

<b>Responding to Reports of Teen Dating Violence, and Sexual Violence</b>
<b>PROTOCOL</b>

BPS hereby incorporates the following response protocol to teen dating violence and sexual violence into its school district policies.

### **DEFINITIONS**

**At School** means in a classroom, on or immediately adjacent to school premises, on a school bus or other school-related vehicle, at an official school bus stop, or at any school-sponsored activity or event whether or not it is on school grounds.

**Bystander:** Someone who is aware of dating violence or sexual violence, but does not intervene or seek help for the victim.

**Dating:** Any romantic relationship between an unmarried couple regardless of duration, commitment level, or physical intimacy. Dating includes hooking up, going out, and friends with benefits.

**Dating Partner:** Any person, regardless of gender, involved in a dating relationship. This could include persons who have a former dating or sexual relationship, are same sex couples, or are unrelated but have had intimate or continuous social contact with one another.

**Dating Violence:** A pattern of behavior where one person uses threats of, or actually uses physical, sexual, verbal or emotional abuse to control their dating partner.

**Perpetrator/Abuser/Dominant Aggressor:** A person who uses either bullying, dating violence, or sexual violence to establish and maintain power and control over the target of their behavior. The dominant aggressor/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 made 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; and (4) whether either person used or threatened to use a weapon and/or physical force.

**Sexual Assault** includes behaviors that are attempted or perpetrated against a victim's will or when a victim cannot consent because of age, disability, or the influence of alcohol or drugs. Sexual assault may involve actual or threatened physical force, use of weapons, coercion, intimidation, or pressure and may include:

- Intentional touching of someone in ways that are unwanted,

- Voyeurism,
- Exposure to exhibitionism,
- Undesired exposure to pornography, or
- Public display of images that were taken in a private context or when the victim was unaware.

**Sexual Violence** includes sexual harassment, sexual assault, and rape. In cases of sexual violence, the perpetrator may be a stranger, acquaintance, friend, family member, or partner.

**Stalking** is the willful, malicious, and repeated following of another person with the intent to place that person in reasonable fear of bodily injury.

**Rape** is nonconsensual oral, anal, or vaginal penetration of the victim by body parts or objects using force or threats of bodily harm. This includes taking advantage of a victim who is incapacitated or otherwise incapable of giving consent. Incapacitation may include mental or cognitive disability, self-induced or forced intoxication, status as a minor, or any other condition defined by law that voids an individual's ability to give consent.

**Victim/Survivor:** The target of the perpetrator's coercive and/or violent acts.

**Witness:** Someone whose awareness of dating violence compels them to intervene and/or seek help on behalf of the victim.

### **Protocol for School-Based Intervention: Staff Members**

Any school staff member who witnesses or learns of an act of teen dating violence, sexual violence, sexual harassment, sexual assault, or rape shall take the following steps:

1. Thank the student for coming to you.
2. Listen sympathetically and do not comment on the substance of the complaint. Do not cross-examine.
3. Inform the victim of their right to file a complaint of sexual harassment, dating violence, or sexual violence with any counselor or administrator.
4. **Immediately inform the Assistant Superintendent or administrator or their designee.**
5. Do not discuss the matter with your co-workers or others. Complaints and related investigations are to be treated with sensitivity and, as practicable, with confidentiality.
6. Assist the investigator(s) in any investigation or other follow-up.

7. **Protocol for School-Based Intervention: Assistant Superintendent or administrator or their designee.**

If the Assistant Superintendent or administrator or their designee learns of an act of teen dating violence, sexual violence, sexual harassment, sexual assault, or rape, they shall take the following steps:

1. Take steps to separate the victim from the alleged perpetrator and monitor the victim's safety. Identify immediate actions that can be taken to increase the victim's safety and ability to participate in school without fear or intimidation.
2. Contact the parents/guardians of the victim and the alleged perpetrator to inform them that an alleged incident of sexual harassment, dating violence, or sexual violence has occurred. Ask the parents/guardians to attend a meeting with the administrator and their child to discuss the alleged incident.
3. Investigate the complaint (or designate an investigator to investigate the complaint) by speaking with the victim, alleged perpetrator and any bystanders separately. Document all information. Follow protocols for working with the victim and alleged perpetrator, below.
4. Administer logical and reasonable consequences to the alleged perpetrator when appropriate.
5. If the assessment by the counselor or administrator determines that the incident involved physical or sexual assault or threats, the counselor or administrator should notify the School Resource Officer or police immediately.
6. If the assessment by a school psychologist, social worker, or counselor determines that the victim's mental health has been placed at risk, make appropriate referrals.

**Protocol for Working with the Victim**

- Conference with the victim and parent/guardian.
- Identify immediate actions that can be taken to increase the victim's safety and ability to participate in school without fear or intimidation.
- Inform the student and parent/guardian of school and community resources as needed, including their right to file charges or seek legal protection.
- Encourage the student to report further incidents.

- Inform the victim of their right to request a Stay-Away Agreement or another school-based alternative to a protective order.
- For situations also involving sexual harassment, inform the victim of their right to file a complaint alleging sexual harassment directly with the Rhode Island Title IX Coordinator. A complaint may also be filed with the Office for Civil Rights.
- If the behavior included a violent criminal offense, the victim will be informed of any school transfer rights they may have under the Federal Every Student Succeeds Act.
- Monitor the victim's safety as needed. Assist the victim with safety planning for the school day and for after-school hours.
- Document the meeting and any action plans on a complaint form. If the victim or parent/guardian declines to document the incident, note this on a complaint form.
- Store all complaint forms in a separate, **confidential file** and document subsequent follow-up actions and complaints on a complaint form.
- Administrators may provide the victim with the right to have a support person present during all stages of the investigation.

#### **Protocol for Working with the Alleged Perpetrator**

- Conference with the alleged perpetrator and parent/guardian.
- Allow the alleged perpetrator an opportunity to respond in writing to the allegations.
- Identify and implement disciplinary and other actions and consequences that will be taken to prevent further incidents.
- Inform the alleged perpetrator and parent/guardian of help and support available at school or in the community as needed.
- Address the seriousness of retaliation against the victim for reporting the incident or cooperating with the investigation. Inform the alleged perpetrator that retaliation or threats of retaliation in any form designed to intimidate the victim of dating violence or sexual violence, those who are witnesses, or those investigating an incident shall not be tolerated. In most cases retaliation or a threat of retaliation will result in the imposition of a short or long-term school suspension and, in appropriate cases, referral to the police.
- Increase supervision of the alleged perpetrator as needed.
- Document the meeting and action plans on a complaint form.

#### **Protocol for Documentation and Reporting of Incidents**

1. Teen dating and sexual violence complaints and investigations are kept in a file separate from academic records. This practice is recommended to prevent inadvertent disclosure of confidential information.
2. Each complaint of teen dating or sexual violence, either written or orally given, must be documented. Documentation includes:
  - All allegations constituting the original complaint,
  - All evidence, statements, etc. gathered in support of or contradiction to the allegations,
  - Report of findings and recommendation(s) for action to disciplinary or other administrator(s),
  - Safety planning actions taken, including changing the victim's or offender's schedule and school activities,
  - Follow-up actions, including any responses to disciplinary and safety planning actions and status reports from the victim.
3. In addition to the information specified above, BPS shall track and archive aggregate, annual data on the incidence, types and prevalence of teen dating violence, and/or sexual violence. This aggregate data should be shared with the Superintendent and School Committee annually.

### **Protocol for Creation of a Safety Plan**

Whenever possible, face-to-face contact between the victim and alleged perpetrator should be avoided. If changes need to be made, attention should 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.

The safety plan could include the following 3 components, depending on the circumstances:

#### **1. Victim Safety Plan:**

A safety plan is a tool for helping to increase students' safety. BPS encourages school personnel, when responding to an incident of sexual harassment, dating violence or sexual violence, to develop a safety plan in collaboration with the victim and the victim's parents that may include the following elements:

- The schedule(s) of staff person(s) that have been identified as a support system for the victim,
- Routes to and from school,

- Routes to and from classes, class changes and/or locker changes,
- 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 they encounter the alleged perpetrator outside of school: in a public place, in 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 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.

## **2. Enforcement of Protective Orders**

When a legal protective order (such as a Restraining or No-Contact order) has been issued by a court to protect one student from another, BPS shall take the following steps:

Hold separate meetings with the victim and the alleged perpetrator and their respective parents/guardians 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.

## **3. Stay-Away Agreements: School-Based Alternatives to Protective Orders**

The school-based alternative to a legal 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.

BPS may administer Stay-Away Agreements in a conference with the alleged perpetrator and their parent/guardian. If the parent/guardian is unavailable or unwilling to attend the conference,

BPS may note this on the agreement. A Stay-Away Agreement may include 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.
- Date when the Stay-Away Agreement will be reviewed.

The individualized safety plan will be developed, if possible, with input from the parents of the students involved. Staff members who are to implement the plan will help formulate it.

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