clear, consistent and developmentally appropriate limits for the students;
- Provide alternative choices, redirection, positive attention and modeling of appropriate social skills;
- Follow the School's policies and rules related to student conduct and discipline, as applicable; and
- Consult with the appropriate supervisor or the Head of School before denying a student participation in fieldtrips; the parent may be asked to attend the fieldtrip if the child's behavior is such that one-to-one supervision is needed.

Guidelines for Addressing Students with Behavior Issues

To address students with behavior issues, teachers may request, in consultation with the Head of Preschool, Head of Elementary School, Head of Middle School, Auxiliary Program Director, Chief Operating Officer, and/or the Head of School, as appropriate, a parent-teacher conference to discuss and develop possible plans to resolve the behavior issues. The conference should focus on what behavior is being observed. Teachers and staff members should not make diagnostic statements about a student.

If a student behaves violently or makes statements or engages in conduct suggesting that he or she is a danger to himself or herself and/or others, the PKS employee with this information must make notify the Head of Preschool, Head of Elementary School, , Head of Middle School, Auxiliary Program Director, Chief Operating Officer, and/or the Head of School, as appropriate, immediately. Employees are required to document any incidents or progress concerning a student's behavior (e.g., reoccurring patterns of serious or inappropriate behaviors, etc.). When applicable, a copy of the Incident/Progress Report must be given and signed by the parent when the student is picked up from the School.

Internet, Social Media and Electronic Communications Policy (*Relevant Excerpt Only*)

Do Not “Friend” Or Interact with Students Through Social Media Outside the School:

School employees, including faculty members, shall not communicate or interact with school students or their parents via social networking sites or messaging apps, other than as authorized and through the official School sites. This restriction applies to former students and their parents as well, until the former student reaches the age of 18.