

Protocol

Guide to addressing bullying, cyberbullying, sexual harassment and dating violence

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Introduction

On May 18, 2007, Governor Perry signed House Bill 121 into law. HB 121 mandates all school districts in Texas adopt and implement a dating violence policy. To fulfill the requirements of the law the policy must include: (1) a definition of dating violence, (2) sections on safety planning, (3) enforcement of protective orders, (4) school-based alternatives to protective orders, (5) training for teachers and administrators, (6) counseling for affected students, and (7) awareness education for students and parents/guardians. Beyond the requirements of the law, this document includes provisions regarding bullying, sexual harassment and sexual violence. The intent is to provide administrators, counselors and teachers a cohesive protocol with forms that can be used across a variety of situations that require response and documentation.

Harassment, Intimidation, Bullying and Cyberbullying Prohibited

Schools and courts have been wrestling with how best to deal with the issue of bullying and harassment in schools. A school's duty to maintain a safe learning environment for students must be balanced with a student's right to privacy and free speech. The purpose of the DISD Protocol is to provide guidelines that support every child's right to a safe learning environment.

No student shall be subjected to harassment, intimidation, bullying, or cyberbullying in any DISD facility:

- During any education program or activity; or
- While in school, on school equipment or property, in school vehicles, on school buses, at designated school bus stops, at school-sponsored activities, at school-sanctioned events; or
- Through the use of data, telephone or computer software that is accessed through a computer, computer system, or computer network of any DISD campus
- As used in this Act, "harassment, intimidation, bullying or cyberbullying" means any written, verbal or physical act, or any electronic communication including, but not limited to, one shown to be motivated by a student's actual or perceived race, color, religion, national origin, ancestry or ethnicity, sexual orientation, physical, mental, emotional, or learning disability, gender, gender identity and expression, or other distinguishing personal characteristic, or based on association with any person identified above when the written, verbal or physical act or electronic communication is intended to:
 - (i) Physically harm a student or damages the student's property; or
 - (ii) Substantially interfere with a student's educational opportunities; or
 - (iii) Be so severe, persistent, or pervasive that it creates an intimidating or threatening educational environment; or
 - (iv) Substantially disrupt the orderly operation of the school.

ELECTRONIC COMMUNICATION

As used in this Section, “electronic communication” means any communication through an electronic device including but not limited to a telephone, cellular phone, computer or pager, which communication includes but is not limited to E-Mail, instant messaging, text messages, blogs, mobile phones, pagers, online games, and Web sites. This protocol will apply to an electronic communication whether or not this conduct originated on school property or with school equipment so long as:

(1) a reasonable person should know, under the circumstances, that the act will have the effect of harming a student or damaging the student’s property, or placing a student in reasonable fear of harm to his or her person or damage to his or her property; and has the effect of insulting or demeaning any student or group of students in such a way as to cause substantial disruption in, or substantial interference with, the orderly operation of the school; or

(2) the act is directed specifically at students and intended for the purpose of disrupting school, and has a high likelihood of succeeding in that purpose.

Harassment, dating violence, bullying or cyberbullying refers to any written, verbal or physical act, or any electronic communication including, but not limited to, one shown to be motivated by a student’s actual or perceived race, color, religion, national origin, ancestry or ethnicity, sexual orientation, physical, mental, emotional, or learning disability, gender, gender identity and expression, or other distinguishing personal characteristic, or based on association with any person identified above, when the written, verbal or physical act or electronic communication is intended to:

- Physically harm a student or damages the student's property; or
- Substantially interfere with a student’s educational opportunities; or
- Be so severe, persistent, or pervasive that it creates an intimidating or threatening educational environment; or
- Substantially disrupt the orderly operation of the school.

I. DEFINITIONS

A. Teen Dating Violence

Teen dating violence is defined as the intentional use of physical, sexual, verbal, or emotional abuse by a person to harm, threaten, intimidate, or control another person in a dating relationship, as defined by Section 71.0021, Texas Family Code. Teen dating violence is a pattern of coercive behavior that one partner exerts over the other for the purpose of establishing and maintaining power and control.

B. Sexual Harassment

Harassment is defined as conduct that threatens to cause harm or bodily injury to another student, is sexually intimidating, causes physical damage to the property of another student, subjects another student to physical confinement or restraint or maliciously and substantially harms another student's physical or emotional health or safety. Sexual harassment of students is conduct that is severe, pervasive, and objectively offensive in such a manner that it can be said to deprive the victim of access to the educational opportunities or benefits provided by the school. It is a form of harassment that includes touching someone in ways that are not wanted, sexual jokes, pressuring someone to have sex, threats or intimidation from a dating partner, or any other form of harassment of a sexual nature that would make a reasonable person uncomfortable. Sexual harassment does not include simple acts of teasing and name-calling among school children, however, even when the comments target differences in gender. Violence or abusive behavior of a sexual nature in a dating relationship may also be considered sexual harassment when the behaviors occur at school and meet the definition of sexual harassment.

1. By An Employee

Sexual harassment of a student by a school district employee includes both welcome and unwelcome sexual advances; requests for sexual favors; sexually-motivated physical, verbal, or nonverbal conduct; or other conduct or communication of a sexual nature when:

- a. A school district employee causes the student to believe that the student must submit to the conduct in order to participate in a school program or activity, or that the employee will make an educational decision based on whether or not the student submits to the conduct; or
- b. The conduct is severe, persistent, or pervasive such that it:
 - i. Affects the student's ability to participate in or benefit from an educational program or activity, or otherwise adversely affects the student's educational opportunities; or
 - ii. Creates an intimidating, threatening, hostile, or abusive educational environment.

2. By Others

Sexual harassment of a student, including harassment committed by another student, includes unwelcome sexual advances; requests for sexual favors; or sexually motivated physical, verbal, or nonverbal conduct when the conduct is severe, persistent, or pervasive such that it:

- a. Affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening, hostile, or offensive educational environment;
- b. Has the purpose or effect of substantially or unreasonably interfering with the student's academic performance; or
- c. Otherwise adversely affects the student's educational opportunities.

Necessary or permissible physical contact, such as assisting a child by taking the child's hand, comforting a child with a hug, or other physical contact not reasonably construed as sexual in nature is not sexual harassment.

C. Sexual Violence

Sexual violence is defined as sexual assault, sexual abuse, or sexual stalking of a minor

child or teenager, including sexual violence committed by perpetrators who are strangers to the victim and by perpetrators who are known or related by blood or marriage to the victim. Behaviors that fall under this definition include but are not limited to incest, molestation, child abuse, stranger rape, and non stranger rape.

D. Bullying

Bullying is defined as an aggressive behavior or intentional “harm doing” by one person or a group, generally carried out repeatedly and over time and involving a power differential.

1. The behavior is intentional and purposed rather than accidental or inadvertent.
2. The behavior involves maliciousness on the part of the aggressor. This may include but not be limited to direct/overt aggression which may include hitting, kicking, taking items by force as well as verbal violence such as taunting, teasing, namecalling, and threatening. Indirect aggression includes more subtle, manipulative acts such as ostracizing, gossip, rumor spreading, social sabotage, exclusion, intimidating or controlling another person.
3. The behavior must occur on a repetitive basis. This may cause the target to worry about what the bully will do next and perhaps change daily patterns to avoid personal contact with the bully.
4. There is an inherent demonstration of power, either perceived or actual by the offender over the target. This power may include popularity, physical strength or stature, social competence, quick wit, extroversion, confidence, intelligence, age, sex, race, ethnicity or socioeconomic status.

E. Cyberbullying

Cyberbullying is defined as willful and repeated harm inflicted through the use of computers, cell phones, and other electronic devices. Although most cyberbullying is created on computers, cell phones and other devices that are not owned by the district or not located on school property, cyberbullying can still affect the school environment and the welfare of students.

F. Alleged Perpetrator

A perpetrator is a person who uses coercive tactics to establish and maintain power and control over another person. Perpetrators may come from any cultural, educational, religious and economic stratum of society. A perpetrator's background is never grounds to justify the abuse. An alleged perpetrator is an individual who has been accused of exhibiting harassing or violent behaviors towards another individual or an individual who has been suspected of such behaviors.

G. Victim

A victim is the target of the alleged perpetrator's coercive and/or violent acts.

II. INTERVENTION GUIDE FOR INCIDENCES OF DATING VIOLENCE

The Intervention Guide provides a set response to teen dating violence and sexual violence so that all victims and alleged perpetrators receive consistent, fair treatment.

All complaints/incidents of dating violence must be documented in accordance with Dilley ISD Board Policy FFH (LOCAL).

Administrators' duties include informing students, parents/guardians, and school personnel of a student's right to make a complaint for incidents of bullying, sexual harassment, dating violence, or sexual violence. By receiving this information, all students will understand how to file a complaint, and school personnel will understand how to respond to incidents and reports.

A. DOCUMENTATION

Documentation includes the following elements:

- Description of incident(s): what, when, where, witnesses,
- Victim and alleged perpetrator information, including class schedules, group and club memberships, and school activities,
- Disciplinary and accommodation recommendations, including changes to class schedules,
- Response actions taken, including safety planning, referrals for services and counseling, and disciplinary actions,
- Incident updates, including response to disciplinary actions, alleged perpetrator compliance, utilization of referrals for services, reviews of safety plans, and status reports from the victim, including further referrals for services.

B. COMPLAINT FORMS

Complaint forms must be available to all students at any time through any counselor or administrator.

Counselors and administrators should offer students assistance in filling out the form. Complaint forms should be kept in a secure location in the campus administrative office. Forms should be kept for two years beyond graduation.

Student Complaint Form Instructions and the Student Complaint Form for reporting bullying, sexual harassment, dating violence and sexual violence can be found in Appendices A & B.

C. PROTOCOL FOR CAMPUS INTERVENTIONS: Staff Members

Staff members responding to an incident of bullying, sexual harassment, dating violence, and or sexual violence between students occurring anywhere on campus should use the Dilley ISD protocol.

The protocol requires the following actions:

1. Fulfill the state's mandatory reporting laws regarding suspected abuse or neglect of a child. See Section 261.101(a), Texas Family Code.
2. Separate the victim from the alleged perpetrator.
3. Speak separately with the victim and alleged perpetrator.
4. The staff member should walk the victim to an administrator or counselor
5. Give names of any witnesses who may have been present or involved to an administrator. Encourage witnesses to get help from school personnel if they should witness further incidents.
6. Submit a discipline referral for perpetrator to the administrator.
7. Inform the victim of his or her right to file a complaint of bullying, sexual harassment, dating violence, or sexual violence with any counselor or administrator.
8. Monitor the victim's safety. Increase supervision of the alleged perpetrator as needed.

D. PROTOCOL FOR CAMPUS INTERVENTION: ADMINISTRATORS AND COUNSELORS

Administrators' duties include informing students, parents/guardians, and school personnel of a student's right to make a complaint for incidents of bullying, sexual harassment, dating violence, or sexual violence. By

receiving this information, all students will understand how to file a complaint, and school personnel will understand how to respond to incidents and reports.

1. Fulfill the state's mandatory reporting laws regarding the suspected abuse or neglect of a child. See Section 261.101(a), Texas Family Code.
2. Separate the victim from the alleged perpetrator.
3. Meet separately with the victim and the alleged perpetrator.
4. The victim should be permitted to have a support person such as the school counselor or a teacher present during stages of the investigation.
5. Inform the victim of his or her right to file a complaint of bullying, sexual harassment, dating violence, or sexual violence.
6. Review the student's complaint form or assist the student in documenting the incident on a complaint form during the meeting.
7. Further investigate the complaint by speaking with anyone who may have been present or involved. Encourage witnesses to get help from school personnel if they should witness further incidents.
8. If the assessment by the counselor or administrator determines that the incident involved physical or sexual assault or threats, the counselor or administrator should immediately notify the appropriate law enforcement.
9. Notify the parents/guardians of the victim and the alleged perpetrator to inform them that an incident of bullying, sexual harassment, dating violence, or sexual violence has occurred.

Student-on-Student Altercation Response Chart is included in **Appendix C**.

This document will help to ensure that important actions are taken when incidents of bullying, sexual harassment, dating violence, or sexual violence occur.

E. WORKING WITH THE VICTIM

1. Conference with the victim. Give the parent/guardian and or the victim The Notice of Parent and Student Rights.
2. Identify immediate actions that can be taken to increase the victim's safety and ability to participate in school without fear or intimidation, including positive behavior support interventions.
3. Inform the student and parent/guardian of school and community resources as needed, including their right to file charges or seek legal protection.
4. Encourage the student to report further incidents.
5. Inform the victim and parent of his or her right to request a Stay-Away Agreement. If the student and or parent declines, this should be documented.
6. For situations also involving sexual harassment, inform the victim of his or her right to file a complaint alleging sexual harassment directly with the Title IX Coordinator. A complaint may also be filed with the Office for Civil Rights.
7. Monitor the victim's safety as needed. Assist the victim with safety planning for the school day and for after-school hours.
8. Inform the victim's parent/guardian that a safety plan has been developed, as well as the details of the safety plan unless this action would endanger the victim.

Notice of Parent and Student Rights: Bullying, sexual harassment, dating violence, and sexual violence is included in **Appendix D**.

Victim Safety/Safety Plan

Victim safety is a top priority of a dating violence program.

A safety plan is a tool for helping to increase students' safety. When responding to an incident of bullying, sexual harassment, dating violence or sexual violence create a safety plan in collaboration with the victim that may include the following elements:

1. The schedule(s) of staff person(s) that have been identified as a support system for the victim,
2. Routes to and from school,
3. Routes to and from classes,
4. Names and contact information of peers who can help support the victim and accompany him or her to and from classes as needed,
5. A discussion of potential school-related problems/areas of concern and strategies for increasing safety: after-school activities, class trips, dances, etc.,
6. A plan of action for the victim to follow if he/she encounters the alleged perpetrator outside of school such as a public place, on public transportation, at the victim's home or at the home of a friend.
7. A list of general safety tips to aid the victim outside of school such as lock doors, screen phone calls, and never walk alone.
8. A list of local resources: shelters, hotlines, agencies, advocates, and other services,
9. Follow-up meeting dates to review the situation and to make any necessary adjustments,
10. Notice of Parent and Student Rights: Bullying, sexual harassment, dating violence, and sexual violence is included in Appendix D.
11. Referral to the National Teen Dating Abuse Helpline: 1-866-331-9474 and the
12. Help line's online home: www.loveisrespect.org, for peer support, information, and referral for youth concerning violence or abuse in dating relationships, and an opportunity to talk with or chat online anonymously with trained peer advocates,
13. Referral to the National Sexual Assault Hotline: 1-800-656-HOPE and the
14. Hotline's online home: www.rainn.org, and
15. Referral to the Dating Violence Legal Line: 1-800-374-HOPE for assistance accessing legal tools such as a protective order (stay-away order).

A safety plan chart is included in Appendix E.

III. Working with the Alleged Perpetrator

Every reasonable effort should be taken to protect the due process rights of the alleged perpetrator.

- a. Conference with the alleged perpetrator and parent/guardian. Give the parent/guardian and the perpetrator the Notice of Parent and Student Rights.
- b. Allow the alleged perpetrator an opportunity to respond either in writing or verbally to the allegations.
- c. Emphasize expectations for positive behavior.
- d. Identify and implement disciplinary and other actions and consequences that will be taken to prevent further incidents.
- e. Inform the alleged perpetrator and parent/guardian of help and support available at school or in the community as needed.
- f. Address the seriousness of retaliation against the victim for reporting the incident or cooperating with the investigation.
- g. Increase supervision of the alleged perpetrator as needed.
- h. Document the meeting and action plans on a complaint form.

Notice of Parent and Student Rights: Bullying, cyberbullying, sexual harassment, dating violence, and sexual violence is included in **Appendix D**.

A. Enforcement of Protective Orders

When a protective order (legal stay-away order) has been issued by a court to protect one student from another, take the following steps:

- Hold separate meetings with the victim and the alleged perpetrator to:
 - ❖ Review the protective order and ramifications.
 - ❖ Clarify expectations.
 - ❖ Review the school day, classes, lunch (open/closed campus situation), and activities, paying attention to potential conflicts and opportunities for face-to-face contact between the victim and the alleged perpetrator.
 - ❖ Identify schedule overlaps, i.e. arrival/dismissal times, classes, lunch, before- and after-school activities, locker, etc.

Face-to-face contact between the victim and alleged perpetrator should be avoided. If changes need to be made, attention may be given to the victim's preference. The burden for any bus, classroom or other schedule changes should be on the alleged perpetrator, not the victim.

- In meeting with the victim, consider the following:
 - ❖ Helping the victim identify adults within the school setting with whom he/she feels comfortable.
 - ❖ Developing a safety plan
- In meeting with the alleged perpetrator consider the following as needed:
 - ❖ Identifying key staff members to check in with daily/weekly or as needed.
 - ❖ Changing class/schedule, lunch schedule and or locker.
 - ❖ Changing arrival/departure times to/from school.
 - ❖ Changing arrival/departure times to/from classes.
 - ❖ Reviewing expectations and consequences for any violations.
 - ❖ Creating follow-up meeting dates to monitor the situation

B. School-Based Alternatives to Protective Orders

The most common school-based alternative to a protective order is called a Stay-Away Agreement. The Stay-Away Agreement provides a list of conditions that must be followed by the alleged perpetrator while on school grounds or at school-sponsored activities. It is designed to ensure the safety of the victim. Stay-Away Agreements should be completed in a conference with the alleged perpetrator and when possible his or her parent/guardian. If the parent/guardian is unavailable or unwilling to attend the conference, note this on the agreement and send a copy of the agreement via mail. Document that a copy of the Stay-Away Agreement was sent to the home of the perpetrator. A Stay-Away Agreement includes the following elements:

- A description of the relationship between the victim and alleged perpetrator.
- A description of the violent incident(s): what, when, where, witnesses.
- A list of behaviors that the alleged perpetrator may not do (i.e. talking to the victim, sitting near the victim, sending notes to the victim, etc.).
- Schedule changes for the alleged perpetrator (to separate the victim and alleged perpetrator), including classes, lunch period, arrival and dismissal times, locker location, and extracurricular activities.
- Notes on other disciplinary actions taken.
- Disciplinary consequences if the alleged perpetrator violates the Stay-Away Agreement.
- Dates during which the Stay-Away Agreement is valid.
- Signatures of parent/guardian, alleged perpetrator, and administrator.

The Stay-Away Agreement is included in **Appendix F**.

REPORTING AND INVESTIGATIONS OF BULLYING, CYBERBULLYING, SEXUAL HARRASSMENT

- I. Reporting/Receiving reports from students
- II. Any school employee that has reliable information that would lead a reasonable person to suspect that a person is a target of harassment, intimidation; bullying or cyberbullying should immediately report it to the principal or the principal's designee. The principal or the principal's designee will:
 - a. Determine if the incident is bullying, cyberbullying, or sexual harassment.
 - b. If determined that the incident is one of the above, the protocol forms will be used to serve as a guide as well as documentation.
- III. All acts of harassment, intimidation, bullying or cyberbullying which may constitute criminal activity will be reported to law enforcement
- IV. Incidences of harassment, intimidation, bullying or cyberbullying that have reported by either student or school personnel will be investigated within ten days. This timeline may be extended if necessary to complete a thorough investigation.

Source materials:

- "A Guide to Addressing Dating Violence in Texas Schools"
- Texas Association of School Boards' Austin Independent School District Board Policy Manual
- Massachusetts Department of Education Guidelines for Schools on Addressing Teen Dating Violence
- Recommendations from the New York State Office for the Prevention of Domestic Violence
- California Assembly Bill No. 589
- Lindsay Ann Burke Act, Rhode Island S-875

- Bullying/Cyberbullying Prevention Law Toolkit Anti-Defamation League

- Bullying Beyond the Schoolyard, Preventing and Responding to Cyberbullying

Dilley Independent School District
Student Complaint Form Instructions for reporting incidents of
BULLYING, CYBERBULLYING, SEXUAL HARASSMENT,
DATING VIOLENCE and SEXUAL VIOLENCE

A counselor or administrator who receives a report of bullying, cyberbullying, sexual harassment, dating violence, or sexual violence will address the following issues with the student who was the victim of the reported behaviors in a private meeting before assisting the student in completing the Complaint Form.

Your Right to File a Complaint

The policy of Dilley ISD is that all students and employees be free from bullying, cyberbullying, sexual harassment, dating violence, and sexual violence. All charges of bullying, sexual harassment, dating violence, and sexual violence are to be taken very seriously by students, faculty, staff, administration, and parents/guardians.

The District will make every reasonable effort to handle and respond to every charge and complaint filed by students and employees in a fair, thorough, and just manner. Every reasonable effort will be made to protect the due process rights of all victims and all alleged perpetrators.

Instructions: Use this form to report bullying, cyberbullying, sexual harassment, dating violence, and sexual violence so that school officials may investigate and take appropriate actions to increase your safety. Complete the form, providing as much detailed information as possible so that the complaint may be properly investigated. It is important that you report the facts as accurately and completely as possible and that you cooperate fully with the persons designated to investigate the complaint.

Where to file: Complaint forms will be available from any counselor or campus administrator.

Confidentiality: To conduct this investigation in a confidential manner, the school will disclose the contents of your complaint only to those persons who have a need to know of your complaint. In signing the complaint form, you authorize the school to disclose as needed the information you have provided, and may in the future provide, regarding your complaint. Your complaint form will not be shown to the alleged perpetrator unless required by law.

Retaliation prohibited: Retaliation against a person who files a formal complaint is strictly prohibited and is grounds for disciplinary action, including but not limited to detention, suspension, and expulsion.

**Dilley Independent School District Student Complaint Form for reporting
BULLYING, SEXUAL HARASSMENT,
DATING VIOLENCE and SEXUAL VIOLENCE**

Name: _____ Student ID: _____

Grade: _____ Date: _____ Time: _____ School: _____

Please answer the following questions about the most serious incident:

List the name of the alleged perpetrator(s) of bullying, cyberbullying, sexual harassment, dating violence, or sexual violence:

Relationship between you and the alleged perpetrator:

Describe the incident:

When and where did it happen?

Were there any witnesses? yes no

If yes, who?

Is this the first incident? yes no

If no, how many times has it happened before?

Other information, including previous incidents or threats:

Student or parent declines to complete this form:

Initial: _____ Date: _____

I certify that all statements made in the complaint are true and complete. Any intentional misstatement of fact will subject me to appropriate discipline. I authorize school officials to disclose the information I provide only as necessary in pursuing the investigation.

Signatures:

Student: _____ Date: _____

School official receiving complaint: _____ Date: _____

School official conducting follow-up: _____ Date: _____

Dilley Independent School District **Appendix C**
STUDENT-ON-STUDENT ALTERCATION RESPONSE CHART

All charges or reports of a student-on-student altercation (e.g., sexual harassment, harassment, bullying, cyberbullying, dating violence, or sexual violence) should be referred to the appropriate district official in accordance with Board Policy FFH(LOCAL). This checklist has been provided to assist the district official in ensuring that necessary steps are taken when incidents have been brought to the principal’s attention. To the greatest extent possible, confidentiality should be maintained when investigating reports.

DATE	ACTIONS
	1. Take necessary steps to separate alleged perpetrator and victim.
	2. Call law enforcement if you believe a crime has been committed. If the altercation is assaultive in nature, see legal and policy guidelines for reporting and discipline, as well as CPS requirements.
	<p>3. VICTIM: Conference with the victim outside of the presence of the alleged perpetrator. Use every reasonable effort to protect the due process rights of the alleged perpetrator. Contact parent/guardian. The student may be accompanied by a parent/guardian or other representative.</p> <p style="padding-left: 40px;">a) Provide the parent/guardian and/or student with a “Notice of Parent and Student Rights.” Inform the student of his or her right to file a complaint alleging sexual harassment directly with the Title IX coordinator or with the Office for Civil Rights. Obtain signature if possible.</p> <p style="padding-left: 40px;">b) Assist the student in documenting the incident on a complaint form. If the student prefers to make a verbal complaint, reduce the report to written form.</p> <p style="padding-left: 40px;">c) Identify immediate actions that can be taken to increase the victim’s safety and ability to participate in school without being subject to harassment. Refer the student to a school counselor as appropriate.</p> <p style="padding-left: 40px;">d) Record your observations related to the student conference.</p> <p style="padding-left: 40px;">e) Refer to school counselor</p>
	<p>4. ALLEGED PERPETRATOR: Conference with the alleged perpetrator out of the presence of the victim. Use every reasonable effort to protect the due process rights of the alleged perpetrator. Contact parent/guardian. The student may be accompanied by a parent/guardian or other representative.</p> <p style="padding-left: 40px;">a) Provide the parent/guardian and/or student with a “Notice of Parent and Student Rights.” Obtain signature if possible.</p> <p style="padding-left: 40px;">b) Allow the student an opportunity to respond in writing to the allegations.</p> <p style="padding-left: 40px;">c) Refer the student to a school counselor.</p> <p style="padding-left: 40px;">d) Record your observations related to the student conference.</p>
	5. Further investigate the complaint by interviewing any witnesses separately. Document findings.

6.	Communicate in a confidential manner with counselor and school administrator.
7.	<p>Make determinations regarding alleged conduct, ordinarily within 10 (ten) days. If extenuating circumstances delay the investigation, inform the victim and parent/guardian.</p> <p>Record determination and actions, as follows (check box):</p> <p>[] Findings indicate that a student-on-student altercation occurred.</p> <p>a) VICTIM: Conference with the victim and parent/guardian. Possible interventions:</p> <ul style="list-style-type: none"> • Identify actions to increase the victim’s safety and ability to participate in school without fear or intimidation. • Inform the student and parent/guardian of support services. • Ensure the victim has access to support when needed (e.g., administrator or counselor gives his/her business card to the student to carry and writes on the back: Please allow NAME to see me when requested.) • Inform the student of his or her right to request a “Stay-Away Agreement.” • Encourage the victim to report further incidences. • Inform parent/guardian of the right to pursue transfer as a victim of bullying. Share form and process as appropriate. Requires verification of harassment/bullying from administration. See FDB (LEGAL). • Document conference and action plans. <p>b) ALLEGED PERPETRATOR: Conference with the alleged perpetrator and parent/guardian. Possible interventions:</p> <ul style="list-style-type: none"> • Emphasize expectations for positive behavior. • Identify and implement disciplinary consequences and other actions that will be taken to prevent further incidences. • Inform the student and parent of support services. • Ensure the alleged perpetrator has access to support when needed (e.g., administrator or counselor gives his/her business card to the student to carry and writes on the back: Please allow NAME to see me when requested.) • Address the seriousness of retaliation. • Issue a “Stay-Away Agreement” if the harassment is sever or repeated. • Assign disciplinary action depending on the nature of the offence. • Increase supervision of the alleged perpetrator as appropriate. • Prepare behavior contract. • Move perpetrator to another classroom. <p>c) REMINDER: If there is a finding that the altercation involved physical or sexual assault or threats, notify law enforcement immediately and follow legal and policy guidelines for reporting and discipline, as well as CPS requirements.</p> <p>[] Unable to determine that inappropriate behavior occurred, but there has</p>

		<p>been a determination that the situation justifies the communication of warnings, recommendations, and/or information regarding support services.</p> <p>[] There are no findings of inappropriate behavior.</p>
8.		<p>After determination made:</p> <ul style="list-style-type: none"> • Give notice of the outcome to the parties – follow FERPA guidelines. • Advise the parents and students that they may appeal the decision of the principal or designee regarding the outcome of the investigation into the allegation. Inform the student or parent/guardian that he or she may request a conference with the Superintendent or designee and that a written complaint must be submitted. The appeal notice must be filed in writing, on a form provided by the District. Refer to Board Policy FFH (LOCAL) and FNG (LOCAL).
9.		<p>If findings indicate that inappropriate behavior has occurred:</p> <ul style="list-style-type: none"> • Monitor the safety of the victim. • Encourage the victim to immediately communicate any safety concerns that may arise to an administrator or counselor Document subsequent follow-up actions and complaints in the space provided on the complaint form.
10.		<p>Advise Title IX Coordinator by email or memo of all incidents of sexual harassment that occur on your campus. Include (a) the date of the incident, (b) the names of the students involved in the incident, (c) actions taken to address the matter, and (d) whether the matter is closed or remains open. Use form titled “Reports of Allegations of Sexual Harassment (Title IX).”</p>
11.		<p>Give complaint forms to the designated campus administrator who will maintain a campus centralized file.</p>

Appendix D

**Dilley Independent School District
NOTICE OF PARENT AND STUDENT RIGHTS:
BULLYING, CYBERBULLYING, SEXUAL HARASSMENT,
DATING VIOLENCE and SEXUAL VIOLENCE**

The Dilley Independent School District (DISD) is committed to providing a positive learning environment for all students that enhances personal safety and promotes respect, dignity, and equality among students. High standards are expected for both academic achievement and for behavior.

DISD strives to ensure that all of its students and employees are free from bullying, sexual harassment, dating violence, and sexual violence. All charges of bullying, sexual harassment, dating violence, and sexual violence are to be taken very seriously by students, faculty, staff, administration, and parents/guardians. DISD will make every effort to handle and respond to every charge and complaint filed by students and employees in a fair, thorough, and just manner. Every effort will be made to protect the due process rights of all victims and all alleged perpetrators.

Bullying is defined as written or oral expression or physical conduct that a school district's board of trustees or the board's designee determines: 1) To have the effect of physically harming a student, damaging a student's property, or placing a student in reasonable fear of harm to the student's person or of damage to the student's property; or 2) To be sufficiently severe, persistent, or pervasive to create an intimidating, threatening, or abusive educational environment for a student.

Cyberbullying is defined as willful and repeated harm inflicted through the use of computers, cell phones, and other electronic devices. Although most cyberbullying is created on computers, cell phones and other devices that are not owned by the district or not located on school property, cyberbullying can still affect the school environment and the welfare of students.

Harassment is defined as conduct that threatens to cause harm or bodily injury to another student, is sexually intimidating, causes physical damage to the property of another student, subjects another student to physical confinement or restraint or maliciously and substantially harms another student's physical or emotional health or safety.

Sexual harassment is conduct that is severe, persistent, pervasive, and objectively offensive so that it deprives the victim of access to the educational opportunities or benefits provided by the school. It is a form of harassment that includes touching someone in ways that are not wanted, sexual jokes, pressuring someone to have sex, threats or intimidation from a dating partner, or any other form of harassment of a sexual nature that would make a reasonable person uncomfortable.

Dating violence is defined as the intentional use of physical, sexual, verbal, or emotional abuse by a person to harm, threaten, intimidate, or control another person in a dating relationship. Dating violence is a pattern of coercive behavior that one partner exerts over the other for the purpose of establishing and maintaining power and control.

Sexual violence is defined as sexual assault, sexual abuse, or sexual stalking of a minor child or teenager, including sexual violence committed by perpetrators who are strangers to the victim and by perpetrators who are known or related by blood or marriage to the victim. This definition includes behavior including but not limited to incest, molestation, child abuse, stranger rape, and non stranger rape.

Appendix D page 2

Notice of Parent and Student Rights: Bullying, Cyberbullying, Sexual Harassment, Dating Violence & Sexual Violence

Students who believe they have been harassed, bullied, or otherwise victimized by fellow students or DISD employees are encouraged to promptly report such incidents to the campus principal or other campus professional. To the greatest extent possible, complaints shall be treated as confidential. Limited disclosure may be necessary to complete a thorough investigation.

A student or parent/guardian who has a complaint alleging bullying, harassment, dating violence, or sexual violence may request a conference with the principal or the principal's designee. If the student or parent/guardian is not satisfied with the response from the campus staff, they may request a conference with the Superintendent's designee or DISD's Title IX Coordinator.

Complaints will be documented and investigated in accordance with DISD policy and guidelines. Any staff member who observes an incident that involves physical or sexual assault or threats will report the incident immediately to the principal.

Any staff member who learns of an incident or threat may submit a Complaint Form on behalf of the victim.

Campus Complaint Procedure:

- 1) Students and staff members will complete a Complaint Form available in the school’s main office.
- 2) The Complaint Form will be submitted to the principal or designee immediately.
- 3) The principal or designee will investigate complaints by meeting separately with each student involved in the situation.
- 4) The principal will conference with the victim to discuss safety and community resources.
- 5) The principal will conference with the alleged perpetrator and parent/guardian to discuss appropriate behaviors and consequences. With the prior consent of the victim, the principal may issue a School-Based Stay-Away Agreement to the alleged perpetrator during the parent/guardian conference.
- 6) Documentation of all Complaint Forms, follow-up actions and Stay-Away Agreements will be maintained by the campus principal. Documentation of sexual harassment will also be sent to the Title IV Coordinator.

Please review this information and return this signed page to the school, retaining the first page for your records. For more information about your rights and responsibilities concerning bullying, harassment, dating violence or sexual violence, please contact DISD’s Title IX Coordinator.

Parent/Guardian Name	Date	Parent/Guardian Signature
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Student Name	Date	Student Signature
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Administrator Name	Date	Administrator Signature
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Appendix E

Dilley ISD
Suggestions for SAFETY PLAN Discussion

A safety plan is a tool for helping to increase students’ safety. Each safety plan will be different but may contain some of the following elements. Please use the following as a guide.

- The schedule(s) of staff person(s) who have been identified as a support system for the victim
- Routes to and from school
- Routes to and from classes
- Names and contact information of peers who can help support the victim and accompany him or her to and from classes as needed

- A discussion of potential school-related problems/areas of concern and strategies for increasing safety: after-school activities, class trips, dances, etc.
- A plan of action for the victim to follow if he/she encounters the alleged perpetrator outside of school: in a public place, on public transportation, at the victim’s home, at the home of a friend, etc.
- A list of general safety tips to aid the victim outside of school: lock the doors, screen phone calls, never walk alone, etc.,
- A list of local resources: shelters, hotlines, agencies, advocates, and other services
- Follow-up meeting dates to review the situation and to make any necessary adjustments
- Referral to the National Teen Dating Abuse Helpline: 1-888-331-9474 and the Helpline’s online home: www.loveisrespect.org for peer support, information, and referral for youth concerning violence or abuse in dating relationships, and an opportunity to talk with or chat online anonymously with trained peer advocates
- Referral to the National Sexual Assault Hotline: 1-800-656-HOPE and the Hotline’s online home: www.rainn.org and Referral to the Dating Violence Legal Line: 1-800-374-HOPE for assistance accessing legal tools such as a protective order (stay-way order)

Appendix F

Dilley ISD SCHOOL-BASED STAY-AWAY AGREEMENT: BULLYING, CYBERBULLYING, SEXUAL HARASSMENT, DATING VIOLENCE and SEXUAL VIOLENCE

The intent of this agreement is to increase safety for students who have been the victim of severe or repeated bullying, sexual harassment, dating violence, or sexual violence. It is to be administered in a conference with the alleged perpetrator and his or her parent/guardian.

Name of student: _____

Date of most serious incident: _____

Description of behaviors involved in incident:

Date of assessment: _____

Date of parent/guardian notification: _____

In order to protect the rights and safety of all members of our school community, you are required to stay away from _____ (name of victim) at all times during the school day and at any school-sponsored event. This means that you may not approach, talk to, sit by, or have any contact with _____ (name of victim) at school or on school property, school buses, and bus stops.

In addition, the following actions are effective immediately (mark N/A if not applicable):

Arrival/Departure

Time: _____ Entrance: _____

Bus/Parking: _____

Current Schedule /New Schedule (print and attach)

Lunch: _____

Locker: _____

Extracurricular Activities: _____

Other disciplinary actions: _____

Violations of this agreement and acts of retaliation directly or indirectly toward the victim or the victim's friends or family members will be taken seriously and will result in further disciplinary actions. Your compliance will be monitored by (name and staff title):

_____.

Agreement is valid from _____ (date) to _____ (date).

This agreement will be reviewed on _____ (date).

Signatures

Student: _____ Date: _____

Parent/Guardian: _____ Date: _____

Administrator: _____ Date: _____

cc: Principal * Assistant Principal * Counselor * Law enforcement