

ASSAULTS UPON SCHOOL EMPLOYEES

It is the policy of the Southwest Technology Center Board of Education to encourage the prosecution of any person who commits assault, battery, or assault and battery upon the person of a school employee or student or threatens and places an employee or student of the public schools in immediate fear of bodily harm while the employee or student is in the performance of his duties as a school employee or student. The following statement will be posted in at least one prominent location at each school site:

**FELONY CHARGES MAY BE FILED AGAINST ANY PERSON(S) COMMITTING AN
AGGRAVATED ASSAULT OR BATTERY UPON ANY SCHOOL EMPLOYEE.**

School employee is hereby defined to include any duly appointed person or employee of a firm contracting with a school system for any purpose, including personnel not directly related to the teaching process and including school board members during school board meetings.

Any district employee upon whom an assault, battery, assault and battery, or aggravated assault and battery is committed while in the performance of any duties as a school employee shall immediately notify the superintendent or the superintendent's designee of the incident. If the 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 for 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 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 employee must cooperate in the investigation. On July 1 of each year or the first full business day thereafter if July 1 falls on a weekend, the superintendent will notify the Director of Oklahoma Career and Technology Education in writing of all such incidents for the previous year. The superintendent's report must include a description of the incident and the final disposition of the incident.

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

No 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 employee while in the performance of any duties unless such report or assistance was made in bad faith or with malicious purpose.

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 harm is inflicted upon 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.

ASSAULTS UPON SCHOOL EMPLOYEES (Cont.)

REFERENCE: 21 O.S. §650.7

CROSS-REFERENCE: Policy DEAA, Compensation for Lost Time
Policy DIAA, Staff Safety, Assaults
Student Handbooks

Adopted: August 13, 2001, as policy P-169 and policy S-189