

# GUIDELINES FOR SCHOOLS

The Safety of our Children



Prepared by the Education Office  
of Merkos L'Inyonei Chinuch

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## INTRODUCTION

Recently, problems associated with moral turpitude and ethical lapses have surfaced in educational and even religious institutions. These issues have made headlines nationwide and the public has become increasingly concerned. It is incumbent upon institutional leadership to take steps to assure parents and the public of the safety of all children; that their safety needs are being properly met. Furthermore, they must be assured of the integrity of the process through which problems are identified and dealt with.

This booklet and its guidelines are meant to help schools put into place processes which will hopefully prevent many problems. Included herein are a code of conduct for educational practitioners, some guidelines for detecting problems among children, and guidelines for schools on how to deal with problems of moral turpitude should those arise.

We must acknowledge that the problem of dealing with abuse or suspected abuse of a student by an adult in an educational institution is an extremely delicate and sensitive one. The purpose of these guidelines is to help the head of a school better understand his/her responsibilities, to offer practical advice for discharging them, and to give advice within the parameters of *Halacha* regarding the schools' responsibilities.

These guidelines were reviewed by members of the *Vaad HaPoel of Vaad Rabbonei Lubavitch*.

The collective hope and prayer of all those who are involved in the *Melech HaKodesh of Chinuch*, is that all the precautions and procedures outlined in this document will remain on a theoretical plane and never a matter which any one of us will actually experience, **ובן יהי רצון**.

Rabbi Nochem Kaplan, Director  
Education Office of Merkos L'Inyonei Chinuch

## EMPLOYEE CODE OF CONDUCT

### INTRODUCTION

Everyone employed by, or volunteering for, children's programs provided by the \_\_\_\_\_ School, is held to high standards of responsibility for the safety and well-being of young people.

This Employee Code of Conduct applies to all involved in the \_\_\_\_\_ School's child care and children's programs, including both employed and volunteer staff members.

All school staff and volunteers will receive copies of, and sign, this "*Code of Conduct*", review the "*Guidelines for Detecting signs of abuse and neglect*" and will receive training in child abuse prevention. Participation in child abuse prevention training will be mandatory.

**Note:** Where the term "School Personnel" appears in this code, it means an employed staff member or volunteer acting on behalf of the School.

### CODE OF CONDUCT

#### A. Appearance and Conduct:

- **Appearance:** School Personnel when on school grounds on duty must appear clean, neat, and appropriately attired.
- **Alcohol and Tobacco:** Use of tobacco and/or alcohol in the presence of children or parents, or at any time during working hours, is prohibited.
- **Profanity:** Inappropriate jokes, sharing intimate details of one's personal life, and any kind of harassment, in the presence of children or parents, are prohibited.

- **School Personnel** shall refrain from physical displays of affection toward others in the presence of children and parents.
- **School Personnel** must be free of physical and psychological conditions that might adversely affect children's physical or mental health. If in any doubt, an expert should be consulted.
- **School Personnel** shall be positive role models for youth by maintaining an attitude of respect, loyalty, patience, courtesy, tact and maturity.

#### **B. Supervision of Children:**

- A child shall never be left unsupervised. When School Personnel supervise children, they should position themselves in a way that other staff can see them.
- At no time during a school program may a school employee or volunteer be alone with a single child where he/she cannot be observed by others.

#### **C. Restroom and Facilities Supervision:**

- Preschool children (up to and including Kindergarten) must be accompanied to the restroom or locker room by a staff member, volunteer or the child's parent or guardian. Staff members or volunteers accompanying the children will stand in the doorway while the children are using the restroom. If they need to assist a child, the stall door must remain open.
- School age children (1<sup>st</sup> grade through 12<sup>th</sup>) must always be sent outside the classroom in pairs. The school will make every effort to ensure that restrooms and locker rooms are not accessible to unknown or suspicious individuals before allowing children to enter. When on a field trip no

child, regardless of age, should enter a restroom alone.

- Private Activities: School Personnel should conduct or supervise activities (diapering, putting on bathing suits, taking showers, etc.) in pairs. When this is not feasible, School Personnel should be positioned so that they are visible to others.

#### **D. School is Intolerant of any Abuse:**

No form of abuse by School Personnel will be tolerated including:

- Physical abuse – striking, spanking, slapping, kicking, punching or otherwise causing trauma to a child.
- Verbal abuse – to humiliate, to degrade, or to threaten.
- Sexual abuse – inappropriate touching, fondling, exposure, display or conversation about sexually explicit material.
- Mental abuse – shaming, withholding care, showing cruelty.
- Neglect – withholding food, water, basic care, etc.
- Inappropriate Touching – School Personnel will respect children’s rights not to be touched in ways that make them feel uncomfortable, and respect their right to say no at any time.
- Inappropriate touching will not be tolerated and may be the cause for immediate dismissal.
- Other than when required to diaper a child, even infants are not to be touched on an area of their bodies that would be covered by a bathing suit.

**E. Non-Discrimination:**

- All children are equal. School Personnel will respond to children with respect and consideration; and treat all children equally, without regard for sex, race, religion, disability or culture.

**F. Transporting Children:**

- School Staff and/or Volunteers are not to transport school children alone in private vehicles, unless they have explicit permission from the school principal, Executive Director, or President.

I have read and accepted this Employee and Volunteer Code of Conduct. I understand that any violation of the Employee and Volunteer Code of Conduct may result in my termination.

Employee/Volunteer Signature

Supervisor Signature

Date



## **GUIDELINES FOR DETECTING SIGNS OF CHILD ABUSE AND NEGLECT**

Following is a reference guide for school personnel, to help determine early warning signs of possible child abuse and neglect. Whenever a teacher has reason to suspect that a child may be a victim of abuse or neglect, he/she must inform the principal without delay.

### **A. CHILD ABUSE**

#### **1. The Child**

##### ***a. Physical Characteristics***

- Bruises, Welts, or Abrasions
- Bites
- Burns
- Fractures
- Unexplained or vaguely explained injuries (inconsistent with physical signs)
- Behavioral Characteristics

##### ***b. Behavioral Extremes:***

- Overly passive or extremely aggressive behavior
- Acts as though he/she feels no pain or exaggerates small injuries
- Fearful of adults or profoundly in need of affection
- Appears withdrawn
- Fears going home/or runs away
- Exhibits extremely low self-esteem
- Child's explanation of injury is inconsistent or extremely vague



- Blames self and feels he/she deserves severe punishment
- Recoils when a teacher places his hand on his shoulder
- Exhibits sudden behavior change ( e.g. a formally outgoing child suddenly becomes withdrawn)
- Excessive unexcused absences from school
- Wears long sleeves and other concealing clothing inappropriate for the season

***c. Sexual Abuse***

- Age-inappropriate sexual knowledge
- Avoids being touched or exhibits extreme interest in his/her sexuality
- Exhibits seductive or promiscuous behavior
- Unwilling to participate in certain physical activities
- Unwilling to submit to physical examination
- Antisocial, destructive towards self and others

**2. The Parents**

***a. Behavioral Characteristics***

- Unrealistic and very demanding expectations of child
- Uses discipline which is inappropriate and overly harsh
- Punishments are severe
- Lack of attention and cooperation regarding child's health injuries
- Repeatedly missed appointments with school and/or pediatrician
- Uses numerous different medical facilities

- Refuses consent for medical examination/diagnostic testing
- Discourages social contacts for child and self
- Reluctant to share information about child
- Keeps child confined to home for long periods of time
- Overly critical of all medical and/or mental health professionals

***b. Stressors***

- Experienced neglect or abuse as a child
- Chaotic home life
- Lack of parenting skills
- Divorce, separation
- Financial difficulties
- Loss of employment
- Social isolation
- Poor mental/physical health
- Family member with drug/alcohol abuse problems

**B. NEGLECT AND MALTREATMENT**

**1. The Child**

***a. Physical Characteristics***

- Unkempt and poor personal hygiene
- Often hungry
- Consistently unsupervised, especially in risk related activities
- Unattended medical problems
- Inconsistent administration of prescribed medi-

cation

- Inappropriate clothing for season
- Lag in physical development

***b. Behavioral Characteristics***

- Begs or steals food
- Significantly inadequate lunches or snacks
- Constant fatigue, listless
- Frequent absences from school
- Child reports no caretaker at home
- Sucking, rocking
- Clings to adults in an inappropriate way
- Antisocial, destructive towards self and others
- Behavioral extremes: overly compliant, passive/shy or overly aggressive/demanding

**2. The Parent**

***a. Behavioral Characteristics***

- Isolates child for long periods of time
- Criticizes child severely
- Fails to provide adequate supervision

***b. Stressors***

- Lack of parental skills
- Experienced neglect or maltreatment as a child
- Chaotic family life
- Emotional and psychological problems
- Loss of employment
- Financial difficulties



## **HOW TO DEAL WITH ALLEGATIONS OF CHILD ABUSE**

### **A. Mandated Reporting:**

All school personnel are “mandated reporters” by law. This means that they are required to report all suspected child abuse or neglect to the proper authorities. The law requires them to report anything which might indicate that a child may have been abused, or is at risk of abuse.

If a school employee reports (in good faith) that possible abuse has been committed, he/she is granted civil and criminal immunity. But anyone required by law to report suspected abuse (as is every school employee), and willfully fails to do so, may be guilty of a crime and subject to civil liability.

### **B. Forms of Child Abuse:**

The legal definition of child abuse may vary slightly from location to location. In a more general sense there are varied forms of child abuse and they include the following:

#### ***a. Physical Abuse***

The non-accidental physical injury of a child inflicted by a parent, legal caretaker or other legally responsible adult which ranges from superficial bruises and welts to broken bones, burns, serious injuries and, in some cases, death.

#### ***b. Physical Neglect:***

The withholding of, or failure to provide a child with adequate food, shelter, clothing, hygiene, medical care, and/or supervision needed for optimal growth and development.

#### ***c. Sexual Abuse:***

The sexual exploitation of a child by a parent, guard-

ian, relative, caretaker, or other person.

***d. Emotional Abuse:***

Acts or omissions that cause or could cause serious intellectual, behavioral or psychological dysfunction as a result of such a parent's or caretaker's behavior. Emotional neglect is the withholding of physical and emotional contact to the detriment of the child's normal emotional development.

***e. Educational Neglect:***

The failure of a person in parental relation to a child, to ensure that child's prompt and regular attendance in school, or the keeping of a child out of school for impermissible reason.

**C. Dealing with an Allegation:**

An allegation of abuse, against an adult, does not constitute an assumption of guilt. However, it does immediately trigger a number of responsibilities. When a child comes to a mandated reporter as an official or professional in a school related capacity and he/she has reasonable cause to suspect that the child has been abused, mistreated or neglected he/she is required to notify the principal or designee immediately. One is not required to be absolutely certain of abuse before a report is made, only to have reasonable suspicion.

***Some general guidelines:***

1. While every adult in a school setting who works with children is a mandated reporter, it is wise for a school to have a single individual to whom anyone suspecting possible abuse of a child reports. Unless there is a good reason not to, that individual should be the principal. Any suspicion should immediately be brought to his/her attention.

The principal has the primary responsibility for

reporting suspected cases, when notified by school staff of a suspected case of abuse. The principal must ensure that a report of suspected child abuse is made whether or not he/she personally agrees that the information indicates reasonable suspicion of abuse.

2. As a mandated reporter the school principal is required by law to report any cases of abuse to the authorities. Therefore, if the principal is reasonably certain that abuse has taken place he must report it to the authorities without delay.

3. If the principal reasonably suspects that abuse may have occurred but is not certain, the principal shall refer the matter to a trained professional who is himself/herself a mandated reporter for evaluation.

4. In the event the school cannot identify an appropriate professional to call, the **Merkos Chinuch Office can make a recommendation**. There are a number of professionals who have offered to act as a clearing house of appropriate professionals across the country. The office will recommend an experienced professional who is a mandated reporter in the same geographic area as the school.

#### **D. An Allegation of Possible Sexual Abuse and the *Halachic* Implications:**

Until a determination is made as to probable veracity with regard to an allegation of sexual abuse the school head will have to decide whether or not the individual should be immediately removed from any contact with children.

If according to the professional consulted there is reason to believe that there may be substance to the allegation the parents of the child must also be notified without delay. This may call upon a principal to use his/ her innate resources of wisdom and professional expertise.

There are a number of *Halachic* issues which have been raised regarding *Mesira* and *Rodef*. The consensus among present *Halachic* authorities is that there is no need to consult a *Rav* in advance of reporting the abuse to legal authorities, or the suspicion of abuse to a mandated reporter. The severity of possible abuse has the *Halachic* imperative of *Dinei Nefoshos* and the school must treat it as such.

*Halachic* authorities have ruled that whatever concerns one may have regarding the possible personal impact upon the accused or his family, the protection of children takes precedence and thus reporting the abuse to authorities should not be delayed. Whatever the school's responsibility toward the alleged perpetrator and his family, it cannot be allowed to delay the process.

### **E. The Schools' Responsibilities Towards Abused Children:**

When a professional in the employ of an educational institution, betrays the trust he/she assumed, the institution bears the responsibility to facilitate the healing process of the abused and their families.

It is important to note that the schools' responsibilities and concerns are not limited to the present but may extend to the perpetrator's past misdeeds as well. The school must:

1. Call in professionals to talk to the children. In the event the school cannot identify an appropriate professional to call, the **Merkos Chinuch Office can make a recommendation.** (There are a number of professionals who have offered to act as a clearinghouse of appropriate professionals across the country). The cost of this therapeutic process is the responsibility of the institution.
2. The parents must be counseled on how to help their children recover and heal from their traumatic experiences. Where the facts dictate, fami-

ly counseling may become the responsibility of the school as well.

3. It is essential that the institution views the children as the innocent and unfortunate victims that they are, and they should not be twice victimized, once by the abuse and a second time by an apathetic school community.

#### **F. What the School should Do During the Process:**

a. As the facts of the case are being professionally ascertained, it is prudent to seek the sound advice of legal counsel.

b. Until a determination is made, the matter should be kept as private an issue as possible, with only the president and one or two other integral people consulting with the principal.

c. Should the issue become a matter of public knowledge, it is important to inform the public as to the professional steps which the school has taken, and any additional steps which the school will take to assure the safety of the children in its charge.

#### **G. A Schools' Responsibility toward an Alleged Perpetrator and His/Her Family:**

Once a Matter Has Been Reported:

1. Until the veracity of the charges has been established, the alleged perpetrator having been properly removed from contact with children, should continue to receive his/her full salary. They should be officially suspended with pay and continue to receive health benefits.

2. In some cases it may be advisable to suspend salary payments until the legal issues are resolved. Before doing so the school should seek the guidance of a *Rav* as well as obtain sound legal advice. Any



withholding of payment does not pertain to health benefits which must be paid by the school according to its customary practice.

3. The school should find ways to advise the family of the perpetrator to seek counseling and help for the trauma they are facing. They need to receive good advice, independent of the school, on how to deal with their new circumstances.

