

MODEL TEEN DATING AND SEXUAL VIOLENCE POLICY (SHORT VERSION)

Purpose:

XYZ School District (“the District”) finds that teen dating violence and sexual violence is a complex public health and safety problem that requires a comprehensive, interdisciplinary approach to ensure that students and staff can learn and work in a safe, secure, and peaceful school climate.

The purpose of this policy is to increase awareness of teen dating violence and sexual violence for students and faculty; provide a protocol for responding to incidents; and prevent future incidents of dating violence.

Specially Trained Personnel (“STP”):

The District shall have a Specially Trained Person to respond to incidents and complaints of teen dating and sexual violence. The STP will be trained to conduct investigations and assessments, assist victims with safety planning, make referrals, recommend appropriate disciplinary action, monitor compliance, and evaluate and recommend changes in this policy.

Definitions:

Teen Dating Violence:

Teen dating violence is a pattern of emotional, verbal, sexual or physical abuse used by one person in a current or past intimate relationship to exert power and control over another where one or both of the partners is a teenager. Abuse may include insults, coercion, social sabotage, sexual harassment, threats and/or acts of physical or sexual abuse. The abusive partner uses this pattern of violent and coercive behavior to gain power and maintain control over the dating partner.

Sexual Violence:

Sexual violence is sexual assault, abuse, harassment, or stalking of an adult or minor child, including sexual violence committed by perpetrators who are strangers to the victim and sexual violence committed by perpetrators who are known or related by blood or marriage to the victim.

Dominant Aggressor/Abuser:

The dominant aggressor or abuser means the person determined to be the most significant, rather than the first, aggressor. The following should be considered when identifying the dominant aggressor: (1) whether either person issued threats creating fear of physical injury; (2) whether there is a history of domestic or sexual violence between the persons involved; (3) whether either person acted in self-defense; (4) whether either person used or threatened to use a weapon and/or physical force; and (5) the relative severity of the injuries inflicted on each person.

Victim/Survivor:

Victim or survivor is the target of the dominant aggressor’s coercive and/or violent acts.

Protocol:

Complaints of teen dating or sexual violence:

Victims, students, faculty/staff, or parents may file a complaint of teen dating violence. The complaint may be verbal, nonverbal, written, physical, or sexual behaviors that are observed, reported or experienced. The complaint may be verbal or written and should be filed with the District's STP.

Investigation:

Once a complaint is filed, the STP will initiate a prompt investigation. The investigation will be conducted in a way to maintain confidentiality to the extent allowed with a full and fair investigation. This includes a private interview with the victim, a separate interview with the accused abuser, and discussions with witnesses if needed.

If it is determined that inappropriate behavior(s) has occurred, the STP will make recommendations for disciplinary action to the Principal or Superintendent. Immediate action will be taken to eliminate the behavior and disciplinary action will be taken.

Disciplinary action:

Disciplinary action will be taken based on the circumstances of the behavior(s). If a crime has been committed, the police will be immediately notified.

Enforcing restraining orders:

Students should inform the District that an order of protection has been issued. The STP will contact the abuser and his/her parents to initiate a Stay Away Contract with penalties for knowing violations of the contract. District administrators will notify law enforcement immediately if they have a reasonable belief that a criminal or civil restraining order has been violated. Campus police and/or security officers will respond immediately to a report of a violation of criminal or civil restraining order.

Victims' Rights:

The District will observe the following victims' rights to the extent allowed by federal and state law:

1. Right to be treated with respect and dignity.
2. Right to be informed of her/his options with regard to notifying law enforcement authorities, and to be assisted in notifying such authorities.
3. Right to not have parents/guardians notified, if such notification would endanger the survivor/victim.
4. Right to be free from pressure not to report crimes to civil or criminal authorities.
5. Right to have any violence committed against her/him investigated by the proper civil and criminal authorities.

Short Version Model Policy

6. Right to full and prompt cooperation from school personnel in obtaining and securing evidence necessary for any potential criminal proceedings.
7. Right to be informed of any disciplinary actions taken against the offender.
8. Right to attend classes and to work in an environment free from unwanted contact or proximity with alleged assailants insofar as the school is able to provide.
9. Right to be free from violence at school.
10. Right to be free from sex discrimination and sexual harassment.
11. Right to transfer from school.
12. Right to referrals for services.
13. Right to access confidential medical services during school hours.
14. Right to have a support person present.

Support Services:

The District will provide a victim of teen dating or sexual violence with the following, based on the circumstances:

- Stay Away Contract: a contract with the offender to stay away from the victim while on school grounds and during school activities.
- Reasonable accommodations, such as class schedule changes.
- Security protection, such as safe egress/regress from school.
- Timely and comprehensive investigation of teen dating violence and/or sexual violence complaints.
- Referrals for outside support and/or counseling.