



SECTION V: EMPLOYEES

POLICY 5040

ASSAULT AND BATTERY INVOLVING SCHOOL DISTRICT EMPLOYEES

Any School District employee upon whom an assault, battery, assault and battery, aggravated battery or aggravated assault and battery is committed while in the performance of any duties as a school employee shall immediately notify either the Superintendent, a building administrator or a member of a Safe School Committee of the School District. The building administrator or member of the Safe School Committee shall immediately notify the Superintendent of the incident. If the School District employee seeks emergency medical treatment as a result of the incident, the employee may make the report after obtaining such treatment or through a designee. All such reports must state the name of the person who committed the offense, the person upon whom the offense was committed, the nature, context and extent of the offense, the date(s) and time(s) of the offense and any other information necessary to a full report and investigation of the matter. The report may be made orally or in writing. The Superintendent or designee will deliver a copy of this Policy to the School District employee upon receipt of the report. The Superintendent or designee will investigate the incident and take appropriate action based upon the results of that investigation. The School District employee must cooperate in the investigation. The Superintendent will notify the State Department of Education in writing of all such incidents for the previous year on July 1 of each year or the first business day thereafter if July 1 falls on a weekend or legal holiday. The Superintendent's report must include a description of the incident and the final disposition of the incident.

The School District will also refer appropriate incidents to law enforcement for investigation and prosecution. The School District's decision to report or not to report a particular incident to law enforcement does not preclude the School District employee from making a report to law enforcement. To the extent permitted by law, the School District will share information and cooperate with law enforcement in the conduct of its investigation and in any subsequent prosecution.

No School District employee will be subject to any civil liability for any statement, report or action taken in reporting or assisting in reporting a battery or assault and battery committed upon the School District employee while in the performance of any duties unless such report or assistance was made in bad faith or with malicious purpose.

The School District will post in a prominent place at each school site the following notice: "FELONY CHARGES MAY BE FILED AGAINST ANY PERSON(S) COMMITTING AN AGGRAVATED ASSAULT OR BATTERY UPON ANY SCHOOL EMPLOYEE."

For purposes of this Policy, a "School District employee" means a teacher, principal, or any duly appointed person employed by the School District or employees of a firm contracting with the School District for any purpose, including any personnel not directly related to the teaching process and school board members during school board meetings.

For purposes of this Policy, the terms "assault," "battery" and "aggravated assault and battery" are defined as follows: An "assault" means any willful and unlawful attempt or offer with force or violence to do a corporal hurt to another. A "battery" is any willful and unlawful use of force or violence upon the person of another. An "assault and battery" becomes "aggravated" when committed under any of the following circumstances: (1) when great bodily injury is inflicted upon



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the person assaulted; or (2) when committed by a person of robust health or strength upon one who is aged, decrepit or incapacitated, as defined by law.

Source: *Broken Arrow Board of Education policy adoption, July 13, 2009.*