

Flatonia ISD's Teen Dating Violence Policy



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Reminders:

1. Students are encouraged to fill out the online bullying notice to administrators on the school's website, www.flatoniaisd.net and go to the bottom of the main page and click on HIBster.
2. Flatonia ISD takes all offenses very seriously.
3. In good faith, we are to believe that all reported matters are the absolute truth and answered to the best of your knowledge.
4. In case of an emergency, call 911.

1. Definitions:

The following definitions are recommended for inclusion in districts' dating violence programs.

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 Board Policy FFH (LEGAL) & 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 (See 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, for peer support, information, and referral for youth concerning violence or abuse in dating relationships, and an opportunity to talk with or chat online anonymously with trained peer advocates,
- Referral to the National Sexual Assault Hotline: 1-800-656-HOPE and the Hotline's online home: www.rainn.org, and
- Referral to the Dating Violence Legal Line: 1-800-374-HOPE for assistance accessing legal tools such as a protective order (stay-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. A Guide to Addressing Dating Violence in Texas Schools
 - 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.

III. Prevention and Training

Training and awareness education on dating violence ensures that all are prepared to address the issue in a coordinated matter. Districts are encouraged to choose topics for training and awareness education from the lists below and make recommendations to schools.

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

(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 NAME 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, i.e. excusing a student from school when the absence is due to teen dating violence or sexual violence.

D. Awareness Education for Students

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

(a) Defining abuse in teen dating relationships, including rape, 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, are a set-up 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 districts 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 Texas Association of School Boards.

E. AWARENESS EDUCATION FOR PARENTS/GUARDIANS

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 policy.

E. MODELING RESPECTFUL BEHAVIOR

(1) Schools must emphasize the role of school personnel in prevention of teen dating 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.

IV. Developing a Response

A. 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 Texas Association of School Boards. 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 district property or attending any district 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.

B. 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.

(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 made up of school personnel who have received specialized training that will prepare them to:

- (a) Conduct investigations and assessments.
- (b) Assist victims with safety planning.
- (c) Make appropriate referrals.
- (d) Decide and implement appropriate disciplinary action.
- (e) Monitor compliance of disciplinary action.
- (f) Evaluate the district's dating violence policy and make recommendations for changes.

V. Intervention in Schools

A. DOCUMENTATION OF INCIDENTS

(1) Schools will develop a system for documenting each complaint of teen dating violence and sexual violence.

B. PROTOCOL FOR CAMPUS INTERVENTION: STAFF MEMBERS

(1) Schools will provide staff members with 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:

- (a) Fulfill the state's mandatory reporting laws regarding the suspected abuse or neglect of a child. See Section 261.101
- (a), Texas Family Code.
- (b) Separate the victim from the alleged perpetrator.
- (c) Speak with the victim and alleged perpetrator separately.
- (d) 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.
- (e) Administer logical and reasonable consequences to the alleged perpetrator when appropriate, including but not limited to making a discipline referral.
- (f) 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.
- (g) Monitor the victim's safety. Increase supervision of the alleged perpetrator as needed.

C. PROTOCOL FOR CAMPUS 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 Office of General Counsel 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:

- (a) Fulfill the state's mandatory reporting laws regarding the suspected abuse or neglect of a child. See Section 261.101
- (a), Texas Family Code.
- (b) Separate the victim from the alleged perpetrator.
- (c) 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.
- (d) Further investigate the complaint by speaking with the alleged perpetrator and any bystanders separately.
- (e) 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.

(f) 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 parents/guardians are not available or responsive.

(g) 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:

(i) Conference with the victim and parent/guardian.

(ii) 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.

(iii) Inform the student and parent/guardian of school and community resources as needed, including their right to file charges or seek legal protection.

(iv) Encourage the student to report further incidents.

(v) Inform the victim of his or her right to request a Stay-Away Agreement or another school-based alternative to a protective order. If the student declines, this should be documented.

(vi) For situations also involving sexual harassment, inform the victim of his or her right to file a complaint alleging sexual harassment directly with the Title IX Coordinator. A complaint may also be filed with the Office for Civil Rights.

(vii) Monitor the victim's safety as needed. Assist the victim with safety planning for the school day and for after-school hours.

(viii) Document the meeting and any action plans on a complaint form. If the victim or parent/guardian declines to document the incident, note this on a complaint form.

(ix) Store all complaint forms in a separate, confidential file and document subsequent follow-up actions and complaints on a complaint form.

(x) Administrators may provide the victim with the right to have a support person present during all stages of the investigation.

(h) 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:

(i) Conference with the alleged perpetrator and parent/guardian.

(ii) Allow the alleged perpetrator an opportunity to respond in writing to the allegations.

(iii) Emphasize expectations for positive behavior.

(iv) Identify and implement disciplinary and other actions and consequences that will be taken to prevent further incidents.

(v) Inform the alleged perpetrator and parent/guardian of help and support available at school or in the community as needed.

- (vi) Address the seriousness of retaliation against the victim for reporting the incident or cooperating with the investigation.
- (vii) Increase supervision of the alleged perpetrator as needed.
- (viii) Document the meeting and action plans on a complaint form.