

**PROHIBITION AGAINST TEEN DATING VIOLENCE
AND SEXUAL VIOLENCE**

PURPOSE:

This policy is established by the North Kingstown School Committee in keeping with State Regulation and is to serve the purpose of defining School Committee expectations in regard to the matter of harassment, intimidation, bullying, teen dating violence and sexual violence of students at school.

PHILOSOPHY:

The School Committee expressly prohibits taunting, harassment, teen dating violence and sexual violence in the North Kingstown School District of or by a student to another student, a student of or by a member of the staff, or any other adult who is any way associated with the schools. This policy applies to conduct during and relating to school and school sponsored activities. To this end the Committee commits the staff to the implementation of a comprehensive and preventive approach that addresses the underlying reasons for this behavior and helps to create a better school community that supports learning and teaching for students and adults.

POLICY STATEMENT:

Harassment, intimidation, teen dating violence and sexual violence are prohibited in the public schools of North Kingstown School District in Rhode Island. [R.I.G.L. 16-21-26, 16-21-30] The prevention of teen dating violence, and sexual violence is part of the North Kingstown School District's strategic plan [R.I.G.L.16-7.1-2(e)] and school safety plan [R.I.G.L. 16-21-24]. **Dating Violence, and Sexual Violence will not be tolerated in the North Kingstown Schools.**

The purpose of this policy is to:

- raise school-wide awareness about teen dating violence and sexual violence;
- provide direction in responding to incidents; and
- prevent new incidents of dating violence, and sexual violence.

I. DEFINITIONS:

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

Bullying means the use by one or more students of a written, verbal or electronic expression or a physical act or gesture or any combination thereof directed at a student that:

- a. Causes physical or emotional harm to the student or damage to the student's property;
- b. Places the student in reasonable fear of harm to himself/herself or of damage to his/her property;
- c. Creates an intimidating, threatening, hostile, or abusive educational environment for the student;
- d. Infringes on the rights of the student to participate in school activities; or
- e. Materially and substantially disrupts the education process or the orderly operation of a school.

The expression, physical act or gesture may include, but is not limited to, an incident or incidents that may be reasonably perceived as being motivated by characteristics such as: Race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression or mental, physical, or sensory disability, intellectual ability or by any other distinguishing characteristic.

Bullying most often occurs as repeated behavior and often is not a single incident between the bullying/cyber-bullying offender(s) and the bullying victim(s).

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

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

- intentional touching of someone in ways that are unwanted,
- voyeurism,
- exposure to exhibitionism,
- undesired exposure to pornography, or
- public display of images that were taken in a private context or when the victim was unaware.

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

Cyber-Bullying means bullying through the use of technology or any electronic communication, which shall include, but not be limited to, any transfer of signs, signals, writing, images, sounds, data, texting or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo electronic or photo optical system, including, but not limited to, electronic mail, Internet communications, instant messages or facsimile communications. Forms of cyber-bullying may include but are not limited to:

- a. The creation of a web page or blog in which the creator assumes the identity of another person;
- b. The knowing impersonation of another person as the author of posted content or messages; or
- c. The distribution by electronic means of a communication to more than one person or the posting of materials on an electronic medium that may be accessed by one or more persons, if the creation, impersonation, or distribution results in any of the conditions enumerated in clauses (a) to (e) of the definition of bullying.

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

Dating Partner: any person, regardless of gender, involved in a dating relationship.²⁸ This could include persons who have a former dating or sexual relationship, are same sex couples, or are unrelated but have had intimate or continuous social contact with one another.

Perpetrator/Abuser/Dominant Aggressor: a person who uses either bullying, dating violence, or sexual violence to establish and maintain power and control over the target of their behavior. The dominant aggressor/abuser means the person determined to be the most significant, rather than the first, aggressor. The following should be considered when identifying the dominant aggressor: (1) whether either person made threats creating fear of physical injury; (2) whether there is a history of domestic or sexual violence between the persons involved; (3) whether either person acted in self-defense; and (4) whether either person used or threatened to use a weapon and/or physical force.

Sexual Harassment includes degrading remarks, gestures, and jokes, notes, graffiti, and spreading rumors to indecent exposure, being touched, grabbed, pinched, or brushed against in a sexual way.

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 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
- The conduct is severe, persistent, or pervasive such that it:
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;
Creates an intimidating, threatening, hostile, or abusive educational environment.

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.

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

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

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

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

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

II. REPORTING RESPONSIBILITIES

The principal of each school shall establish—and prominently publicize to students, staff, volunteers, and parents—how to report dating violence and how such reports will be acted on. The victim of dating violence, or sexual violence; witnesses/bystanders to such actions; or anyone who has information that these actions have occurred may file a report. For model reporting procedures and forms, see JBA-R.

III. INVESTIGATION

The principal, or designee, shall develop procedures and guidelines for the investigation of a dating violence, and sexual violence reports. If the allegation is found to be credible, appropriate disciplinary sanctions, subject to due processes procedures, shall be imposed. Whenever teen dating violence or sexual violence involved conduct that violates criminal law, the police shall be notified. For model investigation guidelines and forms, see JBA-R.

IV. DISCIPLINARY SANCTIONS

Disciplinary sanctions for dating violence, or sexual violence may include loss of privilege to participate in extra curricular activities including athletics and school social events; loss of school bus transportation; assignment of additional school work or community service; and—depending on the extent of involvement in the prohibited activity—suspension from school.

For additional materials and guidance, see JBA-R: Chart of Recommended Disciplinary Actions for Teen Dating Violence, and Sexual Violence.

V. VICTIM RIGHTS AND PROTECTION

The district is committed to creating a campus environment that promotes timely and fair adjudication of teen dating violence, and sexual violence cases. Principals shall establish guidelines to protect the rights and privacy of the victim as well as the due process rights of the alleged perpetrator. For model guidelines and forms, see JBA-R.

VI. PREVENTION

The principal of each school shall ensure that students and staff are instructed on how to identify, prevent, and report teen dating violence, and sexual violence. The principal shall also ensure that the school health program and counseling services include the appropriate social skills training to help students avoid isolation and help them interact in a healthy manner.

School staff shall model correct and courteous behavior to each other, to students, parents and to visitors. Abusive or humiliating language or demeanor shall not be accepted. The staff shall ensure that each student is known by a teacher that the student can turn to if abuse develops. To the extent possible, the influence of cliques and other exclusive student grouping shall be diminished by the creation of inclusive school activities in which all students are encouraged to participate.

VII. RESPONSIBILITIES and EXPECTATIONS

A. Responsibility of Administrators:

Investigation of all Teen Dating Violence, and Sexual Violence Reports

The principal, or his or her designee, shall investigate all allegations of dating violence, and sexual violence along with the parties involved. If the allegation is supported by the outcome of an approved investigation, (see JBA-R) appropriate disciplinary sanctions, subject to any appropriate due process procedures, will be imposed. The investigation will include an assessment of what effect the dating violence, and/or sexual violence has had on the victim. The Student-On-Student Altercation Response Chart in JBA-R provides a step-by-step checklist for the investigation dating violence reports.

When a student discloses dating violence, and/or sexual violence, the principal, or his or her designee, shall work with the victim, alleged perpetrator, their respective parents/guardians, appropriate staff, and possibly a domestic violence 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 preference. The burden for any bus, classroom or other schedule changes should be on the alleged perpetrator, not the victim.

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

1. Victim Safety Plan:

A safety plan is a tool for helping to increase students' safety. The District encourages school personnel, when responding to an incident of sexual harassment, dating violence or sexual violence, to develop a safety plan in collaboration with the victim and the victim's parents/guardians 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,
- Follow-up meeting dates to review the situation and to make any necessary adjustments.

2. Enforcement of Protective Orders

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

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

- Review the protective order and ramifications.
- Clarify expectations.
- Review the school day, classes, lunch (open/closed campus situation), and activities, paying attention to potential conflicts and opportunities for face-to-face contact between the victim and the alleged perpetrator.
- Identify schedule overlaps, i.e. arrival/dismissal times, classes, lunch, before- and after-school activities, locker, etc.

Schools may wish to adapt the model Restraining Order/No Contact Order School Checklist (see JBA-R).

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 District 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 (i.e. talking to the victim, sitting near the victim, sending notes to the victim, etc.).
- Schedule changes for the alleged perpetrator (to separate the victim and alleged perpetrator), including classes, lunch period, arrival and dismissal times, locker location, and extracurricular activities.
- Notes on other disciplinary actions taken.
- Disciplinary consequences if the alleged perpetrator violates the Stay-Away Agreement.
- Dates during which the Stay-Away Agreement is valid.
- Date when the Stay-Away Agreement will be reviewed.

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

School administration is responsible for assigning a designee to oversee prompt resolution of an incident; identifying who needs to be notified (school personnel, parents/guardians, police, school Resource Officer); and providing a protocol for the school's response where an abuse prevention order is issued against one student, for the protection of another student.

Creation of Violence Prevention Task Force

The principal of each school in North Kingstown School District shall establish a Violence Prevention Task Force. This Task Force may include parents, school staff, and law enforcement officers, as well as community members—such as domestic violence advocates—and students. The purpose of this Task Force will be to develop policies and programs to educate students and staff about bullying, teen dating violence, and sexual violence. The Task Force may also create programs to prevent or diminish bullying, dating violence, and sexual violence. The program recommendations of the Task Force shall be subject to review by the School Committee before the programs are

implemented. The duties of the Violence Prevention Task Force may be assigned to the school's School Improvement Team.

B. Responsibility of School Staff

School staff shall take all reasonable measures to prevent teen dating violence, or sexual violence. All school staff who witness, hear of, or have reasonable grounds to believe that these behaviors are taking place, are obligated to report incidents according to this policy. In this context, the staff includes volunteers working in the school. Failure of any school staff member to follow these procedures will result in consequences consistent with the noncompliance.

C. Responsibility of Students

Students who observe an act of teen dating violence, or sexual violence, or who have reasonable grounds to believe that these behaviors are taking place, are obligated to report incidents to school authorities. The victim shall, however, not be subject to discipline for failing to report dating violence, or sexual violence.

False reports concerning harassment, teen dating violence, or sexual violence, will be subject to appropriate school discipline, including short or long-term suspension from school.

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