

Social Media Apps & Cyberbullying

SOCIAL NETWORKING APPS ARE MAKING HEADLINES for bringing cyberbullying and threats of violence to schools nationwide. In just the last few months, anonymous users posting violent threats on the app Burnbook, where users can record location-based gossip and comments, have prompted school closures in California, Oregon and Texas. Luckily, Burnbook was recently removed from the iTunes store and the website has been taken down.



However, there are several other anonymous social media apps children and teens are using for cyberbullying and threats. According to the Cyberbullying Research Center, here are some popular apps that administrators should know about:

- **Ask.fm** – A question-and-answer app where users ask questions and answer those posted by others. Users are allowed to remain anonymous, and the app is increasingly being used as a means to communicate abusive, bullying and sexual content.
- **Kik** – An instant messaging app for smartphones that allows users to message others without needing a mobile phone number, or being charged text messaging fees because it uses Wi-Fi. Users can message pictures, share web content, etc.
- **Whisper** – This app allows users to share “secrets” or “confessions” anonymously, and others can share or comment on the posts. As with other apps based on anonymity, the possibility for abuse, such as posting hurtful comments about others, is increased.

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OSS/FCSIG JPA SERVICE UPDATE

Most JPA members are now aware of some of the more obvious services available to JPA members such as the online training classes. With the advent of the child abuse reporting requirements, the information required to be in the hands of staff members was made readily accessible through that medium (GetSafetyTrained.com) in a timely manner. A comprehensive list of Services provided by OSS are included in this newsletter (page 4). A list of the FCSIG services will appear in the Winter edition of the Newsletter.

Athletic Liability

SCHOOLS, INCLUDING ATHLETIC DEPARTMENT employees, can be held liable under both state and federal law for damages to a student engaged in a school-sponsored sport or sport-related activity. Penalties could reach into the millions of dollars for a school, and for an employee; it could mean the loss of a career and good reputation.

It's imperative that every school have policies and procedures in place to safeguard against sports-related injury as well as against verbal or physical abuse.

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The Dangers of Distracted Driving

ACCORDING TO THE CENTERS FOR DISEASE CONTROL, more than nine people are killed and 1,100 people are injured each day in crashes that are reported to involve a distracted driver. The U.S. Department of Transportation (DOT) found that 3,382 people were killed in distracted driving crashes and more than 421,000 people were injured in 2012 alone. Think that distracted driving is just for teens? 84% of distracted driving crashes involve drivers older than 20, according to DOT.

Any non-driving activity you engage in is a potential distraction and dramatically increases your risk of crashing. Driving, a part of everyday life, has become so mundane that you rarely think of the potential danger that exists around every turn in the road. Drivers admit to taking their eyes off the road and their hands off the wheel but they make the mistake of thinking the statistics don't apply to them.

Experts classify distractions into three main types:

1. **Manual distractions** occur when you move your hands away from the wheel, like retrieving something from the center console or reaching for a beverage.
2. **Visual distractions** cause you to focus your eyes away from the road, like spilling a drink on the seat and looking down at the mess.
3. **Cognitive distractions** happen when your mind wanders away from the task of driving, to the point where you're no longer paying full attention to driving. It may mean thinking about what you need to get at the grocery store or worrying about getting your projects done on time at work.



All three of these distractions can occur in combination, especially when technology is involved. Texting while driving, for example, involves all three distractions. Schools and colleges have good reason to be concerned that they may be held liable for accidents caused by their employees who drive during the course of their jobs. Under the doctrine of vicarious responsibility, employers can be held legally accountable for the negligent acts of employees, committed in the course of employment. Employers may also be found negligent if they fail to put in place a policy for mobile phone use. The policy should include a prohibition of all mobile phone use while driving on the job or job-related activity.

Here are some smart practices you can perform before you drive that will cut down on distracted driving and its dangers:

- Turn off your mobile phone and place it out of reach.
- Adjust mirrors, seat, climate controls and audio controls.
- Set the navigation controls on your GPS or phone.

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- **WhatsApp** – An instant messaging app for smart phones that allows users to message friends without being charged text messaging fees because it uses Wi-Fi. Users can share pictures, screenshots, videos, audio messages, etc.
- **Yik Yak** – A social bulletin board. All users are anonymous and it's designed for people to post messages, or "Yaks," within a 10-mile radius that other users then vote up or down. Like most sites that allow anonymity, the platform can lend itself to posting negative information or comments about others.

While students often use social media apps to gossip and bully, others are utilizing these apps as an outlet to make a positive impact and inspire others. A high school valedictorian recently revealed that he was the identity behind an anonymous Instagram account where he posted a photo of every single classmate at his school, plus an uplifting and personal message for each student. We hope others will be inspired to follow suit and use these apps to post positive messages and encouragement.

TITLE IX UPDATE



Aspen Photo/shutterstock.com

TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 (Title IX) is a federal law which prohibits discrimination based on sex in education programs and activities in federally funded schools at all levels.

On April 24, 2015, the U.S. Department of Education (DOE) released several new items of Title IX guidance for educational institutions that receive federal funds.

The guidance included a *Dear Colleague* letter to school district superintendents and college and university presidents, reminding them that all educational institutions receiving federal financial assistance must designate at least one employee to coordinate the institution's efforts to comply with and carry out the school's responsibilities under Title IX.

The new DOE guidance also included a letter to Title IX coordinators accompanying a *Resource Guide*, intended to assist Title IX coordinators in carrying out their work. The resource guide is divided into five sections: Scope of Title IX, Responsibilities and Authority of a Title IX Coordinator, Administrative Requirements, Application of Title IX to Various Issues, and Information Collection and Reporting.

Future newsletter topics, questions and comments may be addressed to: riskmanager@cvip.net

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Several factors have caused an increase in the number of lawsuits against athletic departments, schools, and their employees, including:

- Athletic equipment is potentially dangerous and must be used safely.
- Daily coach and athlete interactions can create a potential for improper social or sexual relationships.
- Frequent touching of players during skill instruction may invite misinterpretation of intent in an educational environment particularly sensitive to sexual harassment.
- Government agencies are providing more severe enforcement of laws such as Title IX.
- Students or angry parents may file a suit as a response to a disagreement with a coach.
- We live in a litigious society, and educational institutions are perceived to have deep pockets.
- An increase in social media and technology have provided 24/7 documentation.

Here are some considerations to help avoid athletic lawsuits:

1. **Documentation:** athletic department staff members should keep records of injuries/accidents or blood exposure incidents, and submit the appropriate forms within 24 hours. Medical treatment permission forms and parent emergency contact information for each athlete should be carried by the coach on all team trips.
2. **Insurance:** coaches and the administrators for athletic departments might consider getting their own professional liability insurance in addition to school insurance policies.
3. **Permission to sign contracts:** do not sign a game contract, or any contract, unless you are authorized to and are using a contract template approved by the district's legal counsel.

A List of Services Provided by OSS to Member Districts

(Some services require a fee beyond the premium, others do not.)

CLAIMS ADMINISTRATION

- Accident/Liability/Vehicle Investigations
- Claim Reviews

SERVICES

- Access to Keenan's on line PC Bridge - Over 113 topics
- Access to online training resource center, Getsafetytrained.com
- Assistance with Science and Laboratory Chemical Inventory
- Assistance with Student Activity Waivers (field trips, special events, independent study, etc.) and other Risk Transfer Documents
- Building Evaluations
- Certificates of Insurance Issuance
- Consultation on Safety Related Matters
- Contract Evaluation
- Department of Motor Vehicle (DMV) driving records check
- Enhanced Loss Control Services
- Fixed Asset Inventory
- GASB
- Hazardous Material Consulting
- Health and Safety Newsletter
- Health and Safety Committee Development and Participation
- JPA Risk Manager
- Large number of DVD and VHS training programs
- OSHA Consultation
- OSS Website
- Safety Incentive Programs
- Safety Posters
- Training Matrix for School District Employees
- Unique Hazard Assessments

SPECIALIZED AND MANDATED TRAINING

- Bullying Prevention
- Child Abuse Reporting
- CPR/First Aid
- Defensive Driving
- Emergency Preparedness:
 - Drills
 - Emergency Communications
 - Equipment & Supplies
 - ICS (Incident Command System)
 - NIMS (National Incident Management System)
 - Search & Rescue
- EPI Pens and Disbursement of Medication
- Fire Extinguisher Training
- Playground Maintenance

- Playground Supervisor Safety Training
- Security Officer/Guard Training
- Sexual Harassment Training
- Swimming Pool Safety

PROGRAM DEVELOPMENT

- Arson Prevention
- Asbestos Hazard Emergency Response Act (AHERA)
- Athletics Program - Policies & Procedures
- Automated External Defibrillators (AEDs)
- Business Continuity/Continuity of Operations
- Camera and Alarm System Policies
- Chemical Hygiene (Laboratory Safety) Plan
- Class Room Decorating Guidelines
- Comprehensive School Safety Plan (CSSP)
- District Handbooks:
 - Employee
 - Student-Family
 - Volunteer
- Electronic Equipment and Internet Use Policy
- Emergency Preparedness Written Plans and Procedures
- Event Guidelines
- Fire Prevention
- Fleet Safety Program
- Formal Field Trip Procedures
- Hazard Communication
- Playground Supervision and Inspection Procedures
- Records Retention Policy
- Standardized Contract Templates
- Student Supervision Guidelines
- Transportation Safety Plan
- Use of Facilities
- Vehicle and Equipment Maintenance Program
- Vehicle Use Policy

SAFETY AUDITS

- Facility Safety Audits - Conducted every three years
- Facility Safety Audits - High risk areas, shops and labs (conducted on 18-month schedule)
- Risk Management Evaluations
- Site Security Assessments
- Cyber Security Assessments
- Playground Inspections - Performed by CPSI after modifying, replacing or installing a new playground
- Emergency Preparedness Audits
- Evacuation Drill Observations