

# **Sweetwater Independent School District**

## **Teen Dating Violence Regulation**

## **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** (defined in your Board Policy FFH (LEGAL) and FFH (LOCAL))

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.

For purposes of district programs, 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** (defined in your Board Policy FDB (LEGAL))

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.

## **E. Alleged Perpetrator**

A perpetrator is a person who uses coercive tactics to establish and maintain power and control over a dating partner. 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.

## **F. Victim**

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

## **II. VICTIM SAFETY**

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

### **A. Safety Planning**

A safety plan is a tool for helping to increase students' safety. Districts should encourage school personnel, when responding to an incident of bullying, sexual harassment, dating violence or sexual violence, to develop a safety plan in collaboration with the victim 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,
- 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 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: 1-866-331-9474 and the Helpline's online home: [www.loveisrespect.org](http://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](http://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-away order).

Schools must 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.

## **B. Enforcement of Protective Orders**

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

1. 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.

Whenever possible, 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.

2. In meeting with the victim, the school should consider:
  - Helping the victim identify adults within the school setting with whom he/she feels comfortable.
  - Developing a **safety plan** (see above).

The victim should be provided with the right to have a support person present during all stages of the investigation.

3. In meeting with the alleged perpetrator, the school should consider developing a checklist or plan that may include the following key points:
  - Identification of key staff members to check in with daily/weekly or as needed.
  - Any needed class/schedule changes, lunch, locker changes.
  - Changes in arrival/departure times to/from school.
  - Changes in arrival/departure times to/from classes.
  - Clear review of expectations and consequences for any violations.
  - Follow-up meeting dates to review how things are working and to make any necessary adjustments.

## **C. 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.

Districts should encourage schools to administer Stay-Away Agreements in a conference with the alleged perpetrator and his or her parent/guardian. If the parent/guardian is unavailable or unwilling to attend the conference, the school 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.
- Signatures of parent/guardian, alleged perpetrator, and administrator.

### **III. PREVENTION AND TRAINING**

#### **A. Modeling Respectful Behavior**

Districts must consider emphasizing the role of school personnel in prevention of teen dating violence through leading by example. Abusive or disrespectful behavior and images on campus can create a hostile climate and one that is conducive to dating violence, sexual violence, and sexual harassment. These behaviors may include sexist language, graffiti, or images that are demeaning to girls and women, as well as rigid or different expectations based upon the gender of students (i.e. pushing young women towards English and away from Math or Science, or different expectations for male and female student behavior). Districts should ensure that all school personnel make efforts to model respectful behavior and to promote gender equality and mutual respect among all members of the school community. School personnel will be expected to respond to bullying, sexual harassment, dating violence and sexual violence immediately and in a manner consistent with the district's standards. See Board Policy FFH(local).

#### **B. Training for Teachers and Administrators**

Districts must provide awareness training and education for the school community. Training may include defining the issues of teen dating violence and sexual violence, recognizing warning signs, identifying issues of confidentiality and safety, the laws pertaining to interpersonal violence, and appropriate school-based interventions. These trainings should be organized to reach all members of the school community, including students, educators, parents/guardians, administrators, custodial and food service staff. Ideally, these trainings would be facilitated by a school staff person and a representative from a community agency that serves victims of domestic or sexual violence, such as a victim advocate.

Educators who present information on teen dating violence in the classroom should receive training on methods of teaching the dynamics of power and control in dating relationships, as well as strategies for effectively teaching teen dating violence prevention curriculum from agencies in their local community who serve victims of domestic and sexual violence. They should also receive information on the barriers teenagers face in ending abusive relationships, and information on resources from which teenagers can seek help and services for themselves and for others.

Schools should be encouraged to provide annual workshops for school administrators, teachers, health educators, school nurses, and other staff. These workshops might include the opportunity for staff to address school incidents that they have heard about, observed, or dealt with directly, and discuss how to intervene in an appropriate and consistent way. In order to respect the privacy of students, hypothetical facts or actual scenarios absent of identifying information should be used.

### **C. Counseling for Affected Students**

Districts should encourage schools to work to ensure that the victim and alleged perpetrator have access to support services when needed. Schools may refer the victim and alleged perpetrator to a school counselor as appropriate. Counselors may provide interventions themselves or if appropriate, the district may contact with advocates from local domestic violence or rape crisis centers to provide school-based services such as school-based support groups. In addition, an administrator or counselor may give his/her business card to the student to carry and write on the back: *Please allow NAME to see me when requested.*

Districts should encourage schools to access resources in the community that are available for teaching and supporting positive student behaviors and responding to the needs of students who have been hurt by violence or abuse or who have begun to use hurtful behaviors toward others. An alleged perpetrator may be referred to batterer's counseling or another program with a focus on controlling behaviors. Anger management programs are not recommended for alleged perpetrators because such programs do not typically address these behaviors.

Districts should make reasonable accommodations for victims of teen dating violence and sexual violence. For example, a school may excuse a student from school when the absence is due to teen dating violence or sexual violence.

### **D. Awareness Education for Students**

Districts should require schools to teach on-going curriculum or educational presentations to students on teen dating violence, sexual violence, and acquaintance rape prevention. Recommended topics include:

1. Defining abuse in teen dating relationships, including rape, and methods to recognize abuse,
2. Identifying societal expectations of males and females that contribute to violence and abuse,
3. Examining the role of the media in supporting sex role stereotypes and how these stereotypes, if believed, are a set-up for abuse and violence,

4. Exploring how teens can help themselves or a friend, including where to find legal, medical, and mental health services, and
5. Defining healthy and respectful behavior and relationships.

#### **IV. DEVELOPING A RESPONSE**

By involving the entire district and community in the work against teen dating violence and sexual violence, districts will ensure that their programs are as efficient and effective as possible.

##### **A. District-Wide Student Code of Conduct**

In working to prevent teen dating violence and sexual violence, schools may find it helpful to communicate their behavioral expectations to students and staff. The Texas Education Code requires that a school district's student code of conduct prohibit bullying and harassment, which includes sexual harassment.

##### **B. Notice to Parents/Guardians and Students**

Each school district should inform the students' parents/guardians of the school district's dating violence policy, regulations, and programs, or make information available upon request.

##### **C. Community Coordination**

- **Local Domestic Violence Agencies and Rape Crisis Centers**
  - Provide crisis intervention, supportive counseling, legal advocacy, and other support services for victims and their families.
  - Provide school-based groups for students involved in abusive relationships and students at risk for dating, family, or sexual violence.
  - Provide professional training, parent/guardian seminars, and classroom presentations on dating violence and sexual violence prevention.
- **Texas Council on Family Violence and Texas Association Against Sexual Assault**
  - Help develop programs.
  - Provide training and educational materials to school staff, students, parents/guardians and the community, or provide information on where training and materials may be obtained.
  - Offer appropriate referrals for victims.
  - Suggest appropriate ways to deal with alleged perpetrators.
- **Texas School Safety Center**
  - Provide trainings and workshops on dating violence and sexual violence.
  - Provide schools with research, training, and technical assistance to reduce youth violence and promote safety in the state.

- **Police Department or Sheriff's Office**
  - Familiarize the school with law enforcement's policy pertaining to teen dating violence and sexual violence.
  - Take part in training staff, students, parents/guardians and the community.
  
- **District and County Attorney's Office**
  - Familiarize the school with protective orders and provisions pertaining to schools.
  - Help integrate state laws into the school's teen dating violence and sexual violence policy, regulations, and programs.
  - Explain the process of prosecuting alleged perpetrators in a criminal court.
  - Provide information to victims throughout the court process.
  
- **Probation**
  - Explain probation supervision of perpetrators in juvenile justice programs.
  - Explain probation's role in pretrial supervision of the alleged perpetrator.
  
- **Mental Health Services**
  - Explain services available in the community.
  - Detail what victims can expect if referred.
  
- **Child Protective and Social Services Staff**
  - Provide information on services available to victims of child abuse or domestic violence.
  
- **Clergy**
  - Educate religious youth groups on teen dating violence and sexual violence and what the school system is doing to provide help.
  - Provide information on school efforts in bulletins and printed materials.
  
- **Media**
  - Publicize the school's efforts to stop teen dating violence and sexual violence.
  - Educate the community on the dynamics of teen dating violence and sexual violence.
  
- **Civic Groups**
  - Educate membership on teen dating violence and sexual violence.
  - Educate the community about the school's efforts to stop teen dating violence and sexual violence.

- Monitor compliance of disciplinary action.
- Evaluate and recommend changes in teen dating violence policy, regulations, and programs.

It is important to ensure that members of the response team serve willingly and exhibit sensitivity to the issue.

## **7. INTERVENTION IN SCHOOLS**

Districts should develop a set response to teen dating violence and sexual violence so that all victims and alleged perpetrators receive consistent, fair treatment.

### **A. Documentation of Incidents**

Districts should develop a system for documenting each complaint of teen dating violence and sexual violence in accordance with your Board Policy FFH (LOCAL). Documentation should include 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.

Districts should encourage schools to make complaint forms available to all students at any time through any counselor or administrator. Counselors and administrators may be asked to offer students assistance in filling out the form. Schools may consider filing completed complaint forms in a secure location in the campus administrative office. Schools may also implement a policy that complaint forms will not be removed from the office.

A sample Student Complaint Form is included in Appendix C. Districts may provide the document to schools, and are advised to allow schools to adopt the document or modify it to meet campus needs.

### **B. Protocol for Campus Intervention: Staff Members**

Districts may provide schools with protocol for staff members responding to an incident of bullying, sexual harassment, dating violence, or sexual violence between students occurring anywhere on campus. Refer to your FFH(LOCAL) for protocol currently in policy and consider developing a FFH(REGULATION) if you wish to provide a more detailed procedure. The protocol may include the following actions:

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. Speak with the victim and alleged perpetrator separately.
4. Speak with any bystanders who may have been present or involved. Encourage them to speak up directly on behalf of the victim if they should witness further incidents, or to get help from school personnel.
5. Administer logical and reasonable consequences to the alleged perpetrator when appropriate, including but not limited to making a discipline referral.
6. 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.
7. Monitor the victim's safety. Increase supervision of the alleged perpetrator as needed.

### **C. Protocol for Campus Intervention: Administrators and Counselors**

Administrators' duties might 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.

Districts may adopt a set of actions for when a school counselor or administrator learns of an incident of bullying, sexual harassment, dating violence, or sexual violence, or receives a complaint from a student or staff member. Districts may then provide the protocol to schools. Actions might include the following:

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.
4. Review the student's complaint form or assist the student in documenting the incident on a complaint form during the meeting.
5. Further investigate the complaint by speaking with the alleged perpetrator and any bystanders separately.
6. 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 immediately.

7. **Contact 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. Ask the parents/guardians to attend a meeting with the administrator and their child to discuss the incident. Be consistent about what to do if parents/guardians are not available or responsive.**