



## Teen Dating Violence and Sexual Assault

Students  
Policy  
8026

### Policy Statement

Red Clay Consolidated School District (the “District”) neither condones nor tolerates dating or sexual violence. The following policy is intended to comply with the Delaware School Teen Dating Violence and Sexual Assault Act, and reflects the District’s intent to deal seriously with any allegations of misconduct in violation of Delaware law.

#### **I. Confidentiality**

The District understands that, over time, students may develop close relationships with faculty and staff. When a student confides in faculty and staff, including counselors, teachers, and administrators, the student’s expectation of privacy and confidentiality should be respected. However, students must understand that all District employees have a duty to report known or suspected acts of sexual violence toward a minor or sexual violence that may have occurred in the school environment. In addition, counselors and mental health and medical professionals have a duty to report explicit and imminent threats of violence and suspicions of child abuse.

In the event that any District employee is subject to a duty to report, the District will make every effort to protect students’ privacy by limiting disclosure of information to only those District employees and outside authorities who have a legitimate reason to know of the report.

It is the District’s hope that students who have suffered incidents of dating violence or sexual assault will feel comfortable coming forward, and confiding in counselors, teachers, and administrators, so that they can assist students in seeking help and protecting their safety.

#### **II. Mandatory Reporting**

**School Crimes:** the District is required to report, to the police, a reasonable suspicion that a violent felony, unlawful sexual contact, or sexual assault has occurred in the school environment. In addition, the District is required to report, to the police, the commission of a violent felony, assault, or any sexual offense by a school employee against a student, regardless of where the incident takes place. Sexual offenses by a teacher against a student must also be reported to the Division of Family Services (DFS) Child Abuse and Neglect Report Line at 1-800-292-9582.

**Sexual Violence:** the District is required to report, to DFS, any abusive sexual behavior committed against a minor, whether it is committed by another minor or an adult. In addition, the police should be contacted.

**Teen Dating Violence:** the District is required to report teen dating violence only under limited circumstances. These include violent felonies, assault, unlawful sexual contact and abusive sexual behaviors against a student 18 years of age or older occurring in the school environment; abusive sexual behaviors against a minor, regardless of where they occur; and threats of harm to others.

**Child Abuse and Neglect:** the District is required to report any reasonable suspicion of physical or sexual abuse of a child, or neglect of a child, to the DFS Child Abuse and Neglect Report Line at 1-800-292-9582. The police may also be contacted.

### **III.**

#### **Responding to Incidents of Dating and Sexual Violence**

##### **A. Mandatory Reporting Not Required**

In those situations where mandatory reporting is not required, the District has developed the following process for addressing teen dating and sexual violence.

**Separate:** The victim and alleged perpetrator will be separated from each other. Under no circumstances will the victim and alleged perpetrator be interviewed together.

**Address:** If substantiated, the alleged conduct will be dealt with in accordance with the school's code of conduct.

**Refer:** The victim will be referred to the school counselor for services and safety planning. The counselor should encourage the victim to seek medical treatment, if applicable, and may inform the victim of community resources and monitor the victim's safety, as needed. In addition, additional services may be recommended depending upon the circumstances.

##### **B. Mandatory Reporting Required**

In those situations where mandatory reporting is required, the District has developed the following process for addressing teen dating violence.

**Separate:** The victim and alleged perpetrator will be separated from each other. Under no circumstances will the victim and alleged perpetrator be interviewed together.

**Report:** The incident will be promptly reported to appropriate outside authorities, including the police and DFS. The school resource officer may also be notified, if applicable.

**Address:** If substantiated, the alleged conduct will be dealt with in accordance with the school's code of conduct.

**Follow-Up:** In addition to the foregoing, the administration in the victim's school should take the following actions, if approved by the investigating agency. First, administration should speak with the victim and alleged perpetrator. The victim should be advised of his/her right to have a support person present during all stages of the investigation. The alleged perpetrator should be made aware that his/her statements may be used in proceedings against him/her.

Administration should also speak with witnesses, and encourage them to come forward. Finally, the administration should work with the victim and his/her parents or guardians to develop a safety plan for the student and pursue community resources that may be available.

### **C. Documentation of Incidents**

Each incident of teen dating violence or sexual assault shall be documented by a school administrator or his/her designee. Records of teen dating and sexual violence shall be maintained in a file separate from the students' academic records, to prevent inadvertent disclosure.

Documentation shall include:

Facts about the incident, including the identity of the alleged perpetrator, any witnesses identified, the nature of the incident including when and where it occurred;

Information about the victim and alleged perpetrator, including class schedules and extracurricular activities;

Disciplinary and accommodation recommendations, including changes to class schedules;

Responsive action taken, including safety plans, referrals for services and counseling, and dispensary action; and

Incident updates, including the response to any disciplinary action, compliance by the alleged perpetrator with any remedial actions taken, utilization of referrals for services, reviews of safety plans, and status reports from the victim including any further referrals for services.

### **D. Working with Victims**

In working with victims of teen dating violence and sexual assault, victim safety and wellbeing is paramount. In the case of incidents subject to mandatory reporting requirements, any interaction with the victim should be subject to approval by investigating agencies. Provided that the victim's emotional state enables him or her to participate in the process, administrators should:

	<p>Conference with the victim; 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. Assist the victim with safety planning for the school day and for after-school activities (i.e., class scheduling and transportation considerations) and monitor the victim’s safety as needed.</p> <p>Inform the victim and parent/guardian of school and community resources as needed, including their right to access advocacy and counseling services, file charges or seek legal protection, such as a Protection from Abuse Order.</p> <p>Encourage the victim to seek medical attention. The victim will not be responsible for out of pocket costs of obtaining a sexual assault exam.</p> <p>Encourage the victim to report further incidents.</p> <p>Inform the victim of his or her right to request an in-school Stay-Away Agreement or another school-based alternative to a protective order. If the victim declines, it should be documented.</p> <p>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’s Office for Civil Rights. Document the meeting and any action plans.</p> <p><b>E. Working with Alleged Perpetrators</b></p> <p>In working with alleged perpetrators, focus must be placed on protecting the due process rights of the individual(s) accused of misconduct. In the case of incidents subject to mandatory reporting requirements, any interaction with the victim should be subject to approval by investigating agencies. Subject to those considerations, administrators should:</p> <p>Conference with the alleged perpetrator and parents or guardians. Tell the alleged perpetrator that any statements made may be part of any future disciplinary, delinquency, protection from abuse (PFA), civil, or criminal proceedings.</p> <p>Emphasize expectations for positive behavior.</p> <p>If the allegations are substantiated, identify and implement disciplinary and other actions and consequences that will be taken to prevent further incidents.</p> <p>Discuss implications of a Stay-Away Agreement, a school-based alternative to a protective order, or PFA Order.</p> <p>Inform the alleged perpetrator and parent/guardian of help and support available at school or in the community as needed, <i>e.g.</i> domestic abuse intervention services.</p>	
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Address the seriousness of retaliation against the victim for reporting the incident or cooperating with the investigation. Inform the alleged perpetrator that retaliation or threats of retaliation in any form designed to intimidate the victim, or those who are witnesses, or those investigating an incident will not be tolerated. Emphasize that retaliation is prohibited whether or not the allegations are substantiated.

Increase supervision of the alleged perpetrator as needed.  
Document the meeting and any action plans.

**IV. Youth-Produced Sexual Images**

The taking, sending, or possession of nude or explicit photos of a minor may be considered child pornography. The District takes this conduct very seriously, and does not condone youth-produced sexual images, particularly where they are taken or distributed with the intent to cause harm. Any District employee who witnesses or learns of any youth-produced sexual images shall take the following steps:

**Confiscate:** Both the victim’s and the alleged perpetrator’s cell phones or electronic devices will be confiscated. District employees should not view the contents of the phone or electronic device. Phones or electronic devices should be turned over to the responding law enforcement agency.

**Report:** A report shall be made to the school administrator, who will report the situation to the appropriate police jurisdiction, if appropriate.

**Address:** If substantiated, the alleged conduct will be dealt with in accordance with the school’s code of conduct.

**Interview:** The victim and alleged perpetrator shall be separated from each other. Under no circumstances will the victim and alleged perpetrator be interviewed together. In addition, school administration should interview any witnesses, and encourage them to speak up about any additional incidents if they arise. The District’s policies on documenting incidents, and working with victims and alleged perpetrators of teen dating violence and sexual assault also apply to incidents involving youth-produced sexual images.

**V. Violation of This Policy**

The District takes allegations of teen violence and sexual misconduct very seriously. Substantiated incidents of conduct in violation of this policy will be subject to discipline in accordance with applicable codes of conduct. In addition, the District will fully cooperate with investigations and legal action taken by external agencies, including the police and DFS.

	<p>The District strictly prohibits retaliation against any individual making a good-faith report of conduct that violates this policy or any individual who acts as a witness or otherwise participates in an investigation of such conduct. Retaliation in violation of this policy will be subject to discipline in accordance with applicable codes of conduct.</p> <p><b><u>Policy Implementation and Distribution</u></b>  The Superintendent shall develop procedures to implement this policy and distribute it widely to the community.</p>	
<p><b>Definitions</b></p>	<p><b>Dating Violence:</b> means assaultive, threatening, or controlling behavior, including stalking, that one person uses against another person in order to gain or maintain power or control in a current or past relationship. The behavior can occur in both heterosexual and same sex relationships, and in serious or casual relationships.</p> <p><b>Sexual Violence/Assault:</b> means any unwanted sexual behavior committed by a perpetrator who is a stranger to the victim or by a perpetrator who is known by the victim or related to the victim by blood, marriage or civil union. Behaviors that fall under this definition include but are not limited to: sexual harassment; sexual contact; sexual intercourse; sexual penetration; and child sexual abuse.</p> <p><b>Sexual Contact:</b> means intentional touching of the anus, breast, buttocks or genitalia of another person, including touching when the body is covered by clothing.</p> <p><b>Sexual Harassment:</b> means threatening to engage in conduct likely to result in the commission of a sexual offense against any person; or suggesting, soliciting, requesting, commanding, or otherwise attempting to induce another person to have sexual contact or sexual intercourse or unlawful sexual penetration with the actor, knowing that the actor is thereby likely to cause annoyance, offense or alarm to that person.</p> <p><b>Sexual Intercourse:</b> means any act of physical union of the genitalia or anus of one person with the mouth, anus or genitalia of another person. Intercourse occurs upon any penetration, however slight.</p> <p><b>Sexual Penetration:</b> means the placement of an object inside the anus or vagina of another person; or the placement of the genitalia or any sexual device inside the mouth of another person.</p>	

	<p><b>Stalking:</b> means knowingly engaging in a course of conduct directed at a specific person where that conduct would cause a reasonable person to either fear physical injury to himself or herself or another person; or suffer other significant mental anguish or distress that may, but does not necessarily, require medical or other professional treatment or counseling.</p> <p><b>Youth-Produced Sexual Images:</b> means nude, sexually suggestive, or explicit images possessed and/or transmitted by way of cell phones, electronic devices, or online. Youth-produced sexual images include images produced in the process of “sexting.”</p>	
<b>Responsibility</b>	The Superintendent shall be responsible for compliance.	
<b>References</b>	<p>Title 14, Section 4112 E</p> <p>Related policies: 1003 District Goals and Objectives, 8001 Student Policy Goals</p> <p>Related documents: Red Clay Consolidated School District Administrative Memorandum “Teen Dating Violence and Sexual Assault” RCCSD Student Code of Conduct</p> <p>CPAC Guidelines for Responding to Teen Dating and Sexual Violence in Delaware Schools. <a href="http://courts.delaware.gov/childadvocate/docs/CPAC-Guidelines-for-Responding-to-TDV-and-SV.pdf">http://courts.delaware.gov/childadvocate/docs/CPAC-Guidelines-for-Responding-to-TDV-and-SV.pdf</a></p>	
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