# POLICIES FOR PROMOTING SAFE ENVIRONMENTS FOR STUDENT LEARNING AND ENGAGEMENT

## 1. Purpose and Scope

Pathways Academy Adult Education, a California nonprofit public benefit corporation that operates a California public charter school ("Pathways" or the "School"), is committed to promoting safe environments for student learning and engagement. Pathways ensures that the School is a safe and nurturing place for students that is free from fear, threats of violence, violent crimes, and sexual offenses committed by, or intended to be committed by, other students, employees, volunteers, and contractors. The School also promotes safe environments for learning and engagement that are easily supervised through its facilities and furnishing of facilities. This policy is intended to meet the requirements of Education Code section 32100(b).

The School may work with its insurance provider, public entity risk pool joint powers authority, or other relevant stakeholder(s) as applicable or as needed to identify and adopt best practices to prevent violent crimes, injury, sex offenses, and egregious misconduct. The School's Chief Executive Officer & Executive Director or designee is authorized to update this policy as needed to align with CDE guidance and/or applicable law.

## 2. Professional Boundaries and Appropriate Limits on Contact

Pathways expects all employees, volunteers, contractors (collectively "EVCs"), and students to behave professionally and exercise good judgment when interacting with each other. In accordance with Education Code section 32100, this policy addresses professional boundaries (i) between students and EVCs, (ii) among and between students, and (iii) among and between EVCs, and (iv) establishes appropriate limits on contact during or outside of the school day between students and EVCs via social media internet platforms, text messaging, and other forms of communication that do not otherwise include the student's parent or guardian.

This policy may not apply to interactions that take place between students and their own parents, legal guardians, or family members, where those individuals are also EVCs. However, EVCs who are parents, legal guardians, or family members of current students are expected to behave professionally in the school environment.

i. Professional Boundaries Between Students and EVCs

Pathways expects its EVCs to maintain appropriate professional relationships with students and be sensitive to the appearance of impropriety in their conduct with students. EVCs are expected to avoid situations that could reasonably create suspicion by parents/guardians, students, colleagues, or school leadership, even where the EVC does not intend misconduct. Each EVC is responsible for exercising professional judgment and seeking guidance from a supervisor or school administrator when uncertain whether conduct may cross professional boundaries or appear inappropriate. The purpose of the following lists of acceptable and unacceptable behaviors is not to restrain innocent, positive relationships between students and

EVCs, but to prevent relationships that could lead to or may be perceived as inappropriate, or sexual misconduct, or grooming.

The following are examples of acceptable behavior by EVCs with respect to students, including but not limited to:

- Handshakes
- "High-fives" and light fist/hand bumps
- Physical contact or touch required under an IEP, behavioral contract or 504 Plan
- In an in-person setting: avoiding being alone with a student, keeping any doors wide open if you are in a room alone with a student unless in a counseling or other similar setting, keeping reasonable and appropriate space between you and student unless permitted by Pathways (e.g. nurses, etc.)
- Stopping and correcting students if they cross your own personal boundaries, including, but not limited to, touching your legs, or buttocks, frontal hugs, kissing, or caressing
- Prioritizing professional behavior during all moments of student contact
- Obtaining appropriate School approval and parent/guardian consent before participating in or supervising any off-campus, after-school, field trip, competition, or similar activity involving students
- Keeping appropriate administrators and, where appropriate, parents/guardians informed when a significant issue develops involving a student

The following are examples of unacceptable behavior by EVCs with respect to students, including but not limited to:

- Giving gifts to an individual student that are of a personal and intimate nature
- Kissing of ANY kind
- Full frontal or rear hugs and lengthy embraces
- Touching buttocks, thighs, chest, stomach or genital area
- Wrestling or roughhousing except as permitted in the context of an athletics program
- Tickling or piggyback rides
- Any form of sexual contact
- Any type of unnecessary physical contact with a student in a private situation or in an unobserved location
- Intentionally being alone with a student outside of ordinary job duties (e.g. a 1:1 counseling setting), including but not limited to being alone with a student outside of school hours
- Furnishing alcohol, tobacco products, vaping products, CBD products, marijuana, drugs or controlled substances to a student or failing to report knowledge of a student's possession of such
- "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 photographs or videos of students online without the School's express permission

- Giving student a ride to/from School or School activities without parent permission, unless it is an emergency
- Either partially or fully undressing in front of a student or asking a student to undress with the intent to view/expose private body parts
- Sharing a bed, mat, or sleeping bag with a student
- Excessive attention toward a particular student (when unwarranted)
- Making, or participating in, sexually inappropriate comments to or in the presence of students
- Making sexual jokes, or jokes/comments with sexual overtones or double-entendres to or in the presence of students
- Seeking emotional involvement (which can include intimate attachment) with a student beyond the normative care and concern required of an employee, volunteer, or contractor
- Listening to or telling stories that are sexually oriented to or in the presence of students
- Discussing your personal troubles or intimate issues with a student
- Becoming involved with a student so that a reasonable person may suspect inappropriate behavior
- Encouraging a student to keep secrets from parents/guardians or School personnel
- Allowing students in your home or private residence

Pathways also maintains additional related policies in this regard, including the Parent/Guardian & Student Handbook; Employee Handbook; Harassment, Intimidation, Discrimination, and Bullying Policy; Uniform Complaint Procedures Policy; and Title IX Policy and Grievance Procedures for Sexual Harassment.

ii. Professional Boundaries Among and Between Students

Students are expected to maintain respectful, safe, and appropriate boundaries among and between each other in all School-related settings, including in-person and online.

The following are examples of acceptable behavior among and between students, including but not limited to:

- Using respectful language in all interactions, both in person and online
- Keeping physical contact appropriate and respecting personal space
- Respecting other students' belongings
- Asking for and respecting consent before sharing photos or videos of other students
- Being mindful of any age and grade level differences with and among other students
- Setting clear personal boundaries, including by being able to voice discomfort and say "no" without pressure
- Using Pathways online platforms responsibly and for their intended educational purposes

The following are examples of unacceptable behavior among and between students in the School setting, including but not limited to:

- Using disrespectful language in person or online

- Engaging in unwanted physical contact with other students or invading another student's personal space
- Engaging in any form of sexual contact
- Making, or participating in, sexually inappropriate comments
- Making sexual jokes, or jokes/comments with sexual overtones or double-entendres
- Pressuring peers to share images or personal information
- Manipulating, coercing, or attempting to control another student's behavior or relationships
- Exploiting differences in age, grade, or social standing of other students or manipulating other students for personal gain
- Ignoring any student's stated boundaries
- Engaging in bullying, harassment, intimidation, or retaliation of any kind

Pathways also maintains additional related policies in this regard, including the Parent/Guardian & Student Handbook; Harassment, Intimidation, Discrimination, and Bullying Policy; Uniform Complaint Procedures Policy; and Title IX Policy and Grievance Procedures for Sexual Harassment.

iii. Professional Boundaries Among and Between EVCs

EVCs are expected to maintain respectful, safe, and appropriate boundaries among and between each other in all School-related settings or, for employees, during working hours, including in person and online.

The following are examples of acceptable behavior among and between EVCs, including but not limited to:

- Maintaining clear separation between personal and professional relationships
- Maintaining respectful, professional communication, both in person and online
- Keeping physical contact appropriate and limited to professional norms (e.g., handshakes)
- Using School-approved channels for School/work-related communications
- Respecting roles, responsibilities, and lines of supervision and authority
- Respecting others' time and workloads
- Protecting confidentiality of information pertaining to students and other EVCs; no gossip or "watercooler" talk among EVCs
- Addressing concerns or conflicts through appropriate School channels

The following are examples of unacceptable behavior among and between EVCs in the School setting or, for employees, during working hours, including but not limited to:

- Inappropriately pressuring colleagues or other EVCs for personal favors
- Retaliating against or undermining others who raise concerns or report issues
- Blurring personal and professional relationships

- Showing inappropriate favoritism, bias, or preferential treatment to certain individuals over others
- Ignoring established roles, responsibilities, and lines of supervision and authority
- Engaging in gossip, rumors, or unprofessional discussions about others
- Using one's position to inappropriately exert influence, pressure, or control over others
- Threatening, physically aggressive, or violent behavior
- Theft, damage, or destruction of the property of School or the property of other EVCs

Pathways also maintains additional related policies in this regard, including the Employee Handbook; Harassment, Intimidation, Discrimination, and Bullying Policy; Uniform Complaint Procedures Policy; and Title IX Policy and Grievance Procedures for Sexual Harassment.

Nothing in these policies prohibits or restricts employees from exercising their rights under the National Labor Relations Act (NLRA), or any other applicable law.

iv. Limits on Contact Between Students and EVCs via Social Media Internet Platforms, Text Messaging, and Other Forms of Communication

In addition to the general professional boundaries between students and EVCs described in Section (i) above, it is important to address reasonable limits on contact between students and EVCs during or outside of the school day via social media internet platforms, text messaging, and any other forms of communication (e.g. phone) that do not otherwise include the student's parent or guardian.

Communications between students and EVCs should be transparent, School-related, documentable, and accessible to parents/guardians:

- Students and EVCs may not communicate through 1:1 emails, text messages, instant messages, electronic or digital communications via any online or social media platform, phone calls, notes or letters, unless the communication serves a legitimate educational purpose and complies with the requirements herein.
    - Students and EVCs may only use School-authorized platforms (e.g., LMS, School email, approved video conferencing tools) for any such communications; these communications are also subject to monitoring and review by the School.
    - If 1:1 communication by an EVC is permitted by the School (e.g. for homework, meetings, coordination of athletics events, etc.), messages must be limited to logistics and necessary information (e.g. practice time, cancellations, etc.)
    - EVCs should not have personal or ongoing/lengthy private exchanges with students.
    - If a student sends a 1:1 non-routine message to an EVC, the EVC should loop-in the School and/or student's parent or guardian as appropriate.

  - No late-night messages. Appropriate hours for sending any 1:1 communications to a student, if warranted, are 8 AM to 8 PM unless otherwise approved by the School.
  - "Disappearing messages" are never allowed between EVCs and students. EVCs and students may not communicate with each other through any medium designed to eliminate messages or hide or alter message history (e.g. Snapchat).
- EVCs may not "friend" or "follow" students on any social media accounts, and vice versa for students, except as expressly approved by Pathways, e.g. on School-managed accounts or between family members.
- EVCs may not seek out or engage with students' personal posts (likes, comments, direct messages) on social media, and vice versa for students. The School encourages EVCs to set their social media accounts to "private" settings to avoid students viewing private or personal social media activity.

### 3. Safe, Supervised Environments: School Facilities and Online Settings

Pathways operates educational programs that provide instruction and educational activities in a range of settings, including in-person at vendor facilities and field trips, and through virtual platforms such as learning management systems, video conferencing, and other online environments. Across all instructional settings, whether in-person or online/virtual, Pathways promotes safe environments that are appropriate for learning and engagement and are easily supervised.

Physical environments used by Pathways and/or its vendors for in-person student activities should have:

1. Clear lines of sight for adult supervision of students at all times, with no isolated, unsupervised, or hidden spaces or furnishings (e.g. no tall furniture blocking sightlines).
2. Adequate lighting, both indoors and outdoors.
3. Maintain a layout that supports orderly movement and emergency egress, with clear wayfinding signage, as appropriate for the space, so that students do not end up in unsupervised or restricted areas.
4. Schedules and procedures shall ensure continuous supervision of students.
5. Furnishings that are age appropriate, safe, and in good repair.
6. Windows or vision panels on classroom doors, or open doors, as appropriate.

Online platforms used by Pathways and/or its vendors for virtual student learning should have:

- Log-in credentials to restrict access to authorized users, prevent unauthorized entry, and protect student data and privacy.
- The ability for authorized staff to review activity occurring in the platform.

- Records or logs of communications, and reasonable controls on private or 1:1 interactions.
- Reasonable monitoring of chat, breakout rooms, and collaborative tools.
- Digital citizenship or similar rules of use.

School vendors are responsible for reviewing their facilities, furnishings, online platforms, and supervision policies to ensure compliance with this policy. Students are expected to use Pathways-provided technology and online platforms only for authorized educational purposes, remain focused on assigned instructional activities, and comply with Pathways' applicable policies, e.g., Acceptable Use Policy.

**4. Reporting Violations and Consequences**

Any suspected violation of this policy should be reported immediately to the Executive Director. Prompt reporting is essential to promote safe environments for student learning and engagement.

EVCs must also immediately report to Pathways' 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.

Any violation of this policy may result in disciplinary action and may also be reported to relevant legal authorities, as appropriate.

Any mandated reporters who have, in the mandated reporter's professional capacity or within the scope of the mandated reporter's employment, knowledge of or observe a child whom the mandated reporter knows or reasonably suspects has been a victim of child abuse or neglect, are subject to applicable legal requirements. More information about the legal obligations of mandated reporters can be found in Pathways' Mandated Reporter – Child Abuse and Neglect Reporting Policy.