

# Cincinnati Federation of Teachers

## Cincinnati Federation of Office Professionals



Local 1520 | AFT | OFT | AFL-CIO

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### **Fight in Your School? Violent Student? How to Safely Respond.**

Over the last year at least one of our members has been seriously injured while attempting to break up a fight at her school. Another high school teacher was actually suspended for a day after he attempted to prevent a fight and was accused of using excessive force. There have also been multiple incidents of parents threatening to sue teachers or calling “241 KIDS” to allege abuse when a teacher applies force to a disruptive or violent student.

As our schools continue to experience incidents of student violence, it’s a good time to review options when a fight breaks out, or a student becomes violent.

#### **Can I intervene to stop a fight or restrain a violent student?**

Yes. Ohio law, the CFT contract, and Board policy allow a teacher to use and apply such amount of force and restraint as is *reasonable and necessary* to end a disturbance that threatens physical injury to others, to obtain possession of weapons or other dangerous objects, for the purpose of self-defense, or to protect other persons or school property.

#### **What is “reasonable and necessary force”?**

Whether the force you use is “reasonable and necessary” is a judgment call, based on a teacher’s evaluation of the circumstances at the time. However, it’s also a judgment that can be second guessed *after the fact*, based on what other witnesses perceived, or any video or audio evidence. In other words, there are risks that a teacher will be second guessed if force is used that some might argue was not “reasonable” and “necessary” under the circumstances. So proceed with caution.

#### **Am I *required* to intervene to stop a fight, protect other students from a violent student, or protect school property?**

You are *not* required to put yourself at risk of injury to protect other students or school property. You can make a judgment about whether you have the physical capacity to act without injury to yourself, or whether it is “reasonable” or “necessary” to intervene. If in doubt, CFT suggests that you call building security, your administrators or other teachers for assistance, move other students out of harm’s way, or use verbal means to de-escalate the situation until assistance arrives. Better safe than sorry.

### **Can I use force to defend myself from a violent student?**

Yes. As with breaking up a fight, the force you use must be "reasonable and necessary" to protect yourself. It is a judgment call, based on the circumstances you perceive at the time, but also can be "second guessed" based on the accounts of other witnesses, or any video or audio evidence.

### **Can I use force to prevent a student from damaging school property, or my own or a student's personal property?**

Ohio law, board policy and the CFT contract allow the use of "reasonable and necessary" force to prevent damage to school property. However, we discourage any teacher from risking personal injury or discipline just to prevent property damage. Alternatives available are to call building security or your administrator for assistance.

### **What Should I Do If I am Injured by a Student Or While Breaking Up a Fight?**

Teachers should report any assault or injury by a student using the Student Assault Form available from CFT or your Building Representative. You are entitled to assault leave with full pay for any period of time required to recover from your injury, which will *not* be deducted from your sick leave. You may also be qualified to submit a claim under the Worker's Compensation System. Consult the CFT office about your right to assault leave.

### **Who Will Defend Me if I am Sued by a Parent Because of an Injury to a Student?**

CPS is required to provide a defense and pay any judgment against an employee sued by a parent or student, as long as 1) your actions were within the scope of your job; and 2) you acted in good faith. Example: if a student was injured because you acted with reasonable and necessary force to break up a fight, or defend yourself, then CPS would be required to defend you and pay any resulting judgment. But again . . . whether you acted in a "reasonable and necessary" way would be a judgment call based upon all of the evidence available, including the testimony of any witnesses, the teacher's recollections, and any video evidence.

In addition, if you are a CFT/CFOP member, you have coverage under the AFT professional liability policy that should apply to claims made arising from your employment. Contact CFT for information about this coverage provided as part of your membership.

### **Can I be Disciplined or Sued for Physical Contact with Students Who are *Not* Threatening Injury to Persons or Property?**

Teachers and staff often have incidental physical contact with students at school. Common sense should guide you on what is or is not appropriate. In today's environment, any physical contact that is "unwelcome" by a student can lead to parental complaints, investigations and possibly discipline by CPS, the Ohio Department of Education or The Hamilton County Department of Child and Family Services. Some parents insist that no teacher should "put hands on" their child.

Keep in mind the following *common-sense* principles:

- Using your hands to *force* a child into a chair, or to move them against their will from one location to another, can lead to a parental complaint, an investigation and possible discipline, depending on the circumstances and whether your actions are seen as reasonable.
- Accepting a hug offered by a student is *not* unwelcome touching. Offering or soliciting hugs can make some students uncomfortable, and lead to complaints.
- Corporal Punishment has long been prohibited by CPS. Never use physical force in anger, or to discipline a child.
- Gagging or restraining disorderly students could lead to discipline.

### **What Training is Available to Teachers on Dealing with Violent Students?**

CPS offers CPI training on “Non-Violent Crisis Intervention” to teachers. The training covers verbal ways to de-escalate potential school violence, as well as physical training that provides techniques to keep teachers safe while minimizing physical contact with students.

*Feel free to contact a CFT Field Representative if you have an interaction with a student that raises concerns, or if you have questions about any of the issues discussed above.*