



F. Sample Procedures

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INTRODUCTION

In order to have a comprehensive sexual violence training and prevention program, it is critical to have procedures in place that support your program's training and prevention goals and activities. This section provides sample procedures and forms related to:

- Accommodations for victims to preserve their access to education and safety at school (*F1*);
- Confidentiality (*F2*);
- Mandatory reporting (*F3*);
- Prevention education/training (*F4*);
- Sexual abuse (*F5*);
- Teen dating violence, sexual harassment, bullying and sexual violence (*F6*); and
- Victim safety (*F7*).

This section was designed in recognition of the fact that schools often address sexual violence as part of a spectrum of various forms of youth violence or violence against youth. They also title their documents pertaining to these issues in different ways.

Review these samples carefully and make adaptations as appropriate to your program's mission/services, your target service population, and the specific schools you serve.

It is important to check with the agency from which a sample procedure or form originated regarding their permission to use its written material before incorporating it into your training or

prevention work. Explore if the material is copyrighted, if permission is needed to use and/or adapt, and if so, what is entailed in the process. Some agencies are more than happy to share their materials, with certain restrictions, while others may have concerns about liability or adaptability and may decline to share or require you to sign a waiver of release before you can use the policy or procedure. In many cases, you will only need to check an agency's website to see what its policy is on use of its material. If that information is not on its website or does not answer your questions, or there is no agency website, you may need to follow up with a call to the agency.

Note that you will need to obtain permission to use/adapt these sample procedures and forms in this toolkit.

Also note that adaptations made to the "sample" procedures were primarily for the purposes of adhering to West Virginia's laws and maintaining consistency in format and language used in this toolkit.

In an effort to maintain the integrity of the original resources, limited changes were made to the wording. References to "investigating," "stay away agreements" and other concepts that are not reflective of West Virginia school practices were retained and this notation included to alert the user that adaptations will be necessary to some policies to make them usable.

F1. ACCOMMODATIONS FOR VICTIMS TO PRESERVE ACCESS TO EDUCATION AND SAFETY AT SCHOOL

The following samples are included in this section:

- Sample Accommodations Policy; and
- Sample Request for Accommodation Form.

Note that accommodations issues are also addressed in a number of samples in other sections of *F* in this toolkit.

Sample Accommodations Policy

(Adapted from Break the Cycle: Empowering Youth to End Domestic Violence. *Safe Schools Model Policy: A Comprehensive Approach to Addressing Dating Violence and Sexual Violence in the District of Columbia Schools*, pp. 10-14)

Any student who has been a victim of dating violence or sexual violence may request accommodations from the school in order to preserve his/her access to a meaningful education and safety on campus. Accommodations can impact the school enrollment, participation or environment of not only the student experiencing dating violence or sexual violence. Changes to an alleged perpetrator's school enrollment, participation or environment must be made through the school's grievance procedure (see F7 in this section of the toolkit).

Requests for Tier One and Tier Two accommodations may be made orally or in writing to any school employee or directly to the *(insert title of appropriate school personnel, e.g., advocate, counselor)*. School employees shall refer all requests for accommodation to the *(insert title of appropriate school personnel, e.g., advocate, counselor)*. If the request is made orally, the *(insert title of appropriate school personnel, e.g., advocate, counselor)* shall document the request in writing. The *(insert title of appropriate school personnel, e.g., advocate, counselor)* shall confer with the principal and provide a written decision to the 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 *(insert title of appropriate school personnel, e.g., advocate, counselor)* to notify the student's teachers when an accommodation impacts their classrooms. At no time shall the *(insert title of appropriate school personnel, e.g., advocate, counselor)* notify the alleged perpetrator of the student's request for accommodation, nor shall the *(insert title of appropriate school personnel, e.g., advocate, counselor)* require the student to pursue a complaint against the alleged perpetrator through the school grievance process or the criminal justice system.

All accommodations under this policy are voluntary; the student may choose to decline or rescind any accommodation at any time by notifying the *(insert title of appropriate school personnel, e.g., advocate, counselor)*. 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.

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 the school's regulations.

Upon receiving a request for a Tier One accommodation, the *(insert title of appropriate school personnel, e.g., advocate, counselor)* must schedule a meeting with the student to discuss the request and, if the student is a minor, possible notification of the student's parent(s).

Requests for Tier One accommodations shall be granted absent of exigent circumstances and shall be granted without notice to a minor student's parent(s), unless notification is 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 procedure, the *(insert title of appropriate school personnel, e.g., advocate, counselor)* 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 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 *(insert title of appropriate school personnel, e.g., advocate, counselor)* must schedule a meeting with the student to discuss the request(s) and, if the student is a minor, notification of the student's parent(s). If parental notification is requested by the student or required by law or school policy, the *(insert title of appropriate school personnel, e.g., advocate, counselor)* 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, the following:

- Alternative education plan for student
- School transfer for student

Denials of requests for Tier One or Tier Two accommodations may be appealed within 10 days of the denial using the school's grievance procedure (see F7 in this section of the toolkit).

Sample Request for Accommodation Form

(Adapted from Break the Cycle: Empowering Youth to End Domestic Violence. *Safe Schools Model Policy: A Comprehensive Approach to Addressing Dating Violence and Sexual Violence in the District of Columbia Schools*, pp. 25-26)

(Insert School Name)

Dating Violence and Sexual Violence Request for Accommodation

Name: _____ Student ID: _____

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

Please answer the following questions about the most recent or most serious incident—

Describe the relationship between you and the alleged perpetrator (perpetrator's name optional):

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: _____

What accommodation(s) are requested? Please check all that apply.

___ 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 officials 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
- Alternative education plan for student
- School transfer for student
- Other (please specify): _____

I certify that all statements made in this request for accommodation are true and complete. Any intentional misstatement of fact will subject me to appropriate disciplinary action. I authorize school officials to disclose the information I provide only as necessary to respond to this request.

Signatures:

Student: _____ Date: _____

School official receiving request: _____ Date: _____

If this request was filled out by someone other than the student, please sign:

Name (printed): _____

Relationship to student: _____

Signature: _____ Date: _____

For school use only:

Notes of action(s) taken:

Additional information from student or school employee:

F2. CONFIDENTIALITY

The following samples are included in this section:

- Sample Confidentiality Policy; and
- Sample Release of Information Form.

As discussed in *Section B. What You Need to Know in* this toolkit, personal identifying client information generally should not be released without informed, written consent. Informed consent means that the person agreeing to release the information understands what they are releasing, to whom and for what time period. Minors are typically unable to legally provide informed consent, except in cases where the minor is homeless (self-sufficient), in the military, emancipated, married, pregnant, or a parent (Victim Rights Law Center, 2011).

Note that confidentiality issues are also addressed in a number of samples in other sections of *F* in this toolkit.

Sample Confidentiality Policy

(Adapted from Break the Cycle: Empowering Youth to End Domestic Violence. *Safe Schools Model Policy: A Comprehensive Approach to Addressing Dating Violence and Sexual Violence in the District of Columbia Schools*, p. 6)

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 *(insert title of appropriate school personnel, e.g., advocate, counselor)* shall be retained in the strictest confidence by *(insert title of appropriate school personnel, e.g., advocate, counselor)*, 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.

Sample Release of Information Form

(Julie Field, J.D. Consultant)

[Appropriate School/ Agency Letterhead]

READ FIRST: Before you decide whether or not to let [program/agency name] share some of your confidential information with another agency or person, an advocate at [program/agency name] will discuss with you all alternatives and any potential risks and benefits that could result from sharing your confidential information. If you decide you want [program/agency name] to release some of your confidential information, you can use this form to choose what is shared, how it's shared, with whom, and for how long.

I understand that [program/agency name] has an obligation to keep my personal information, identifying information, and my records confidential. I also understand that I can choose to allow [program/agency name] to release some of my personal information to certain individuals or agencies.

I, _____, authorize [program/agency name] to share the following specific information with: [name]

Who I want to have my information:	Name: Specific Office at Agency: Phone Number:
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The information may be shared: in person by phone by fax by mail by e-mail

I understand that electronic mail (e-mail) is not confidential and can be intercepted and read by other people.

What info about me will be shared:	(List as specifically as possible, for example: name, dates of service, any documents).
Why I want my info shared: (purpose)	(List as specifically as possible, for example: to receive benefits).

Please note: there is a risk that a limited release of information can potentially open up access by others to all of your confidential information held by [program/agency name].

I understand:

- That I do not have to sign a release form. I do not have to allow [program/agency name] to share my information. Signing a release form is completely voluntary. That this release is limited to what I write above. If I would like [program/agency name] to release information about me in the future, I will need to sign another written, time-limited release.
- That releasing information about me could give another agency or person information about my location and would confirm that I have been receiving services from [program/agency name].
- That [program/agency name] and I may not be able to control what happens to my information once it has been released to the above person or agency, and that the agency or person getting my information may be required by law or practice to share it with others.

Expiration should meet the needs of the victim, which is typically no more than 15 to 30 days, but may be shorter or longer.

This release expires on Date: _____ Time: _____

I understand that this release is valid when I sign it and that I may withdraw my consent to this release at any time either orally or in writing.

Signed: _____ Date: _____

Witness: _____

F3. MANDATORY REPORTING

The following sample is included in this section:

■ Sample Mandatory Reporting Policy.

See *B3. Responding to Disclosures of Victimization* to learn about who is mandated to report suspected child abuse and neglect. Also note that recent amendments to *WVC §49-6A-1* expanded the list of mandatory reporters; all citizens over age 18 are now required to report child sexual abuse or assault if they observe it or receive a disclosure from a credible witness. In addition, note that mandatory reporting issues are also addressed in samples in other sections of *F* in this toolkit.

Sample Mandatory Reporting Policy

(Adapted from a draft from Fitzroy High School, Melbourne, Australia, 2004)

Rationale: All children have a right to feel safe and to be safe. As teachers, we have a legal and moral responsibility to respond to serious incidences involving abuse and neglect of the children with whom we have contact, and to report instances that we believe involve physical abuse, sexual abuse or neglect.

Aims: To ensure that children's rights to be safe are maintained and each child is protected against physical and sexual abuse, and neglect.

Implementation: All teachers are mandated by law to report signs of physical and/or sexual abuse, and neglect.

- New staff will be informed of mandatory reporting responsibilities and procedures as part of their induction procedure.
- Staff will be reminded of mandatory responsibilities annually.
- All concerns must be reported immediately to the principal, or his/her delegate.
- The principal will keep a record of all discussions about a student with whom there is a concern.
- If a belief has been formed by a staff member that sexual or physical abuse has taken place, a Mandatory Reporting Information Sheet available from the principal must be completed and filed in the principal's office.
- The teacher and/or the principal will contact the Department of Health and Human Resources (DHHR) by telephone as soon as possible to make an official notification
- Members of DHHR, or associated support or intervention services that visit the school following a notification, will interview staff and children only in the presence of a principal class member or his/her nominee.
- All Mandatory Reporting Information Sheets remain filed in the principal's office.
- All reports, information sheets and subsequent discussions and information are to be recorded and remain strictly confidential.
- All incidents to be monitored, and any subsequent signs or indications of abuse are also to be reported.
- While only mandated by law to report incidents of physical and sexual abuse, and neglect, teachers are also encouraged to report incidents of emotional abuse or neglect.

F4. PREVENTION EDUCATION/TRAINING

The following samples are included in this section:

- Sample Policy on Training for School Employees;
- Sample Policy on Student Education;
- Sample Policy on Training and Prevention;
- Sample Policy on Teacher Training and Student Prevention Education; and
- Sample Policy on Prevention of Bullying, Teen Dating Violence and Sexual Violence through Education, Training and Social Norms Change.

Sexual violence refers to any sexual act which is committed against someone's will. A range of offenses can be encompassed by the term sexual violence including a completed nonconsensual sex act (i.e., rape), an attempted nonconsensual sex act, abusive sexual contact (i.e., unwanted touching), and non-contact sexual abuse (e.g., threat of sexual violence, exhibitionism, verbal sexual harassment).

In the following samples, sexual violence refers to a variety of behaviors that may occur in youth-serving agencies and schools including: dating violence, sexual assault, bullying, and sexual harassment.

Note that education/training issues are also addressed in a number of samples in other sections of *F* in this toolkit.

Sample Policy on Training for School Employees

(Adapted from Break the Cycle: Empowering Youth to End Domestic Violence. *Safe Schools Model Policy: A Comprehensive Approach to Addressing Dating Violence and Sexual Violence in the District of Columbia Schools*, p. 19)

Schools have a duty to provide training on dating violence and sexual violence to school employees and must take all available steps to provide access to such training.

Schools shall coordinate annual trainings, including scheduling and publicizing trainings. Schools shall mandate annual training of teachers, counselors, mental health professionals, social workers and school resource officers and shall work with *(insert names of organizations who the schools work with)* who specialize in teen dating violence and sexual violence to provide such trainings specifically targeted to each population. All school employees, including principals, are encouraged to take advantage of additional training opportunities provided by *(insert names of organizations who the schools work with)*.

The school employee(s) holding the role of school-based advocate shall receive additional instruction through a full-day training and ongoing continuing education provided by *(insert names of organizations who the schools work with)*. Advocate training shall include the following topics:

- Theories and dynamics of dating violence and sexual violence
- Barriers to teens leaving abusive relationships
- Characteristics of healthy and unhealthy relationships
- Effects of dating violence and sexual violence on survivors
- Dating violence in special populations, including LGBTQ teens and parenting teens
- Cultural competence and its relationship to dating violence and sexual violence
- Crisis intervention, lethality assessment, and safety planning
- Intersection of dating violence and other school safety issues
- Applicable state and federal laws

Sample Policy on Student Education

(Adapted from Break the Cycle: Empowering Youth to End Domestic Violence. *Safe Schools Model Policy: A Comprehensive Approach to Addressing Dating Violence and Sexual Violence in the District of Columbia Schools*, p. 21)

Schools shall include information about dating violence and sexual violence in their curricula. Whenever possible, schools shall present this information in conjunction with information about related health and life skills topics. Schools are encouraged to utilize *(insert names of organizations who the schools work with)* to accomplish this goal, particularly those that have already undergone the county school's screening process.

Sample Policy on Training and Prevention

(Adapted from *Model Teen Dating Violence Policy* [for schools in Texas], pp. 3-5. Source material includes: *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*, and *Lindsay Ann Burke Act, Rhode Island S-875*)

A. Training for Teachers and Administrators

(1) Schools must provide awareness training and education for the school community that includes the following elements:

- a. Defining the issues of teen dating violence and sexual violence;
- b. Recognizing warning signs, identifying issues of confidentiality and safety;
- c. The laws pertaining to interpersonal violence; and
- d. Appropriate school-based interventions.

(2) These trainings will be organized to reach all members of the school community, including students, educators, parents/guardians, administrators, and custodial and food service staff.

(3) These trainings will 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.

(4) Schools will provide training to educators 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. Educators will 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.

(5) Schools will provide annual workshops for school administrators, teachers, health educators, school nurses and other staff, at which school incidents will be addressed, as well as training on 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.

B. Counseling for Students Who Are Victims and Students Who Are Perpetrators

(1) Schools should ensure that the victim and alleged perpetrator have access to support services when needed.

(2) Schools may refer the victim and alleged perpetrator to a school counselor as appropriate.

- a. Counselors may provide interventions themselves or contract when possible with advocates from local domestic violence or rape crisis centers to provide school-based services such as school-based support groups.
- b. An administrator or counselor may give his/her business card to the student to carry and write on the back: *Please allow (insert name of student) to see me when requested.*

(3) Campuses will 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.

- a. An alleged perpetrator may be referred to batterer's counseling or another program with a focus on controlling behaviors.
- b. Anger management programs are not recommended for alleged perpetrators because such programs do not typically address these behaviors.

(4) Schools will make reasonable accommodations for victims of teen dating violence and sexual violence (e.g., excusing a student from school when the absence is due to teen dating violence or sexual violence).

C. Awareness Education for Students

(1) Schools will teach ongoing curriculum or educational presentations to students on teen dating violence, sexual violence and acquaintance rape prevention. The curriculum may include:

- a. Defining abuse, including rape, in teen dating relationships and methods to recognize abuse;
- b. Identifying societal expectations of males and females that contribute to violence and abuse;
- c. Examining the role of the media in supporting sex role stereotypes and how these stereotypes, if believed, create conditions for abuse and violence;
- d. Exploring how teens can help themselves or a friend, including where to find legal, medical, and mental health services; and
- e. Defining healthy and respectful behavior and relationships.

(2) In addition to curriculum sessions, schools should provide peer training programs, special seminars, video or theater presentations combined with discussion groups, or workshops.

(3) School systems should also incorporate dating and sexual violence education that is age-appropriate into annual health curriculum for students in grades 7-12.

(4) The school district will also distribute student codes of conduct that comply with the model handbook disseminated by the *(insert name of organization, e.g., the state association of school boards)*.

D. Awareness Education for Parents/Guardians

(1) Schools will sponsor parent/guardian workshops to educate parents/guardians on the issues of teen dating violence and sexual violence.

(2) The workshops may cover topics such as recognizing the warning signs of dating violence in teens and pre-teens, what parents/guardians can do to help their teens learn how to have safe and healthy relationships, and the realities and dynamics of sexual violence.

(3) Schools may also develop other strategies, like cable access shows and written materials that are sent home with students, in order to reach parents/guardians who do not regularly attend school events.

(4) Schools should provide parents/guardians and the community at large with information on where they can go for help if their child is a victim, and what they can do to address the issues of teen dating violence and sexual violence.

(5) Each school district will inform students' parents/guardians of the district's dating violence and sexual violence policy.

E. Modeling Respectful Behavior

(1) Schools must emphasize the role of school personnel in prevention of teen dating violence and sexual violence through leading by example.

(2) All school personnel will model respectful behavior and promote gender equality and mutual respect among all members of the school community.

(3) School personnel must respond to bullying, sexual harassment, dating violence and sexual violence immediately and in a manner consistent with the district's policy.

F. District-Wide Code of Conduct

(1) In working to prevent teen dating violence and sexual violence, schools must communicate their behavioral expectations to students and staff. School districts will adopt a district-wide code of conduct that complies with the model handbook disseminated by the West Virginia Board of Education. The code of conduct may include the following provisions:

- a. No person shall engage in any verbal, sexual or physical conduct that would tend to cause disruption of the educational setting or school activity, or would harass, threaten, attack, injure or intimidate any other person.
- b. All persons on school property or attending any school activity shall be treated with respect.
- c. All students are encouraged to seek help from school personnel if they are hurt, threatened or otherwise harassed by another student or staff member.
- d. Students who witness or are aware of incidents or threats are encouraged to prevent harm by speaking up on behalf of the victim when it is safe to do so or by getting help from school personnel.

G. Community Coordination

(1) In creating a safe school climate, schools will develop an advisory team of local experts from community organizations to assist in the school's efforts and to familiarize the schools with the roles, responsibilities and constraints of their agencies.

Note: In West Virginia, community collaborations called Sexual Assault Response Teams (SARTs) have been established in many communities. For more information see www.fris.org.

(2) Additionally, each school will maintain a dating violence and sexual violence response team. Members of the response team must serve willingly and exhibit sensitivity to the issue. The team will be comprised of school personnel who have received specialized training that will prepare them to:

- a. Follow through with initial reports.
- b. Assist victims with safety planning.
- c. Make appropriate referrals.
- d. Decide and implement appropriate disciplinary action.
- e. Monitor compliance of disciplinary action.
- f. Adhere to the district's dating violence and sexual violence policy and make recommendations for changes as appropriate.

Sample Policy on Teacher Training and Student Prevention Education

(Adapted from California Women's Law Center, 7/07. *California Model Policy on School Response to Teen Dating Violence and Sexual Violence*, p. 16)

Administrator and Teacher Training

- Administrators and faculty shall complete four hours of training on sexual assault and teen dating violence every two years.
- Training curriculum will be conducted by or in coordination with dating violence, domestic violence, and sexual assault victim advocates and organizations.
- Recent faculty hires will receive training within their first year at the school district, and then will be trained on a continuing basis every two years with other faculty.

Teen Dating Abuse and Sexual Violence Prevention Education for Students

- The school system includes teen dating abuse and healthy relationship education in the county health care curriculum. The school system will work with local rape crisis centers to develop and provide this curriculum to students.
- All students in grades 7 through 12 will be educated on teen dating abuse and sexual violence prevention for three hours every year.
- Teen dating abuse and sexual violence prevention education programs shall:
 - Define teen dating abuse or relationship violence as including physical, sexual, verbal, emotional or psychological abuse;
 - Identify power and control issues as they relate to teen dating violence;
 - Expose beliefs and attitudes that blame victims of violence;
 - Be culturally competent and accessible;
 - Increase empathy for victims;
 - Encourage bystander accountability and peer interventions;
 - Encourage victims and offenders to seek help;
 - Address gender role stereotypes;
 - Challenge social norms that permit or support abuse;
 - Promote individual and community activism; and
 - Support the development of pro-social conflict management skills that contribute to healthy relationships.

Sample Policy on Prevention of Bullying, Teen Dating Violence and Sexual Violence through Education, Training and Social Norms Change

(Adapted from Rhode Island Board of Regents, Elementary and Secondary Education, 4/08. *A Guide to Prevention of Bullying, Teen Dating Violence and Sexual Violence in Rhode Island Schools*, pp. 21-23)

Administrator and Staff Training

The school shall provide training on the school system's bullying, teen dating violence and sexual violence policy to all staff who have significant contact with students, including educators, school nurses, mental health staff, administrators, Prevention Resource Officers (PROs), custodial and food service staff, bus drivers and parents/guardians.

The training shall specifically include, but not be limited to,

- Basic principles and warning signs of dating violence; and
- The school district's dating violence policy.

It may also include:

- Identifying issues of confidentiality and safety related to dating violence, and
- Appropriate school-based interventions for dating violence.

It is strongly recommended that these same concepts related to bullying and sexual violence be integrated into trainings. The school's bullying, dating violence and sexual violence policy shall be reviewed at the training, to ensure that school staff are able to appropriately respond to incidents at school, provide instruction on how to file a complaint against bullying, dating violence and sexual violence, and understand the disciplinary action that may be taken against those who commit such acts. Ideally, these trainings will be facilitated by a school staff person and a representative from a community agency that services victims of bullying, intimate partner violence and/or sexual violence, such as a victim advocate.

The following is recommended:

- Administrators and school staff shall complete at least three hours of training on bullying, sexual violence and teen dating violence; and
- Recent school staff hires will receive training within their first year at the school district.

Student Education

On-going age-appropriate education on healthy relationships shall be provided to all students in grades K-12, with specific instruction relating to teen dating violence taught annually in grades 7 – 12. Per the *(insert reference to any relevant laws)*, this curriculum shall include, but not be limited to, defining teen dating violence, recognizing dating violence warning signs and characteristics of healthy relationships. Additionally, students shall be provided with the school district's bullying, teen dating violence and sexual violence prevention policy. Upon written request to the school principal, a parent or legal guardian of a pupil less than 18 years of age, within a reasonable period of time after the request is made, shall be permitted to examine the health education instruction materials at the school in which his or her child is enrolled.

It is also strongly recommended that the following is included in the health education curriculum:

- Defining bullying and sexual violence, including rape;
- Recognizing warning signs of unhealthy and abusive relationships (cycle of abuse), the effect on the victim, how to help yourself and others, and community resources;
- Defining healthy and respectful relationships, including the definition of, and difference between, power and control in relationships vs. sharing power;
- Identifying and challenging societal norms that support discrimination, such as sexism, racism, and homophobia;
- Examining and challenging myths about sex, gender, and abuse;
- Examining the role of the media in supporting stereotypes and how these stereotypes, if believed, can contribute to bullying and abusive/violent relationships;
- Exploring how teens can help themselves or a friend if they are a victim of bullying, dating violence or sexual violence;
- Addressing the roles that perpetrators, victims and bystanders play in violent situations and exploring how each group can respond to resolve conflict; and
- Providing appropriate social skills training to help students avoid isolation and to help them interact in a healthy manner.

Parent Education

It is strongly recommended that schools sponsor parent workshops. These parent awareness workshops should include an overview of the issues of bullying, teen dating violence and sexual violence; how to recognize the warning signs with your teen or pre-teen; and what parents can do. Other strategies like cable access shows and written materials that are sent home with students should be developed for reaching parents who do not regularly attend school events. At a minimum, each school system shall inform parents of their policy against bullying, teen dating violence and sexual violence and provide them with any additional relevant information.

Social Norms Change

School staff will always model correct and courteous behavior to each other, to students and to visitors to the school. Abusive or humiliating language or behavior will not be accepted. An effort will be made to ensure that each student is well known by at least one certified teacher so that the student will have someone to turn to at school if a situation of bullying, dating violence or sexual violence develops. To the extent possible the influence of cliques and other exclusive student groupings will be diminished by the creation of a range of inclusive school activities in which students will be encouraged to participate.

F5. SEXUAL ASSAULT AND SEXUAL ABUSE POLICY

The following sample is included in this section:

- Sample Sexual Assault and Sexual Abuse Policy.

Note: The following procedure is from Hospice Community Care Insurance Services; however West Virginia statutes related to sexual assault and sexual abuse have been inserted in appropriate places.

Note that sexual abuse policy issues are also addressed in a number of samples in other sections of F in this toolkit.

Sample Sexual Assault and Sexual Abuse Policy

(Adapted from Hospice Community Care Insurance Services, www.hccis.com)

The *(insert name of school)* has a zero-tolerance procedure for sexual assault and abuse committed by students. In addition to an investigation and possible criminal prosecution, perpetrators may face disciplinary action up to and including termination of employment or services.

Incidents of known or suspected sexual assault and abuse will be reported to law enforcement agencies and regulatory agencies, according to state law and agency procedures. Sexual assault and sexual abuse are the two major classifications of sex offenses in West Virginia. Sexual abuse occurs when a person subjects another to sexual contact without their consent, and that lack of consent is due to physical force, threat or intimidation.

The three levels of sexual abuse in West Virginia are:

- **1st Degree: Sexual contact without the victim's consent due to forcible compulsion, the victim is physically helpless, or the victim is younger than age 12 and the perpetrator is age 14 or older.**
- **2nd Degree: Sexual contact with someone who is mentally defective or mentally incapacitated.**
- **3rd Degree: Sexual contact with a victim under age 16 without their consent.**

Sexual assault is sexual intercourse or sexual intrusion without consent. West Virginia's three levels of sexual assault include:

- **1st Degree: The perpetrator inflicts serious bodily injury, uses a deadly weapon, or the perpetrator is over age 14 and the victim is younger than twelve years old and is not married to that person.**
- **2nd Degree: Sexual intercourse or intrusion without consent and lack of consent is due to forcible compulsion or physical helplessness.**
- **3rd Degree: Sexual intercourse or intrusion with someone who is mentally defective or mentally incapacitated, or when someone age 16 or older assaults someone less**

than 16 who is at least 4 years younger than the perpetrator and not married to him/her.

See the *West Virginia Code* §61-8-B for an explanation of terms, as well as for additional sex offenses.

Some possible signs of sexual assault and abuse are listed below. Neither the presence nor absence of these signs confirms that a sexual assault did or did not occur. Examples of physical signs: bruises; bleeding; pain or itching in genital area; bruises on the inner thighs or arms where victim may have been restrained; torn, stained or bloody underwear/clothing; sexually transmitted infections; and pregnancy (for females). Examples of behavioral signs: self-harming behaviors—drug/alcohol use, suicide attempts, self-mutilation, etc.; changes in social interactions—withdrawal, reluctance in being left alone with a particular person, running away, sexual promiscuity, avoidance of certain persons or places, wearing layers of clothing, etc.; and individual behavior changes—fear of touch, wearing lots of clothing, sleep disturbances including nightmares or fear of night, apprehension when sex is brought up, changes in eating patterns, bed-wetting, frequent bathing, etc. Some examples of noticeable behavior changes with regard to the classroom include changing schools frequently, absenteeism, truancy, sleeping in class, hyper vigilance, and drop in grades.

Reporting Procedure

Suspected sexual assault or abuse of a child should be reported immediately to the local Department of Health and Human Resources or to the West Virginia Department of Health and Human Resources (WVDHHR) Abuse and Neglect Hotline at 1-800-352-6513. If a crime is suspected, law enforcement should also be contacted. Additionally, you must immediately report any suspected sexual assault or abuse to *(insert name of personnel)*.

For additional information for compliance with state mandatory reporting requirements, see *West Virginia Code* §9-6-9 and §49-6A-2.

Anti-retaliation

The *(insert name of school)* prohibits retaliation made against any employee or student who reports a good faith report of sexual assault or who participates in any related investigation. Anyone who violates this rule is subject to disciplinary action, up to and including termination.

False Accusations

Making false accusations of sexual assault can have serious consequences for those who are wrongly accused. The *(insert name school)* prohibits making false and/or malicious sexual assault allegations, as well as deliberately providing false information during an investigation. Anyone who violates this rule is subject to disciplinary action, up to and including termination of employment or services.

Investigation and Follow-up

The *(insert name of school)* will take all allegations of sexual assault and abuse seriously. The *(insert name of school)* will cooperate fully with any investigation conducted by law enforcement,

relevant state/federal protection and advocacy agencies, or other regulatory agencies. Additionally, the *(insert name of school)* may conduct an internal investigation following a report of sexual assault or abuse that does not interfere with an active external investigation. It is the *(insert name of school)*'s objective to conduct a fair and impartial investigation. The *(insert name of school)* maintains the option of placing the accused on leave of absence (paid or unpaid) or on reassignment to non-student contact.

The *(insert name of school)* will make every reasonable effort to keep the matters involved in the allegation as confidential as possible while still allowing for a prompt and thorough investigation.

Acknowledgment of Receipt/Understanding of Sexual Assault and Abuse Procedure

I acknowledge that I have received and read the sexual assault and abuse procedure and/or have had it explained to me. I understand that the school will not tolerate any employee or student who commits sexual assault or abuse. Disciplinary actions will be taken against those who are found to have committed sexual assault or abuse.

I understand that it is my responsibility to abide by all rules contained in this procedure. I also understand how to report incidents of sexual assault or abuse as set forth in this procedure, including retaliating against any employee/volunteer exercising his or her rights under the procedure.

Employee Printed Name: _____

Employee Signature: _____

Date of Review: _____

F6. TEEN DATING VIOLENCE, SEXUAL HARASSMENT, BULLYING AND SEXUAL VIOLENCE

The following samples are included in this section:

- Sample Procedure of Intervention in Schools—Sexual Harassment, Bullying, Dating Violence and Sexual Violence; and
- Sample Student Incident Form for Reporting Bullying, Sexual Harassment, Dating Violence and Sexual Violence.

Note that issues related to responding to teen dating violence and sexual violence are also addressed in a number of samples in other sections of *F* in this toolkit. **In an effort to maintain the integrity of the original resources, limited changes were made to the wording. References to “investigating,” “stay away agreements” and other concepts that are not reflective of West Virginia school practices were retained and this notation included to alert the user that adaptations will be necessary to some policies to make them applicable to West Virginia laws and practices. The ‘school resource officer’ referenced would be the Prevention Resource Officer located in some schools throughout the state.**

Sample Policy of Intervention in Schools— *Sexual Harassment, Bullying, Dating Violence and Sexual Violence*

(Adapted from *Model Teen Dating Violence Policy* [for schools in Texas], pp. 6-8. Source material includes: *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*, and *Lindsay Ann Burke Act, Rhode Island S-875*).

Documentation of Incidents

(1) Schools will develop a system for documenting each complaint of sexual harassment, bullying, dating violence and sexual violence. See below for a sample student complaint form.

Protocol for School Intervention: Staff Members

(1) Schools will provide staff members with a protocol for responding to an incident of bullying, sexual harassment, dating violence or sexual violence between students occurring anywhere on campus. The protocol should include the following actions:

- Fulfill the state’s mandatory reporting laws regarding the suspected abuse or neglect of a child. See *(insert name of applicable state laws)*.
- Separate the victim from the alleged perpetrator.
- Speak with the victim and alleged perpetrator separately.
- 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.
- Administer logical and reasonable consequences to the alleged perpetrator when appropriate, including but not limited to making a discipline referral.

- Inform the victim of his/her right to file a complaint of bullying, sexual harassment, dating violence or sexual violence with any counselor or administrator as well as any criminal or civil complaint as appropriate .
- Monitor the victim's safety. Increase supervision of the alleged perpetrator as needed.

Protocol for School Intervention: Administrators and Counselors

(1) 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.

(2) Schools will make complaint forms available to all students at any time through any counselor or administrator.

(3) Counselors and administrators will offer students assistance in filling out the form.

(4) Schools will file completed complaint forms in a secure location in the campus administrative office. These files will be available to the school's general counsel office upon request.

(5) Schools will 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. Actions will include the following:

- Fulfill the state's mandatory reporting laws regarding the suspected abuse or neglect of a child. See *(insert name of applicable state laws)*.
- Separate the victim from the alleged perpetrator.
- Meet separately with the victim. Review the student's complaint form or assist the student in documenting the incident on a complaint form during the meeting.
- Further investigate the complaint by speaking with the alleged perpetrator and any bystanders separately.
- 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.
- 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. *Schools should be consistent about what to do if parent/s guardians are not available or responsive.*
- *Working with the victim:* In working with the victim, schools will make every reasonable effort to protect the due process rights of the alleged perpetrator. Administrators will adopt the following methods of intervention 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, including positive behavior support interventions.
 - 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 his or her right to request a school-based alternative to a protective order. If the student declines, this should be documented.

- 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 U.S. Department of Education, Office for Civil Rights.
- Monitor the victim's safety as needed. Assist the victim with safety planning for the school day and for after-school hours.
- Document meetings 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.

Working with the alleged perpetrator: Schools will make every reasonable effort to protect the due process rights of the alleged perpetrator. Administrators will adopt the following methods of intervention 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.
- Emphasize expectations for positive behavior.
- 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.
- Increase supervision of the alleged perpetrator as needed.
- Document the meeting and action plans on a complaint form.

(6) See below a sample student-on-student altercation response chart.

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

(Insert name of school)

The *(Insert name of school)* 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.

(Insert name of school) 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. *(Insert name of school)* 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: Typically includes the following elements (Farrington & Ttofi, 2010; Center for Disease Control and Prevention (CDC), 2011b): Attacks or intimidation with the intention to cause fear, distress or harm that are physical (e.g., hitting or punching), verbal (e.g., name calling or teasing), and/or psychological or relational (e.g., social exclusion); a real or perceived imbalance of power between the bully and the victim; and repeated attacks or intimidation between the same children over time. Bullying can occur both in person and through technology (CDC, 2011b). The term bullying is used almost exclusively to describe behaviors of and toward children and teens. (See *D4* and *B1. Sexual Violence and Related Crimes.*)

Harassment: To be charged with the crime of harassment in West Virginia, someone must repeatedly (two or more times) harass or make credible threats against another person. Harassment is broadly defined as "willful conduct directed at a specific person or persons which would cause a reasonable person mental injury or emotional distress." A credible threat is defined as "a threat of bodily injury made with the apparent ability to carry out the threat and with the result that a reasonable person would believe that the threat could be carried out."

Sexual harassment: Unwanted and unwelcome sexual behavior that makes the person being harassed feel uncomfortable and interferes with her/his ability to get an education and participate in school activities. In addition to sexual harassment occurring in schools, students who have jobs may also experience sexual harassment in work settings. (See *D2* and *B1. Sexual Violence and Related Crimes.*)

Dating Violence: A pattern of controlling behaviors that one dating partner uses to get power over the other. It includes: any kind of physical violence or threat of physical violence to obtain control; any emotional/mental abuse, such as playing mind games, making another feel crazy, yelling and constant put-downs or criticism; and any sexual abuse, including a person making his/her dating partner do something she/he doesn't want to do, refusing to have safe sex, or making his/her dating partner feel badly about her/himself sexually. (See *B1. Sexual Violence and Related Crimes.*)

Sexual violence: Conduct of a sexual nature which is non-consensual, and is accomplished through threat, coercion, exploitation, deceit, force, physical or mental incapacitation, and/or power of authority (Virginia Sexual and Domestic Violence Action Alliance, n.d.).

This includes but is not limited to incest, molestation, child abuse, stranger rape and non-stranger rape.

Students who believe they have been harassed, bullied or otherwise victimized by fellow students or school 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 or designee, or the school's Title IX coordinator.

Complaints will be documented and investigated in accordance with school 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.

Incident Reporting Procedure:

- Students and staff members will complete a complaint form available in the school’s main office.
- The complaint form will be submitted to the principal or designee immediately. The principal or designee will investigate complaints by meeting separately with each student involved in the situation.
- The principal will conference with the victim and parent/guardian to discuss safety and community resources.
- 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.
- Documentation of all complaint forms, follow-up actions and stay-away agreements will be available to the school’s general counsel at all times.

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 (Insert name of county’s Title IX Coordinator).

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

Sexual Assault Response Teams (SARTs) are created in West Virginia to bring together community groups that provide sexual assault prevention and intervention services. Teams are unique to fit the needs of each community and generally have goals of increasing reporting and convictions of sexual assault and countering the experience of sexual trauma with a sensitive and competent response. These teams can be engaged to support the school systems within a community.

Community Coordination Chart

Local Rape Crisis Centers

- Provide crisis intervention, supportive counseling, legal advocacy and other support services to 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 trainings, parent/guardian seminars and classroom presentations on dating violence and sexual violence prevention.

State Sexual Assault Coalition

- Assist in policy development.
- 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.
- 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 schools.

Police Department, Sheriff's Department, or Prevention Resource Officer (PRO)

- Familiarize the school with law enforcement's policy regarding to dating and sexual violence.
- Take part in training staff, students, parents/guardians and the community.
- Enforce protective orders and investigate violations of those orders.
- Investigate reports of teen dating violence or sexual violence.

Prosecuting 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.
- Explain the process of prosecuting alleged perpetrators in criminal court.
- Provide information to victims throughout the court process.

Mental Health Services

- Explain services available in the community.
- Detail what victims can expect if referred.

Child Protective Services (CPS) Staff

- Provide information on services available to victims of child abuse or neglect.

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.

Student Complaint Form Instructions for Reporting Incidents of Bullying, Sexual Harassment, Dating Violence and Sexual Violence

(Insert name of school)

A counselor or administrator who receives a report of bullying, 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 an Incident Report

The policy of *(insert name of school)* is that all students and employees be 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. *(Insert name of school)* 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.

Use this form to report bullying, 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 - or in cases of criminal acts, be accurately reported to authorities.

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 reported incident.

How to file: *Incident forms will be available from any counselor or 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.*

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.*

Student Complaint Form for Reporting Bullying, Sexual Harassment, Dating Violence and Sexual Violence

(Insert name of school district)

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, 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?

Was 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 incident report are true and complete. Any intentional misstatement of fact will subject me to appropriate disciplinary action. 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: _____

Notes of actions taken:

Additional information from student or staff

Date Documentation/Follow-Up Signature of Student/Staff

Student-On-Student Altercation Response Chart

(Insert name of school)

All charges or reports of a student-on-student altercation (e.g., sexual harassment, harassment, bullying, dating violence or sexual violence) should be referred to the principal or the principal's designee. Principals are responsible for responding to incident reports. This checklist has been provided to assist the principal or designee 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 the alleged perpetrator and victim.
	2.	Call the school resource officer if appropriate. If the altercation is assaultive in nature, see legal and policy guidelines for reporting an incident, as well as CPS requirements.
	3.	<p>VICTIM: Conference with the victims 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>a) Provide the parent/guardian and/or student with a "Notice of Parent and Student Rights." If appropriate, inform the student of his or her right to file a complaint alleging sexual harassment directly with the Title IX Coordinator and with the U.S. Department of Justice, Office for Civil Rights. Obtain signature if possible.</p> <p>b) Assist the student in documenting the incident on a complaint form. If the student or parent/guardian declines to document the incident, note</p>

		<p>this on the complaint form.</p> <p>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>d) Record your observations related to the student conference.</p>
	4.	<p>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>a) Allow the student an opportunity to respond in writing to the allegations.</p> <p>b) Provide the parent/guardian and/or student with a "Notice of Parent and Student Rights." Obtain signature if possible.</p> <p>c) Refer the student to a school counselor as appropriate.</p> <p>d) Record your observations related to the student conference.</p>
	5.	<p>Further investigate the complaint by interviewing any witnesses separately. Document findings.</p>
	6.	<p>Communicate in a confidential manner with the school resource officer and counselor and principal or designee.</p>
	7.	<p>Make determinations regarding alleged conduct, usually within 5 (five) days. If extenuating circumstances delay the investigation, inform the victim and parent/guardian. 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: <i>Please allow (insert name of student) to see me when requested.</i>) ○ Inform the student of his or her right to request a "stay-away agreement" or protective order, if appropriate. ○ Encourage the victim to report further incidences. ○ Parent/guardian has right to pursue transfer as a victim of bullying. Share form and process as appropriate. Requires verification of harassment/bullying from administration. ○ 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.

		<ul style="list-style-type: none"> ○ 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: <i>Please allow (insert name of student) to see me when requested.</i>) ○ Address the seriousness of retaliation. ○ If harassment was severe or repeated, a “stay-away agreement” may be issued. ○ Depending on the nature of the offense, disciplinary action may be warranted or mandated. ○ Increase supervision of the alleged perpetrator as appropriate. ○ Behavior contract. <p>c) REMINDER: If there is a finding that the altercation involved physical or sexual assault or threats, notify the school resource officer immediately and follow legal and policy guidelines for reporting and discipline, as well as CPS requirements.</p> <p><input type="checkbox"/> Unable to determine that inappropriate behavior occurred, but there has been a determination that the situation justifies the communication of warnings, recommendations, and/or information regarding support services.</p> <p><input type="checkbox"/> There are no findings of inappropriate behavior.</p>
	8.	<p>After determination is 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 has 10 days to 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 school district, within 10 days after receipt of a response or, if no response was received, within 10 days of the response deadline at Level One. A conference will be held within 10 days after the appeal notice is filed.
	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 of school resource officer. ○ 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. Label correspondence regarding</p>

		sexual harassment issues “attorney-client privileged information.” 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).”
	11.	Store complaint forms in a separate, confidential file.

Sample Incident Form for Reporting Bullying, Sexual Harassment, Dating Violence and Sexual Violence

(Adapted from *Model Teen Dating Violence Policy* [for schools in Texas], pp. 6-8. Source material includes: *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*, and *Lindsay Ann Burke Act, Rhode Island S-875*)

(Insert name of school)

Instructions: Use this form to report bullying, 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 incident 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 incident.

Name: _____ Student ID: _____

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

Please answer the following questions about the incident(s):

List the name of the alleged perpetrator(s) of bullying, 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?

Was 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:

Signature of Parent: _____ Date: _____

I certify that all statements made are accurate. 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 incident form: _____ Date: _____

School official conducting follow-up: _____ Date: _____

Notes of actions taken:

Additional information

Date

Documentation/Follow-Up

F7. VICTIM SAFETY

The following samples are included in this section:

- Sample Enforcement of Protective Orders;
- Sample Safety Planning Procedures; and
- Sample Protective Order School Checklist; and
- Sample Safety Plan.

In West Virginia, minors in dating violence situations are eligible for Domestic Violence Protective Orders (DVPO), which are typically granted for 90 or 180 days. Minors are also eligible to file for a DVPO on their own behalf, without an adult. The court will appoint the minor party a guardian ad litem. Minors can file against other minors. In terms of the school system, minors filing against other minors at their school should be able to seek accommodations. A Personal Safety Order (PSO) is available for victims of sexual violence and/or harassment for victims who do not have a relationship with the perpetrator. An adult may file a PSO on behalf of a minor, with protection possibly granted for up to two years.

Safety plans are for persons involved in abusive relationships who fear for their safety. Safety plans help a victim critically think about lifestyle changes that can make the environment safer, including their school, home, and other places they visit on a regular basis.

Note that safety planning issues are also addressed in a number of samples in other sections of *F* in this toolkit.

Sample Enforcement of Protective Orders

(Adapted from *Model Teen Dating Violence Policy* [for schools in Texas], pp. 3. Source material includes: *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*, and *Lindsay Ann Burke Act, Rhode Island S-875*)

- (1) When a protective order has been issued by a court to protect one student from another, schools will take the following steps.
 - a. 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.
 - b. Whenever possible, face-to-face contact between the victim and alleged perpetrator should be avoided. If changes need to be made, attention will be given to the victim's

- preferences. The burden for any bus, classroom or other schedule changes should be on the alleged perpetrator, not the victim.
- c. In meeting with the victim, the school should:
 - o Help the victim identify adults within the school setting with whom he/she feels comfortable
 - o Develop a safety plan
 - d. The victim should be provided with the right to have a support person present during all stages of the investigation.
 - e. In meeting with the alleged perpetrator, the school should develop a checklist or plan that includes the following key points:
 - o Identification of key staff members to check in with daily/weekly or as needed
 - o Any needed class/schedule changes, lunch, locker changes
 - o Changes in arrival/departure times to/from school
 - o Changes in arrival/departure times to/from classes
 - o Clear review of expectations and consequences for any violations
 - o Follow-up meeting dates to review how things are working and to make any necessary adjustments.

Sample Safety Planning Procedures

(From *Model Teen Dating Violence Policy* [for schools in Texas], p. 2. Source material includes: *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*, and *Lindsay Ann Burke Act, Rhode Island S-875*)

- (1) A safety plan is a tool for helping to increase students' safety.
- (2) 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.
- (3) School personnel will develop a safety plan in collaboration with the victim and include the following elements:
 - a. The schedule(s) of staff person(s) that have been identified as a support system for the victim;
 - b. Routes to and from school;
 - c. Routes to and from classes;
 - d. Names and contact information of peers who can help support the victim and accompany him or her to and from classes as needed;
 - e. A discussion of potential school-related problems/areas of concern and strategies for increasing safety: after-school activities, class trips, dances, etc.;
 - f. 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.;
 - g. A list of general safety tips to aid the victim outside of school: lock doors, screen phone calls, never walk alone, etc.;
 - h. A list of local resources: shelters, hotlines, agencies, advocates, and other services;

- i. Follow-up meeting dates to review the situation and to make any necessary adjustments;
- j. Referral to the National Teen Dating Abuse Helpline: 1-866-331-9474 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;
- k. Referral to the National Sexual Assault Hotline: 1-800-656-HOPE and the online hotline: www.rainn.org; and
- l. Referral to the Dating Violence Legal Line: 1-800-374-HOPE for assistance accessing legal tools such as a protective order.

Sample Protective Order Checklist

(From Rhode Island Board of Regents, Elementary and Secondary Education, 4/08. *A Guide to Prevention of Bullying, Teen Dating Violence and Sexual Violence in Rhode Island Schools*, p. 44)

Violation of a protective order is a criminal offense and any violations should be immediately reported to the police.

Local police department telephone number _____

Protective order issued on behalf of student named above.

Student Name _____ **Grade** _____ **H.R.** _____

Defendant's Name _____ **Grade** _____ **H.R.** _____

- A copy of the protective order/no contact order attached
- Copies of class schedules (for both victim and defendant) attached
- If defendant does not attend the same school:
 - School defendant attends _____
 - Attach picture _____
 - Description of the defendant _____
 - Car make _____
 - License plate # _____
 - Trespassing letter sent _____

1) Are there any schedule conflicts?

2) Class changes to be made? Please make sure updated schedule is attached.

3) Meeting Date(s)

Note: *School Administrator must hold **separate** meetings with the victim and defendant.*

With Victim: _____ With Defendant: _____
If victim is a minor, If defendant is a minor,
With Parents of Victim: _____ With Parents of Defendant: _____

School Administrator Signature _____ **Date** _____

NOTE: The onus of the protective order is on the defendant. A victim cannot violate the protective order, though realistically, reasonable behavior and cooperation is expected by both parties.

Developed by the Office of the Essex County District Attorney Kevin Burke

Sample Victim Safety Plan

(From Rhode Island Board of Regents, Elementary and Secondary Education, 4/08. *A Guide to Prevention of Bullying, Teen Dating Violence and Sexual Violence in Rhode Island Schools*, pp. 45-46)

When a student discloses dating violence, bullying, sexual harassment and/or sexual violence, the principal, or his or her designee, shall work with the victim, alleged perpetrator, their respective parents, appropriate staff and possibly a rape crisis center advocate to create an **individualized 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 preferences. *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 three components, depending on the circumstances:

1. **Victim Safety Plan**

A safety plan is a tool for helping to increase student safety. The school district encourages 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 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 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; and
- Follow-up meeting dates to review the situation and to make any necessary adjustments.

2. Enforcement of Protective Orders

When a legal protective order has been issued by a court to protect one student from another, schools shall take the following steps—

Hold separate meetings with the **victim and the alleged perpetrator and their respective parents** 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; and/or
- Identify schedule overlaps (e.g., 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.

The school system encourages 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 (e.g., 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; and/or
- 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.

A safety plan should be considered when a student discloses dating violence, bullying, sexual harassment and/or sexual violence, whether or not a protective order has been issued by the court. Note: Administrative staff should develop this plan with the victim, in an effort to empower the victim and keep him/her safe. A safety plan needs to be individualized, as every victim has unique needs and challenges. Local rape crisis center advocates can be utilized to assist in this process.

1. Schedule Changes (attach revised schedule)

School should consider who will notify the teachers, what if there's only one AP English course in the school and both parties take the course?

2. School Arrival (change in time, entrance, transportation, with whom, etc.)

3. Locker (Is there a gym locker as well? How will the student access their locker - five minutes early?)

4. Lunch (Is the cafeteria safe? Can the victim experience retaliation from friends of the perpetrator? Can the eating schedule be changed? Who will alert cafeteria staff of the order?)

5. Route Changes (include places to avoid/watch for, after school activities and team schedules, travel to and from school, class, etc.)

6. School Departure (time, entrance, designated friend, etc.)

7. Staff

Let the victim select one staff member that they feel comfortable with. This staff person should be available for student for "check-ins" and support as needed.

Support Staff _____

8. Additional Staff to Share Plan With (administrators, teachers, guidance counselors, resource officer, lunch aides, bus driver, coaches, school nurse, etc.)

9. Support Network of Peers (to accompany student throughout the day if necessary)

10. Strategies to Problem Solve

Have the victim think through different ways s/he will react and deal with emergency situations. Where they would go? Who would they call? Consider strategies to assess dangerousness, threats, etc.

11. Any Additional Special Conditions

Are there other extracurricular school activities/events which present conflicts? How are they to be addressed?

12. School has completed the Protective Order School Checklist _____

Developed by the Office of the Essex County District Attorney Kevin Burke