

Sample School Policy:

A Comprehensive Approach to Addressing Dating Violence in XYZ School District

This is a sample school dating violence policy, intended to guide schools in creating their own policy by providing procedures and language.

Applicability

The purpose of this document is to establish XYZ School District's response to dating violence or sexual violence among students and on the school campus, including policies and procedures to follow when responding to an incident of domestic or dating violence. XYZ School District is committed to providing its students with a positive learning environment that enhances student safety and promotes respect among all students and staff.

This policy applies in any situation where a student's rights and responsibilities are implicated. Student rights and responsibilities may be affected by the actions of other students at the school, including before and after school hours, while traveling in vehicles owned or funded by the school district, and at all school-sponsored or school-related events and activities. Student rights and responsibilities may also be implicated by the actions of non-students or by actions that take place off school grounds. Students who have experienced dating violence or sexual violence have the right to request that the school address their needs according to this policy, regardless of whether the school takes additional disciplinary action against the alleged perpetrator, if the alleged perpetrator is a student.

Applicability

All information concerning a student's status as a victim or perpetrator of dating violence or sexual violence or as the petitioner or respondent of a protection order provided to XYZ School District or its employees shall be retained in the strictest confidence by the District and its employees, except to the extent that disclosure is requested or consented to in writing by the student or is required by applicable federal or state laws.

School employees shall refrain from sharing confidential student information with other school employees, students, or community members, unless disclosure is required by law or school policy or is necessary to protect the student's safety. The right to confidentiality extends to disclosures to a minor student's parent(s), unless disclosure is otherwise required by law or school policy.

Duty of Schools

Under this policy, each school in XYZ School District, guided by the Principal of the school, shall:

- Educate school employees about teen dating violence, its affect on students, and its relationship to school safety
- Respond quickly and effectively to incidents of dating violence among students
- Work with parent organizations to educate parents and the community about teen dating violence
- Make timely referrals to the School-based Advocates (Advocates) when students disclose incidents of abuse
- Develop relationships with community-based organizations that specialize in domestic and dating violence and refer students to appropriate resources
- Assist in the enforcement of students' civil protection orders
- Notify students and parents of this policy
- Comply with state and federal laws regarding school response to dating violence, particularly Title IX
- Provide dating violence prevention education to all students
- Hold all students and school employees accountable for participating in any form of violence, as perpetrators or bystanders
- Appoint at least one school employee to serve as the Advocate and administer this policy

School Based Advocates

The Advocates shall provide a specialized response to dating violence and sexual violence on campus and act as a liaison between the school and students who are experiencing dating violence or sexual violence. Advocates are a resource for students on issues of dating violence, as well as the point person for concerns from students' peers and school employees.

The Principal has discretion to choose the most appropriate individual from the field of available school employees. The Advocate positions may be filled by school employees from any field of expertise; however, the Principal shall give priority to school employees with a background in social work, counseling, or mental health.

The role of the Advocate is to:

- Facilitate communication between students and school administrators on issues of dating violence
- Educate students on their rights under this policy
- Receive additional, intensive training on teen dating violence and school response
- Stay informed of the latest developments in the dating violence field and maintain relationships with local organizations that specialize in teen dating violence
- Provide a model for other school employees on how to address dating violence among students and how to effectively work with students experiencing dating violence

Responding to Incidents of Abuse

All school employees have a duty to respond quickly and effectively when they suspect or become aware of an incident of dating violence or sexual violence. When a student discloses an incident of dating violence or sexual violence to a school employee, or if a school employee witnesses an incident that he/she believes is dating violence or sexual violence, the school employee must take the following actions with the non-offending student or make a timely referral to the appropriate Advocate who shall take the following actions as soon as possible:

- Inform the student of this policy and his/her rights under the policy, including accommodations and complaint process.
- If desired by the student, assist with requests for accommodation or complaint forms.
- Provide the student with a list of local resources, including on- and off-campus services, and refer him/her to appropriate services.
- If desired by the student, create a safety plan that addresses on- and off-campus safety.
- Offer to connect the student with a campus or community-based advocate.
- Assist with enforcement of protection orders as defined by this policy.
- Offer ongoing assistance and advocacy to the student throughout the student's school career.
- With middle school students, the Advocate will, in addition to the above activities:
- Provide the student with age/developmentally appropriate material explaining dating violence and sexual violence, including the school's policy on teen dating violence and sexual violence.
- Promptly involved parent(s) and assist in facilitating communication with student and parent(s), including providing educational materials and resources on dating violence and sexual violence.
- Involve parent(s) in the creation of a safety plan for the student.

If a school employee takes any action with regard to an incident of dating violence or sexual violence, the school employee shall document the action in writing and provide the documentation to the appropriate Advocate. After a school employee refers a non-offending student to the Advocate, the school employee shall take whatever steps are necessary to ensure the student's safety pending action by the Advocate.

These duties are in addition to any steps the school employee is required to take pursuant to the school's disciplinary code or other individual school policy, including duties related to witnessing and intervening in prohibited conduct.

In performing these duties, schools and school employees shall act in a culturally competent manner. At a minimum, cultural competence includes utilizing strategies that reflect the unique cultural traditions and experiences of diverse groups through each phase of the helping process. Schools shall develop resources and tools that address diverse community needs and incorporate culturally appropriate information into prevention and response efforts. Schools and school employees shall make all reasonable efforts to communicate effectively and convey information in a manner that is easily understood by students, parents, and the community, including persons of limited English proficiency, those who have low literacy skills or are not literate, and individuals with disabilities. Schools and school employees are encouraged to utilize all resources available from Break the Cycle and other community-based organizations specializing in dating violence and sexual violence.

Accommodations

Any student who has been a victim of dating violence or sexual violence may request accommodation from the school in order to preserve his/her access to meaningful education and safety on campus. Accommodations should only impact the school enrollment, participation, or environment of the student experiencing dating violence or sexual violence. Changes to an alleged perpetrator's school enrollment, participation, or environment must be made through the complaint procedure described below. Requests for accommodation may be made orally or in writing to any school employee or directly to the appropriate Advocate. School employees shall refer all requests for accommodation to the Advocate. If the request is made orally, the Advocate shall document the request in writing. The Advocate shall confer with the Principal and provide a written decision to the requesting student as soon as possible, but in all cases a decision must be made within five business days of the request. A denial to a request for accommodation must include the reasons for the denial.

All requests for accommodation under this section shall be kept strictly confidential. It is the responsibility of the Advocate to notify the student's teachers when an accommodation impacts their classrooms. At no time shall the Advocate notify the alleged perpetrator of the student's request for accommodation, nor shall the Advocate require the student to pursue a complaint against the alleged perpetrator through the school complaint process or the criminal justice system.

All accommodations under this policy are voluntary; a student may choose to decline or rescind any accommodation at any time by notifying the Advocate. The student shall not be subject to any retribution or disciplinary action for such decision and shall not lose the right to request and receive future accommodations.

For middle schools, both types of accommodation require parental notification unless the Advocate determines that it is the student's best interest to pursue the request without the parent.

Tier One Accommodations

Tier One accommodations are those that require a minor change to the student's school enrollment, participation, or environment, do not require a significant expenditure of school resources, and are not already provided for in other school policies. Upon receiving a request for a Tier One accommodation, the Advocate must schedule a meeting with the student to discuss the request and, if the student is a minor and the situation warrants, discuss the possible notification of the student's parent(s).

Middle Schools

Upon receiving a request for a Tier One accommodation, the Advocate must schedule a meeting with the student to discuss the request and notify the student's parent(s). However, if the Advocate determines that parental notification will endanger the welfare of the student, the Advocate must not involve the student's parent(s).

Requests for Tier One accommodations shall be granted absent exigent circumstances and shall be granted without notice to a minor student's parent(s), unless student is in middle school, consented to by the student or otherwise required by law or school policy. If parental notification is requested by the student or required by law or school policy, the Advocate shall assist the student in developing a plan for safely involving the student's parent(s), including meeting with the student and parent(s), as necessary or as required by law.

Examples of Tier One accommodations include, but are not limited to, the following:

- Change of class seat assignment
- Change of locker assignment
- Change of student's class schedule
- Permission to leave class to see a counselor or social worker
- Private space for meeting with counselors and school employees regarding dating violence and sexual violence issues
- Excused absence for classes missed due to dating or sexual violence
- Makeup class work, including homework, quizzes, tests, and any other graded work, for classes missed due to dating violence or sexual violence or threat thereof

Tier Two Accommodations

Tier Two accommodations are those that require a major change to the student's school enrollment, participation, or environment or require a significant expenditure of school resources.

Upon receiving a request for a Tier Two accommodation, the Advocate must schedule a meeting with the student to discuss the request(s) and, if the student is a middle school student or the situation warrants, notification of the student's parent(s) and/or appropriate authorities as required by law.

If parental notification is requested by the student or required by law or school policy, the Advocate shall assist the student in developing a plan for safely involving the student's parent(s), including meeting with the student and parent(s), as necessary.

Examples of Tier Two accommodations include, but are not limited to, creating an Alternative education plan for a student or providing an option of School transfer for a student.

Denials of requests for Tier One or Tier Two accommodations may be appealed within ten days of the denial using the complaint procedure described below.

Student Complaints

A student who is experiencing dating violence or sexual violence has the right to file a complaint with the school requesting that the school take action regarding the abuse they have experienced. There are two types of complaints under this policy:

1. Appeal of a denial of a request for accommodation
2. Request for disciplinary action against an alleged perpetrator, including changes to the alleged perpetrator's school enrollment, participation, or environment

A minor student may file a complaint on his/her own, without parental involvement. A parent may file a complaint on behalf of a minor student with the student's written consent, unless student is enrolled in middle school. A complaint requesting disciplinary action against an alleged perpetrator may be based on either one incident of dating violence or a course of conduct which may comprise more than one incident. In either case, the school official handling the complaint shall consider the entire history of the relationship between the complaining student and the alleged perpetrator, regardless of length, when considering an appropriate resolution.

If a middle school student files a complaint, upon the receipt of the grievance, the Advocate will work with the student on how to involve his/her parent(s). However, if the Advocate determines that parental notification will endanger the welfare of the minor student, the Advocate must not involve the minor student's parent(s).

The complaining student must file a written grievance with the appropriate Advocate, who shall promptly notify the Principal. The Principal shall attempt to resolve the complaint by holding individual meetings with the complaining student and relevant school employees. The Principal may choose to designate another Advocate or school employee to resolve the complaint. If the complaint is requesting disciplinary action against an alleged perpetrator,

the Principal shall also meet individually with the alleged perpetrator and any relevant witnesses. At no time will the Principal meet with both the complaining student and the alleged perpetrator together.

If the complaint is appealing the denial of an accommodation, the Principal shall not require the complaining student to disclose the name of the alleged perpetrator, seek to involve the alleged perpetrator, or notify him/her of the complaint. The content of all meetings held pursuant to this process shall be kept strictly confidential according to the confidentiality policy set forth above.

The Principal shall work together with the complaining student to create a resolution that is acceptable to the school and which adequately addresses the complaining student's safety both on and off campus. The resolution may utilize the accommodations listed in this policy or any other accommodations agreeable to the complaining student. No resolution will be considered final unless agreed to by the complaining student, the alleged perpetrator (if necessary), and the school. Neither mediation nor peer counseling is an acceptable resolution to a dating violence or sexual violence complaint. The Principal shall not offer either as a proposed resolution. Voluntary transfer is a final resolution only if consented to by the complaining student and permitted under school policy.

If the Principal is able to resolve the complaint, the Principal shall document the resolution in writing and provide a copy to the complaining student, alleged perpetrator (if necessary), and any relevant school employees.

If the Principal is unable to satisfactorily resolve the complaint for the complaining student within ten (10) days, the complaining student may file an appeal through the school's appeals process.

Following any appeal, the appeals body shall provide written findings and recommendations to the Principal, the complaining student, the alleged perpetrator (if necessary), and the alleged perpetrator's parent(s) (if necessary). In any hearing conducted pursuant to this policy, in addition to the school's usual hearing procedures, a student who is a victim of dating violence or sexual violence has the following rights, to the extent allowed by the hearing process and permitted by law:

- The right to express his/her wishes regarding resolution to the hearing officer
- The right to have his/her safety considered and respected at all stages of the process
- The right to be notified of time, location, status, and outcome of the hearing in a timely manner
- The right to be present during the hearing
- The right to have an advocate present during the hearing process, including the Advocate, parent, or community-based advocate
- The right to present a victim impact statement which will become part of the record
- The right to have accommodations addressed in any resolution
- The right to meet with the school employees representing the school in the hearing process

Enforcement of Protection Orders

Enforcement of court-issued protection orders is critical to ensuring safety for students experiencing dating violence and sexual violence. Schools have a duty to take any and all steps necessary to enforce a protection order held by a student. Upon receiving notice that a student holds a protection order, the Advocate shall immediately schedule a meeting with the protected student to create a plan for enforcement of the protection order on the school campus. The Advocate shall work with the protected student to create an enforcement plan regardless of whether the restrained individual is a student. In addition, the Advocate shall provide the protected student with information about reporting violations of the protection order, assist him/her with reporting any violations, and provide him/her with a list of school and community resources.

If the restrained individual is a student, the school shall make any necessary changes to the restrained student's school enrollment, participation, or environment in order to comply with the protection order and ensure the protected student's safety. Changes to the restrained student's school enrollment, participation, or environment that are made pursuant to a valid protection order do not require an additional written complaint or complaint by the

protected student. In addition, the Advocate shall work with the protected student and the school to make any changes to the protected student's school enrollment, participation, or environment to which he/she consents and which are necessary to ensure his/her safety.

The restrained student may file a complaint using the procedures set forth in this policy to challenge any changes made to his/her school enrollment, participation, or environment to enforce a protection order.

Training for School Employees

XYZ School District is committed to providing training on dating violence and sexual violence to school employees. The District requires that all teachers, counselors, mental health professionals, social workers, and school resource officers receive annual training on the dynamics of dating violence, the relationship between dating violence and other school safety issues, and the school's policies on dating violence. The District will work with schools to provide access to such training, including scheduling and publicizing trainings. Individual schools may work directly with community-based organizations who specialize in teen dating violence and sexual violence to provide trainings specifically targeted to each population. All school employees, including Principals, are encouraged to take advantage of additional training opportunities provided by community-based organizations.

The school employee(s) holding the role of Advocate shall receive additional instruction through a minimum of one full-day of training and ongoing continuing education provided by a community-based organization.

Student Education

XYZ District is committed to educating its students about dating violence and sexual violence. Schools are required to incorporate prevention education into their curricula for students in grades 7 through 12. Whenever possible, this information shall be presented in conjunction with information about related health and life skills topics. Schools should partner with community-based organizations (CBO) and access community resources to accomplish this goal, particularly those CBO's that have already undergone necessary District screening processes.

Notice of Policy

In addition to the established process for publicizing District policies, schools shall take the following actions to provide notice of this policy to students and parents:

- Publish the policy on the school website
- Send a copy of the policy, including the names of the designated School-based Advocates, to parents at the beginning of each school year
- Disseminate the policy to all students at the beginning of each school year
- Post information about the policy in classrooms, including the names of the designated Advocates

Documentation

Advocates shall maintain a complete file for each case of dating violence or sexual violence that they address. The file shall contain written documentation of every action taken by a school official on behalf of a student experiencing dating violence or sexual violence. School employees who take any action on behalf of a student experiencing dating violence or sexual violence shall document the action in writing and provide the documentation to the Advocate. Advocates' files shall be kept in a secure, locked filing cabinet or password-protected computer. These files shall be treated as educational files and access to student files is governed by federal and state laws.



Defintions

Accommodation: a change or modification to a student's school enrollment, participation or environment, which increases access to meaningful education or safety for a student who is experiencing dating violence or sexual violence.

Community-based Organization (CBO): non-profit organizations that operate within a single local community, specializing in one or more areas of community or social welfare.

Cultural sensitivity/competence: the attitudes, knowledge, and skills that enable a school district or school employees to educate and respond effectively to students and parents from diverse cultures, groups, and communities.

Dating partner: any person, regardless of sex or gender identity, involved in a relationship with another person, where the relationship is primarily characterized by social contact of a sexual or romantic nature, whether casual, serious, short-term or long-term.

Dating violence: the use of abusive behaviors by a person to harm, threaten, intimidate or control a current or former dating partner. Dating violence includes but is not limited to:

Physical abuse: any intentional unwanted contact with the victim's body by either the perpetrator or an object within the perpetrator's control, regardless of whether such contact causes pain or injuries to the victim.

Emotional abuse: the intentional infliction of mental or emotional distress by threat, coercion, stalking, humiliation, or unwanted other verbal or nonverbal conduct.

Sexual abuse: any sexual behavior or contact by the perpetrator that is unwanted by the victim and/or interferes with the victim's ability to consent to or control the circumstances of sexual behavior.

Technology abuse: the use of digital or high-tech devices, including cell phones, computers, and the internet, to harm, threaten, intimidate, or control a current or former dating partner.

Harassment: a pattern of intentional behavior, directed at a specific person, intended to annoy, alarm, or cause emotional distress for no legitimate purpose.

Parent: parent, legal guardian, or other adult acting in loco parentis of a child enrolled in XYZ District.

Perpetrator: an individual who has committed any act or threat of dating or sexual violence as defined in this policy.

Predominant aggressor: the person determined to be the most significant, rather than the first, aggressor taking into consideration the circumstances of both the immediate incident and the course of conduct by the partners during the entirety of the relationship.

Protection order: a civil or criminal court order issued in any jurisdiction for the protection of a victim of dating violence or sexual violence that restricts the conduct of an individual toward the victim.

Safety plan: an individualized set of actions, strategies, and resources that addresses a student's safety with regard to dating violence or sexual violence.

School: each individual education institution, headed by a principal, that operates in XYZ School District.

School employee: any person who is employed by XYZ District and who works in a District school, regardless of position.

School grounds: the physical location of the school, including the school building, surrounding athletic fields or structures, parking lots, and auxiliary buildings.

Sexual violence: sexual assault or abuse of an individual, whether the perpetrator is known to the victim or a stranger.

Stalking: a pattern of intentional behavior, directed at a specific person, intended to cause fear or substantial emotional distress.

Student: any individual who is or has been enrolled and is or has been in attendance, or is eligible to enroll, at any XYZ District school.

Victim: the student who is experiencing dating violence, sexual violence, stalking, or harassment as defined in this policy.