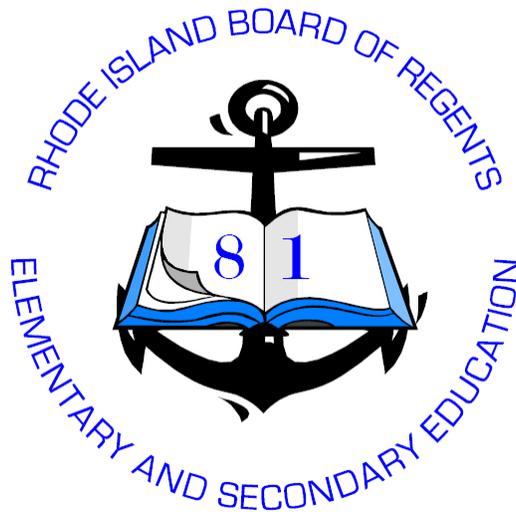


**A GUIDE TO PREVENTING
BULLYING,
TEEN DATING VIOLENCE,
AND
SEXUAL VIOLENCE
IN RHODE ISLAND SCHOOLS**



April 1, 2008

**Rhode Island Department of Education
255 Westminster Street
Providence, Rhode Island 02903**

PREFACE

How many more daughters have to lose their lives at the hands of an abusive partner? How many more teens have to suffer in an abusive relationship, fearing for their lives, afraid to tell anyone? Teen dating violence is a major health problem that leads to teen pregnancy, substance abuse, eating disorders, depression, and suicide. The psychological effects on its victims are devastating, and I know this all too well. Dating violence, the same as domestic violence, destroys and sometimes kills people. How can we ignore this major health problem any longer?

Teens, parents, and the public have a right to be educated about violence. Lindsay, a Rhode Island College graduate with a degree in elementary and special education, had a right to know this information too. Rhode Island legislators showed foresight and took a stand by passing the Lindsay Ann Burke Act. Episodes of dating violence, and all abuse, at school will no longer be ignored. People will now get the information and education that they rightfully deserve.

An interesting thing happens when you educate teens, school staff, and parents at the same time: Everyone begins to talk openly about this topic, removing the shame and stigma that now exists. This helps teen victims to come forward and seek help; it gives teens the knowledge and skills to help each other; and it helps parents to reinforce this information at home with their teens and watch for signs of unhealthy relationships. And abusers, once educated, may think twice about their own behavior and seek ways to change.

Our children deserve to be educated in a safe environment. Safety at school is paramount to receiving an education. Victims have difficulty learning in school due to the detrimental effects of violence. Schools have a responsibility to address this issue and education is the key.

Education gives power, the power to recognize an abusive relationship and help ourselves and others. It can and will save lives. It's the right thing to do; it's long overdue. If we wait, teens will continue to suffer in silence and the loss of life will continue. This is unacceptable. We can help them. You can help them. The time to educate a nation is NOW.

Ann Burke
South Kingston Health Teacher, Lindsay's Mom

ACKNOWLEDGEMENTS

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INTRODUCTION,

Youth in Crisis: Teen Dating Violence, Bullying, and Sexual Violence

On March 27th, 2003, 15-year-old Ortralla Mosley broke-up with her 16-year-old boyfriend Marcus McTear. Both were sophomores at Reagan High School in Austin, Texas. The next day, as school let out, McTear found Mosley in a hallway and stabbed her to death with a butcher knife.¹

Teen Dating Violence homicides are rare, but the violent relationships that cause them are not. In a national survey of over four thousand 9th through 12th graders, approximately 20% report being physically or sexually abused by a dating partner.² In Rhode Island, the number of youth who reported being hit, kicked, or slapped by dating partner increased by more than 30% in the past two years alone.³ Teen dating violence affects youth from all socio-economic, racial, and ethnic groups; claims victims and perpetrators of both genders; and occurs in heterosexual, gay, and lesbian relationships. The social, psychological, and physical health repercussions are severe and persistent with a recent study linking dating violence to increased substance use, unhealthy weight control, sexual risk behavior, pregnancy, and suicide.⁴

Teen dating violence shares trends with bullying and sexual violence. In the lives of young people, these behaviors overlap, co-occur, and can be risk factors for perpetrating or experiencing domestic violence in adulthood. Teen dating violence, bullying, and sexual violence generally exhibit similar patterns of which the major elements are:

- **Power and control:** Deliberate action taken by the perpetrator to exert power and control over the victim.
- **Patterns of fear-inducing behavior:** The abusive behaviors usually occur as a pattern over time, rather than as an isolated incident.
- **Cycle of violence:** violent offenses are often interchanged with apologizes or durations of reprieve.

School Response to Abuse: Obligation and Opportunity

Schools have a practical, *legal*, and moral imperative to prevent violence. Teen dating violence, bullying, and sexual violence—perpetrated on campus grounds or elsewhere—can undermine the academic achievement of an entire school. In some studies, teen victims of abuse earn lower grades and have higher truancy rates than their peers.⁵ Administrators who fail to respond to reports of abuse can expose their school to legal liability under federal and Rhode Island law.

At the same time, there is great opportunity for change. Schools possess strong educational infrastructure and relationships with young people. Teens are less likely to be entrenched in patterns of behavior and are more open to changing attitudes. And so, Rhode Island educators are in a unique position to take action against bullying, teen dating violence, and sexual violence; to return safety to schools; and to empower their students to choose healthy relationships.

¹ Smith, Jordan. *A Shining Star Goes Dark*. Austin Chronicle. May 16, 2003.

² Brener ND, Simon TR, Krug EG, Lowry R. Recent trends in violence-related behaviors among high school students in the United States. *JAMA*. 1999;282:440-446.

³ *Rhode Island Youth Risk Behavior Survey, 2007*

⁴ Silverman et al. *Dating Violence Against Adolescent Girls and Associated Substance Use, Unhealthy Weight Control, Sexual Risk Behavior, Pregnancy, and Suicidality*. *JAMA*. 286:572-79.

⁵ *Ibid.*

A Guide to Preventing Bullying, Teen Dating Violence, and Sexual Violence in Rhode Island Schools

The Rhode Island General Assembly is taking action to provide districts with the support they need to effectively address and prevent bullying, teen dating violence, and sexual violence in schools. In 2003, the General Assembly passed R.I.G.L. 16-21-26 requiring school committees to adopt bullying prevention policies in their district public schools. This same law required the Rhode Island Department of Education (RIDE) to prepare and distribute a model bullying prevention policy to school committees. These bullying prevention policies went into effect on September 1, 2004.

This was followed in 2007, by the passage of R.I.G.L. 16-85-2, also known as the *Lindsay Ann Burke Act*. This policy requires school committees to adopt a policy for responding to incidents of teen dating violence and to educate their community—students, parents, staff, faculty, and administrators—on prevention and intervention. Once again, the General Assembly called on RIDE to develop and distribute a model policy to guide school committees. But, rather than create a new and separate policy, RIDE, along with collaborators, expanded the Bullying Policy to include implications for teen dating violence as well as sexual violence. ***The purpose of this policy is to help school committees amend existing policies to create and adopt one, all-inclusive policy to address bullying, teen dating violence, and sexual violence.***

The General Assembly and RIDE recognize that each school committee will adapt some or all of this model policy in order best meet the unique needs of their own districts. And so, this document includes some general considerations that districts may take into account as they develop policies to prevent and respond to bullying, teen dating violence and sexual violence.

A safe school environment, free of bullying, teen dating violence and sexual violence, is possible when all members of a community work together to affect change at many levels. The purpose of this document, *A Guide to Preventing Bullying, Teen Dating Violence, in Rhode Island Schools*, is to help districts develop, in every school, a response and prevention strategy that engages and empowers administration, faculty, students and parents to take action against abuse. To that end, we offer the following tools, in addition to the model policy mentioned above:

- *Federal and Rhode Island Law Requires Schools to Respond to Bullying, Teen Dating Violence, and Sexual Violence:* A summary of laws that describe and define school and district responsibilities to address abuse.
- *The Dating Violence Prevention Toolkit:* A guide to understanding teen dating violence with tools and strategies to stop violence before it starts.
- *Resources:* Books, articles, organizations, and online resources about bullying, teen dating violence, and sexual violence to educate and empower.

FEDERAL AND RHODE ISLAND LAW REQUIRES SCHOOLS TO RESPOND TO TEEN DATING VIOLENCE, BULLYING, AND SEXUAL VIOLENCE

School districts have a legal duty to respond to reports of Teen Dating Violence, Bullying, and Sexual Violence under state and federal law.

Federal Law

*This analysis was adapted from the California Model Policy of School Response to Teen Dating Violence and Sexual Violence.*⁶

Duties and Requirements under Title IX

Right to be Free from Sex Discrimination and Sexual Harassment

Schools that receive federal funds can be liable under Title IX of the Education Amendments of 1972 for failing to adequately respond to teen dating violence and sexual violence against students. Title IX guarantees that “[n]o person in the United States shall on the basis of sex, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any educational program or activity receiving federal financial assistance.”⁷

Sexual harassment is a form of sex discrimination. Sexual violence is an extreme form of sexual harassment. Teen dating violence can be a form of sexual harassment because it often involves unwelcome touching, sexual demands, verbal abuse, and physical coercion of a sexual nature.

School Liability for Teen Dating Violence, Bullying, and Sexual Violence

School districts are liable for student-on-student sexual harassment, and accordingly acts of teen dating violence that constitute sexual harassment, when: (1) a student has been sexually harassed, (2) the school has actual knowledge of the harassment, (3) the harassment was severe, pervasive, and objectively offensive, (4) the harassment caused the student to be deprived of access to educational opportunities or benefits, and (5) the school is deliberately indifferent to the harassment.⁸

Deliberate indifference is found in two circumstances. First, a school district that fails to affirmatively act to protect students can be found to be deliberately indifferent. Second, a school district that knows or reasonably should know that its actions to protect students are ineffective or inadequate can be found to be deliberately indifferent.⁹

Required School District Policies and Protocols

Title IX regulations require that each educational institution has a written policy and protocol for responding to sexual harassment.¹⁰ Failure to adopt and implement policies on sexual harassment and teen dating violence that qualifies as sexual harassment exposes school districts to civil liability under Title IX.

ii. Duty to Provide Equal Protection of the Laws

⁶ California Women’s Law Center, *California Model Policy on School Response to Teen Dating Violence and Sexual Violence* (available at http://www.cwlc.org/files/docs/Model_Protocol_v9.pdf)

⁷ 20 U.S.C. § 1681 (a) 2007

⁸ *Davis v. Monroe County Bd of Ed.*, 526 U.S. 629, 651 (1999)

⁹ U.S. Department of Education, Office for Civil Rights. (2001). *Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties.*

¹⁰ See 34 C.F.R. §106.31 (2007).

The Equal Protection Clause of the Fourteenth Amendment mandates that no state shall deny to any person within its jurisdiction equal protection of the laws, “which is essentially a direction that all persons similarly situated should be treated alike.” Federal courts have held that a school district’s deliberate indifference to peer sexual harassment, a form of sex discrimination, can constitute evidence that the district violated a student’s constitutional rights under the Equal Protection Clause.¹¹ Therefore, failing to respond to teen dating violence that qualifies as sexual harassment exposes school districts and their officials to civil liability under the Equal Protection Clause.¹²

Duty to Train Employees on Sexual Harassment Policies

School districts can be liable for failing to train employees on sexual harassment, and accordingly acts of teen dating violence that constitutes sexual harassment. Federal courts have held that school districts have a legal duty to train employees when (1) the need for training is obvious and (2) it is highly foreseeable that a student’s constitutional rights will be violated if the district fails to conduct such training.¹³

Duty to Promote School Safety

School districts that receive funds under the Safe and Drug-Free Schools and Communities Act, as amended by the No Child Left Behind Act, must have a plan that promotes school safety.¹⁴ Because teen dating violence and sexual violence pose serious safety concerns, school safety plans should include teen dating violence and sexual violence.

Unsafe School Choice Option

The Unsafe School Choice Option of the No Child Left Behind Act of 2001 requires that each state that receives federal funding offers to the parents of each student who attends a “persistently dangerous” public school, or “who becomes a victim of a violent criminal offense” while on school grounds the option to attend a safe public school.¹⁵ This requirement permits victims to transfer to another school after experiencing an on-campus violent or threatening incident of teen dating violence or sexual violence.

Limitations of Freedom of Speech at School

Students have limited freedom of speech while they are at school. Perpetrators of teen dating violence and sexual violence often use speech and expressive conduct to harass their victims. Speech and expressive conduct can also be used by other students to retaliate against a victim who reports teen dating violence and/or sexual violence to the school or police. When teen dating or sexual violence involves speech or expression as a form of harassment, such speech can be restricted by the school in the interest of the safety and rights of other students.¹⁶

¹¹ *Flores v. Morgan Hill Unified Sch. Dist.*, 324 F.3d 1130, 1135 (9th Cir. 2003).

¹² *Annamaria M. v. Napa Valley Unified Sch. Dist.*, 2006 WL 1525733 (N.D. Cal. 2006)(citing *Flores*, 324 F.3d at 1135).

¹³ *Plumeau v. School Dist. No. 40*, 130 F.3d 432, 439 n.4 (9th Cir. 1997); *Flores*, 324 F.3d at 1136.

¹⁴ 20 U.S.C. § 7161(3)(B)(2007).

¹⁵ 20 U.S.C. § 7912(a) (2007).

¹⁶ *Harper v. Poway Unified Sch. Dist.*, 445 F.3d 1166, 1178 (9th Cir. 2006) (“students have the right to be secure and to be let alone.”)

Rhode Island Law

Duty to Provide Health Education

All schools that are approved for the purpose of §§ 16-19-1 and 16-19-2 shall have a school health program which shall be approved by the state director of the department of health and the commissioner of elementary and secondary education or the commissioner of higher education, as appropriate. The program shall provide for the organized direction and supervision of a healthful school environment, health education, and services.¹⁷

Duty to Create, Maintain, and Enforce a Student Discipline Code

Each school committee shall make, maintain, and enforce a student discipline code. The purpose of the code is to foster a positive environment that promotes learning.¹⁸

Duty to Create a School Safety Plan

The school committee of each town, city, and regional school department shall adopt a comprehensive school safety plan regarding crisis intervention, emergency response, and management. The plan shall be developed by a school safety team comprised of representatives of the school committee, representatives of student, teacher, and parent organizations, school safety personnel, school administration, and members of local law enforcement, fire, and emergency personnel. Members of the school safety team shall be appointed by the school committee of the town, city, or regional school district.¹⁹

Duty to Provide a Safe School Environment

The school committee, or a school principal as designated by the school committee, may suspend all pupils found guilty of this conduct or of violation of those school regulations which relate to the rights set forth in subsection or where a student represents a threat to those rights of students, teachers or administrators, as described.²⁰

Duty to Establish a Policy to Prohibit and Prevent Harassment, Intimidation, and Bullying

The board of a school district of a public school shall adopt a policy prohibiting harassment, intimidation, or bullying at school. The policy shall specifically prohibit harassment, intimidation and bullying by students at school and address prevention ... [of] such behavior. The policy shall be adopted through a process that includes representation of parents or guardians, school employees, volunteers, pupils, school administrators and community representatives.²¹

Duty to Establish a Teen Dating Violence Policy Lindsay Ann Burke Act

Each school district shall establish a specific policy to address incidents of dating violence involving students at school by December 1, 2008. Each school district shall verify compliance with the department of education on an annual basis through the annual school health report.²²

¹⁷ [R.I.G.L. 16-21-7]

¹⁸ [R.I.G.L. 16-21-21]

¹⁹ [R.I.G.L. 16-21-23]

²⁰ [R.I.G.L. 16-2-17]

²¹ [R.I.G.L. 16-21-26]

²² [R.I.G.L. 16-21-30, 16-85]

Duty to Provide Teen Dating Violence Training to All School Staff
Lindsay Ann Burke Act

Each school district shall provide dating violence training to all administrators, teachers, nurses and mental health staff at the middle and high school levels. Upon the recommendation of the administrator, other staff may be included or may attend the training on a volunteer basis. The dating violence training shall include, but not be limited to, basic principles of dating violence, warnings signs of dating violence and the school district's dating violence policy, to ensure that they are able to appropriately respond to incidents of dating violence at school. Thereafter, this training shall be provided yearly to all newly hired staff deemed appropriate to receive the training by the school's administration.²³

Duty to Incorporate Dating Violence Education into Annual Health Curriculum
Lindsay Ann Burke Act

Each school district shall incorporate dating violence education that is age-appropriate *into the annual health curriculum framework for students in grades seven (7) through twelve (12).*²⁴

Duty to Stop Hazing

Every person, being a teacher, superintendent, commandant, or other person in charge of any public, private, parochial, or military school, college or other educational institution, who shall knowingly permit any activity constituting hazing, as defined in § 11-21-1, shall be guilty of a misdemeanor...²⁵

Other Rhode Island Statues Relating to Bullying, Teen Dating Violence, and Sexual Violence

R.I.G.L. 11-37 Definitions, Crimes, and Penalties related to Sexual Assault

R.I.G.L 11-37.1 Sexual Offender Registration and Community Notification

R.I.G.L 11-59 Definitions, Crimes, and Penalties related to Stalking

R.I.G.L. 12-29 Domestic Violence Prevention Act

R.I.G.L. 15-15 Domestic Abuse Prevention

²³ [R.I.G.L. 16-21-30, 16-85]

²⁴ [R.I.G.L. 16-22-24, 16-85]

²⁵ [R.I.G.L. 11-21-2]

INTERVENTION:

RESPONDING TO BULLYING, TEEN DATING VIOLENCE AND SEXUAL VIOLENCE IN SCHOOL

Creating an Effective Bullying, Teen Dating Violence and Sexual Violence Response Policy

An effective and consistent school-wide response to bullying, teen dating violence and sexual violence begins with a clearly stated plan of action, or policy. This policy should inform all community members—administrators, school staff, students, and parents—of their responsibilities with respect to response and prevention.

This section includes a *Model Policy on School Response to Teen Dating Violence, Bullying, and Sexual Violence*. This Model Policy was developed by RIDE in close collaboration with Rhode Island school administrators, teachers, public health officials and community members; its structure and content are based on national best-practices for the response to and prevention of bullying, teen dating violence, and sexual violence.

A policy created using this Model Policy will fulfill the requirements of R.I.G.L. 16-21-26 and the Lindsay Burke Act which requires school policies to include:

- a statement prohibiting harassment, intimidation and bullying by students at school
- a statement about the prevention of harassment, intimidation and bullying by students at school
- a statement prohibiting dating violence,
- dating violence reporting procedures,
- guidelines to responding to at-school incidents of dating violence, and
- discipline procedures specific to such incidents.

These elements are **highlighted** through out the model policy to indicate language required by law. Beyond the requirements of the law, this document includes:

- the definition of terms related to teen dating violence
- strategies for prevention through education, training, and environmental change,
- provisions regarding sexual violence and bullying, and
- recommendations for utilization of community resources.

The purpose of the Model Policy is to provide districts with a blueprint for creating a comprehensive and effective response to abuse. Districts may alter the Policy in order to best meet the specific needs of their schools and can insert their name where they see "*The District.*"

To ensure compliance with the Lindsay Burke Act, the completed policy must be published in any school district policy and handbook that sets forth the comprehensive rules, procedures, and standards of conduct for students in school.

Each school district must verify to RIDE compliance with the Lindsay Burke Act on an annual basis through the Annual School Health Report.

Model Policy on School Response to Bullying, Teen Dating Violence, and Sexual Violence

PROHIBITION AGAINST BULLYING, TEEN DATING VIOLENCE, AND SEXUAL VIOLENCE

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

The purpose of this policy is to:

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

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.²⁶

Bullying occurs when a student intentionally assaults, batters, threatens, harasses, stalks, menaces, intimidates, extorts, humiliates, or taunts another student. Bullying also occurs when a student or a group of students organize a campaign of shunning against another student or when a student or a group of students maliciously spread rumors about another student.

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.

For additional terms, please see *Definitions* in the *Procedures and Guidelines* section.

REPORTING RESPONSIBILITIES

²⁶ R.I.G.L 16-21-30 (3)

The principal of each school shall establish—and prominently publicize to students, staff, volunteers, and parents—how to report bullying and how such reports will be acted on. The victim of bullying, 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 *Procedures and Guidelines*

INVESTIGATION

The principal, or designee, shall develop procedures and guidelines for the investigation of a bullying, 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 bullying, teen dating violence, or sexual violence involved conduct that violates criminal law, the police shall be notified.

For model investigation guidelines and forms, see *Procedures and Guidelines*

DISCIPLINARY SANCTIONS

Disciplinary sanctions for bullying, 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 *Appendix C: Chart of Recommended Disciplinary Actions for Bullying, Teen Dating Violence, and Sexual Violence*.

VICTIM RIGHTS AND PROTECTION

The district is committed to creating a campus environment that promotes timely and fair adjudication of bullying, 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 *Procedures and Guidelines*.

PREVENTION

The principal of each school shall ensure that students and staff are instructed on how to identify, prevent, and report bullying, 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.

Procedures and Guidelines

DEFINITIONS

(Continued)

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

Cyberbullying: the use of modern communication technologies and online forums—such as instant messaging, text messaging, blogs, email, chat rooms, and social networks—to embarrass, humiliate, threaten, or intimidate an individual in the attempt to gain power and control over them.

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.²⁷ 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.

Hazing: any conduct or method of initiation into any student organization, whether on public or private property, which willfully or recklessly endangers the physical or mental health of any student or other person. This conduct shall include, but not be limited to, whipping, beating, branding, forced calisthenics, exposure to the weather, forced consumption of any food, liquor, beverage, drug, or other substance, or any brutal treatment or forced physical activity which is likely to adversely affect the physical health or safety of the student or any other person, or which subjects the student or other person to extreme mental stress, including extended deprivation of sleep or rest or extended isolation.²⁸

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.²⁹

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:

²⁷ R.I.G.L. 16-21-30 (2)

²⁸ [R.I.G.L. 11-21-2]

²⁹ California Women's Law Center, *California Model Policy on School Response to Teen Dating Violence and Sexual Violence* (available at http://www.cwlc.org/files/docs/Model_Protocol_v9.pdf)

- 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.³⁰

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.³¹

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

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

RESPONSIBILITIES and EXPECTATIONS

Responsibility of Administrators:

Investigation of all Bullying, Teen Dating Violence, and Sexual Violence Reports

The principal, or his or her designee, shall investigate all allegations of bullying, dating violence, and sexual violence and the parties involved. If the allegation is supported by the outcome of an approved investigation, (see *Protocol for Responding to Reports of Teen Dating Violence* in the following section) appropriate disciplinary sanctions, subject to any appropriate due process procedures, will be imposed. The investigation will include an assessment of what effect the bullying, dating violence, and/or sexual violence has had on the victim. The *Student-On-Student Altercation Response Chart* provides a step-by-step checklist for the investigation dating violence reports (See Appendix B).

³⁰ R.I.G.L 11-59-2

³¹ R.I.G.L 11-37-2

Creation of Individualized School Safety Plan

When a student discloses dating violence, bullying, 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 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 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,
- Follow-up meeting dates to review the situation and to make any necessary adjustments.

Schools may wish to adapt the model *Victim Safety Plan* (see Appendix B)

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** 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 Appendix B)

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 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.

Schools may wish to adapt the model *School Based Stay-Away Agreement* (see Appendix B)

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.

School administration is responsible for assigning a designee to oversee prompt resolution of an incident; identifying who needs to be notified (school personnel, parents, 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 students.

Creation of Violence Prevention Task Force

The principal of each school in *The 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 student intervention team or to the school's school improvement team.³²

Responsibility of School Staff

School staff shall take all reasonable measures to prevent bullying, 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 District's* existing policies for non-compliance.

³² R.I.G.L. 16-7.1-2; R.I.G.L.16-53.1-2

Responsibility of Students

Students who observe an act of bullying, 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 bullying, dating violence, or sexual violence.

PROTOCOL FOR RESPONDING TO REPORTS OF BULLYING, TEEN DATING VIOLENCE, AND SEXUAL VIOLENCE³³

The District hereby incorporates the following response protocol to bullying, teen dating violence, and sexual violence into its school district policies.

Protocol for School-Based Intervention: Staff Members

Any school staff member who witnesses or learns of an act of teen dating violence, bullying, sexual violence, sexual harassment, sexual assault, or rape shall take the following steps:

1. **Separate the victim from the alleged perpetrator.**
2. Speak with the victim and alleged perpetrator separately.
3. 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.
4. Administer logical and reasonable consequences to the alleged perpetrator when appropriate, including but not limited to making a referral to the principal. See *Chart of Recommended Disciplinary Actions* (Appendix C)
5. 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. See *Student Complaint Form for Reporting Bullying, Sexual Harassment, Dating Violence, and Sexual Violence* (Appendix B)
6. Monitor the victim's safety. Increase supervision of the alleged perpetrator as needed.

Protocol for School-Based Intervention: Administrators

Any school administrator who witnesses or learns of an act of teen dating violence, bullying, sexual violence, sexual harassment, sexual assault, or rape shall take the following steps:

1. **Separate the victim from the alleged perpetrator.**
2. Meet separately with the victim.
3. Review the student's complaint form or assist the student in documenting the incident on a complaint form during the meeting. See *Student Complaint Form for Reporting Bullying, Sexual Harassment, Dating Violence, and Sexual Violence* (Appendix B)
4. Further investigate the complaint by speaking with the alleged perpetrator and any bystanders separately. Document all information.

³³ Adapted from *A Guide to Addressing Violence in Texas Schools*. The Texas Dating Violence Prevention Team. 2007.

5. 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 or police immediately.
6. If the assessment by a school psychologist, social worker, or counselor determines that the victim's mental health has been placed at risk, make appropriate referrals.
7. Contact the parents/guardians of the victim and the alleged perpetrator to inform them that an incident of bullying, sexual harassment, dating violence, or sexual violence has occurred. Ask the parents/guardians to attend a meeting with the administrator and their child to discuss the incident.
8. Track progress of investigation and intervention on the *Student-On-Student Altercation Response Chart* to ensure that all important actions are taken.

Protocol for Working with the Victim

In working with the victim, *The District* requires schools to make every reasonable effort to protect the due process rights of the alleged perpetrator. Administrators shall consider adopting 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.
- 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 Stay-Away Agreement or another school-based alternative to a protective order
- For situations also involving sexual harassment, inform the victim of his or her right to file a complaint alleging sexual harassment directly with the Rhode Island Title IX Coordinator. A complaint may also be filed with the Office for Civil Rights.
- If the behavior included a violent criminal offense, the victim will be informed of any school transfer rights he or she may have under the Federal *No Child Left Behind Act*.
- Monitor the victim's safety as needed. Assist the victim with safety planning for the school day and for after-school hours.
- 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.
- 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.

Protocol for Working with the Alleged Perpetrator

The District requires schools to make every reasonable effort to protect the due process rights of the alleged perpetrator. At their discretion, administrators shall consider adopting the following methods of intervention with the perpetrator:

- Conference with the alleged perpetrator and parent/guardian.
- Allow the alleged perpetrator an opportunity to respond in writing to the allegations.
- 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. Inform the alleged perpetrator that retaliation or threats of retaliation in any form designed to intimidate the victim of bullying, dating violence, or sexual violence, those who are witnesses, or those investigating an incident shall not be tolerated. In most cases retaliation or a threat of retaliation will result in the imposition of a short or long-term school suspension and, in appropriate cases, referral to the police.³⁴
- Increase supervision of the alleged perpetrator as needed.
- Document the meeting and action plans on a complaint form.

Protocol for Documentation and Reporting of Incidents

The District shall establish, and prominently publicize to students, staff, volunteers, and parents, how a report of bullying, teen dating violence, or sexual violence may be filed and how this report will be acted upon. Anyone who has information concerning an incident of abuse may file a report. *The District* hereby incorporates the following protocol to document teen dating violence into its school districts policy.

1. Teen dating and sexual violence complaints and investigations are kept in a file separate from academic records. This practice is recommended to prevent inadvertent disclosure of confidential information.
2. Each complaint of teen dating or sexual violence, either written or orally given, must be documented. Documentation includes:
 - All allegations constituting the original complaint,
 - All evidence, statements, etc. gathered in support of or contradiction to the allegations,
 - Report of findings and recommendation(s) for action to disciplinary or other administrator(s),
 - Safety planning actions taken, including changing the victim's or offender's schedule and school activities,
 - Follow-up actions, including any responses to disciplinary and safety planning actions and status reports from the victim.

³⁴ [R.I.G.L.11-42-2. Extortion and blackmail] [R.I.G.L.-59-2. Stalking prohibited]

3. In addition to the information specified above, *The District* shall track and archive aggregate, annual data on the incidence, types and prevalence of bullying, teen dating violence, and/or sexual violence.
4. The principal will provide the Superintendent of Schools and the School Committee with a semi-annual report on incidents of bullying, teen dating violence, and sexual violence which have taken place in the schools under their respective supervision. This report will include a statement describing what remedial action has been taken to address the incidents.

PREVENTION OF BULLYING, TEEN DATING VIOLENCE, and SEXUAL VIOLENCE THROUGH EDUCATION, TRAINING, AND SOCIAL NORMS CHANGE

Administrator and Staff Training

The school shall provide training on *The District's* bullying, teen dating violence, and sexual violence policy to all staff who have significant contact with students, including educators, school nurses and mental health staff, administrators, custodial and food service staff, and parents.

Per the *Lindsay Ann Burke Act*, the training shall specifically include, but not be limited to,

- basic principles and warning signs of dating violence,
- the school district's dating violence policy

and may also include;

- identifying issues of confidentiality and safety related to dating violence, and
- appropriate school-based interventions for dating violence³⁵.

It is strongly recommended that these same concepts related to bullying and sexual violence are 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 (See *Prevention Resources* in the *Teen Dating Violence Prevention Toolkit*)

The following is recommended:

- Administrators and school staff shall complete at least 3 hours of training on bullying, sexual violence, and teen dating violence
- Recent school staff hires will receive training within their first year at the 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 yearly in grades 7 – 12. Per the *Lindsay Ann Burke Act* 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

³⁵ R.I.G.L.16-21-30

policy.³⁶ Upon written request to the school principal, a parent or legal guardian of a pupil less than eighteen (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 relationships, of abusive relationships (cycle of abuse), effects on the victim, how to help yourself and others, 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, are a set-up for bullying or abuse, and violence in relationships, including sexual violence;
- exploring how teens can help themselves or a friend if they are a victim of bullying, dating violence, or sexual violence, and;
- addressing the roles that perpetrators, victims and bystanders play in violent situations and exploring how each group can respond to resolve conflict.
- 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 district shall inform parents of their policy against bullying, teen dating violence, and sexual violence and provide them with any additional relevant information. For further resources, see *What Parents Need to Know* in the *Teen Dating Violence Prevention Toolkit*

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 demeanor 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.³⁷ For further resources, see *Social Norms: How to Prevent Gender-Based Violence in your School* in the *Teen Dating Violence Prevention Toolkit*.

³⁶ R.I.G.L. 16-22-24

³⁷ R.I.G.L. 16-38-4. Exclusive clubs

DATING VIOLENCE PREVENTION TOOL KIT

A Guide to Preventing Teen Dating Violence through Education and Social Norms Change

What is Prevention?

Prevention is the safest, least expensive and most proven way to address every public health epidemic, including teen dating violence. The goal of dating violence prevention is to stop incidents before they happen or worsen and avoid the injuries, punishments, and fear that lie in the wake of abuse.

Risk and Protective Factors:

We can prevent teen dating violence in our schools by addressing the **risk** and **protective** factors associated with this behavior.

Risk Factors *INCREASE* a student's likelihood to perpetrate to be a victim of dating violence.

Protective Factors *DECREASE* a student's likelihood to perpetrate to be a victim of dating violence.

When schools take measures to **REDUCE Risk Factors** and **INCREASE Protective Factors** associated with violence, they can stop some violence before it starts or becomes worse. That is Prevention.

While the list of risk factors for teen dating violence is long and inconclusive, information about protective factors is more instructive: Education, strong support systems, and positive school culture give young people the tools they need to resist violent relationships, reach out for help, and advocate for their peers.

PROTECTIVE FACTORS

Education: Knowledge of healthy and unhealthy relationships

Strong support systems: A network of informed and caring adults who can speak with young people about dating violence and refer them to the appropriate services.

Positive School Culture: A positive school culture that promotes gender equity and antidiscrimination.

The *Dating Violence Prevention Tool Kit* contains resources to help educators develop strategies to increase these protective factors in their schools. When knowledge, systematic support, and positive culture empower teachers, parents, and students to act against dating violence, the emotional and financial burden of this epidemic will diminish and, at last, make way for safe and equitable education.

This resource was developed in special collaboration with educators and community advocates from leading Rhode Island violence prevention agencies including: Lucy Rios, *Rhode Island Coalition Against Domestic Violence*; Lauren Balasco, *Women's Resource Center of South County*; Melinda Bonacore, *Women's Resource Center of South County*; Stephanie Briggs, *Blackstone Valley Advocacy Center*; Erika Cannon, *Elizabeth Buffum Chace Center*; Hillary Jones, *Day One*; Jessica Walsh, *Women's Resource Center of Newport and Bristol Counties*; *Women's Center of Rhode Island*; and the *Katie Brown Educational Program*.

PREVENTION RESOURCE LIST

These community agencies are eager to help you design and carry out strategies to prevent bullying, dating violence, and sexual violence in your school. These agencies can provide your school with some or all of the following services:

- **Faculty and professional trainings** on violence and abuse prevention
- **Assistance with policy development** around violence and abuse prevention
- **Individual advocacy** to teens experiencing dating and or sexual violence
- **Violence prevention** programming for students—including class presentations

Blackstone Valley Advocacy Center

www.bvadvocacycenter.org

401.723.3057 (*Serves Cumberland, Lincoln, Central Falls, Pawtucket and North Providence*)

Day One (formerly the Sexual Assault and Trauma Resource Center)

www.dayoneri.org

(401) 421-4100 (*Serves all of Rhode Island*)

Domestic Violence Resource Center of South County

www.dvrcsc.org

401.782.3990 (*Serves Exeter, North Kingstown, South Kingstown, Narragansett, Hopkinton, Richmond, Charlestown, Richmond, Westerly, & Block Island*)

Elizabeth Buffum Chace Center

www.ebccenter.org

401.738.1700 (*Serves Foster, Scituate, Johnston, North Providence, Cranston, Coventry, West Warwick, Warwick, West Greenwich, & East Greenwich*)

Katie Brown Educational Program

www.kbep.org

508.678.4466 (*Serves Southeastern New England*)

Lindsay Ann Burke Memorial Fund

www.labmf.org www.lindsayannburke.com

401.269.9353 (*Serves all of Rhode Island*)

Sojourner House

www.sojourner-house.org

401.765.3232, 401.861.6191 (*Serves Providence, Burrillville, North Smithfield, Woonsocket, & Gloucester*)

URI Women's Center

www.uri.edu

401.784.1000 (*Serves all of Rhode Island*)

Women's Center of Rhode Island

www.womenscenterri.org

401.861.2760 (*Serves Providence & East Providence*)

Women's Resource Center of Newport and Bristol Counties

www.wrnbc.org

401.847.2533, 401.247.2070 (*Serves Barrington, Warren, Bristol, Portsmouth, Middletown, Newport, Tiverton, Little Compton, and Jamestown*)

UNDERSTANDING TEEN DATING VIOLENCE

What is Teen Dating Violence?

A pattern of behaviors— verbal abuse, isolation of the partner, sexual coercion, emotional manipulation, and physical abuse—used by someone to maintain control over his or her partner. Females are more likely than males to be killed or sustain major injuries as a result of dating violence. However, both females and males perpetrate and are victims of dating violence.

Teen Dating Violence and Schools

- Teen dating violence victims report *higher rates of both victimization and violence* at school.
- Victims and perpetrators of teen dating violence are more likely to bring a weapon to school.³⁸
- Victims of teen dating violence *have lower academic achievement* and more D and F grades.³⁹
- Five percent of *girls reported missing at least 1 day of school* during a 30-day period due to safety concerns.⁴⁰
- Forty-three percent of teen dating violence victims report that the dating abuse experienced occurred *in a school building* or on school grounds. Eighty-three percent of the abuse teen dating violence victims experienced at school was physical abuse.⁴¹

What are some Warning Signs of Teen Dating Violence?

- **Name-calling and putdowns.** Does one teen in the relationship call the other names? Does he or she use insults to put the other person down?
- **Extreme Jealousy.** Does one teen in the relationship act incredibly jealous when the other talks to peers? Does the teen accuse their partner of flirting even when it's innocent conversation?
- **Making Excuses.** Does one teen in the relationship make excuses for the other? Does one teen have to apologize for the other person's behavior?
- **Canceling or changing plans.** Does one teen cancel plans often, and at the last minute? Do the reasons make sense or sound untrue?
- **Monitoring.** Does one teen call, text message, or check up on the other constantly? Does one teen demand to know the other person's plans or whom the other person was with?
- **Uncontrolled Anger.** Have you seen one teen lose their temper? Does that teen throw things – or break things- when angry? Does one teen worry a lot about upsetting the other?
- **Isolation.** Has one teen in the relationship given up spending time with friends? Has that teen stopped doing activities that used to be important?
- **Dramatic Changes.** Has the teen's appearance changed? Has the teen lost or gained weight? Have that teen's grades dropped? Does the teen seem depressed?
- **Injuries.** Does the teenager have unexplained injuries, or does the teen give explanations that don't make sense?
- **Quick Progression.** Did the relationship get serious very quickly?

³⁸ Office of the Attorney General, Crime and Violence Prevention Center, 2003-04 *California Student Survey, Brief 4.*

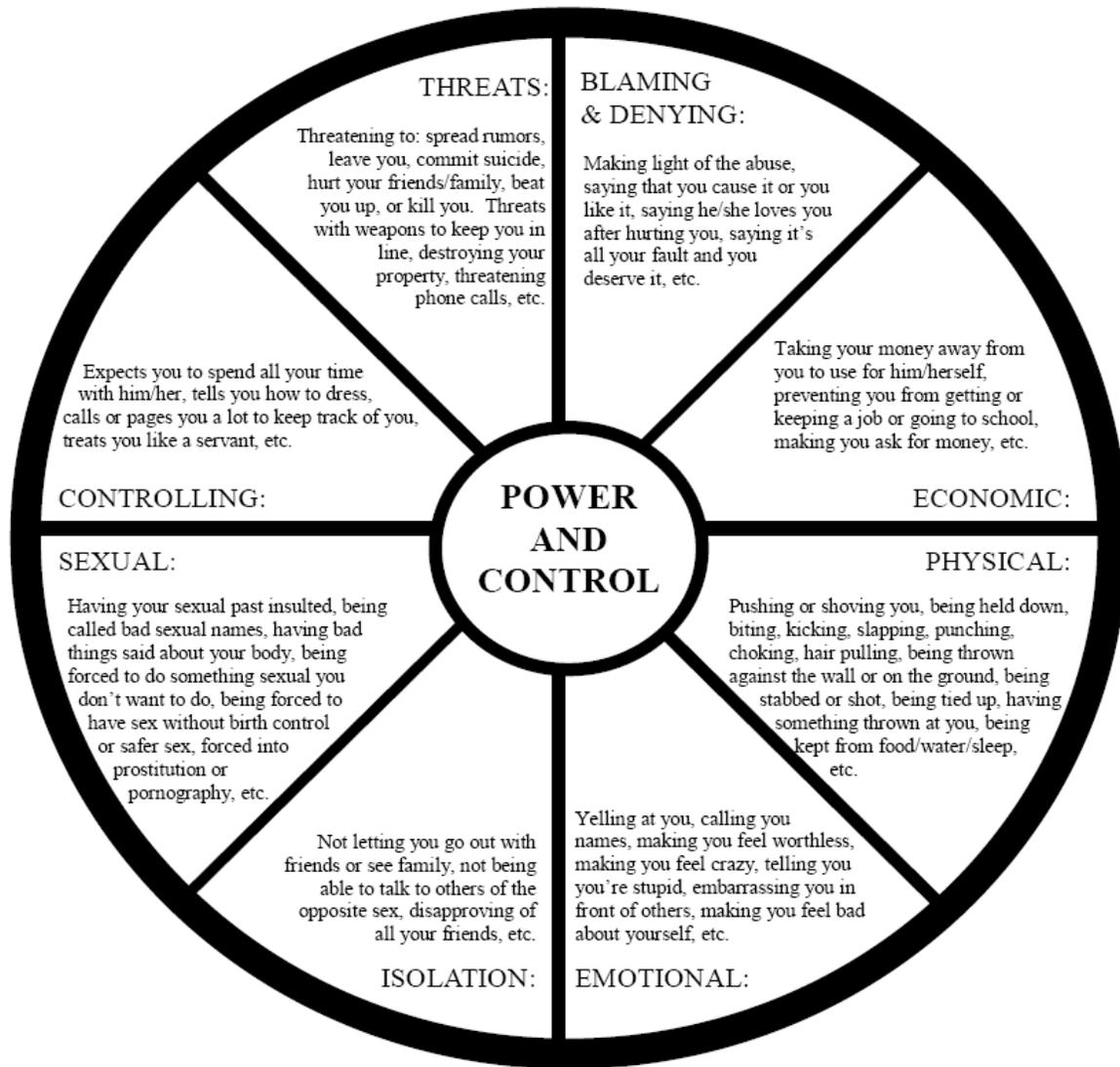
³⁹ Ibid.

⁴⁰ Centers for Disease Control and Prevention, *Surveillance Summaries*, May 21, 2004, MMWR 2004:53 (No. SS-2)

⁴¹ Christian Molitor, Richard M. Tolman, *Gender and Contextual Factors in Adolescent Violence*, *Violence Against Women*, Vol 4, no 2 (1998):180-94.

Understanding Teen Dating Violence

The patterns of Teen Dating Violence tend to mirror those exhibited in adult abusive relationships. Teen Dating Violence includes physical abuse ranging from pushing, to throwing objects, to attacking with weapons, as well as sexual and emotional abuse. Abusive teens, like abusive adults, intimidate, physically threaten, force sexual intimacy, isolate their victims from friends and family, equate possessiveness and jealousy with love, and use their social status to establish **control** and leverage **power** over their victim.



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⁴² Used with permission of the
 DOMESTIC ABUSE INTERVENTION PROJECT
 202 E. Superior St.
 Duluth, MN 55802
 218-722-2781
www.duluth-model.org

SCHOOL STAFF CAN HELP PREVENT TEEN DATING VIOLENCE

An effective teen dating violence response and support system is possible only with the cooperation of school staff. An aim of the *Lindsay Ann Burke Act* is to compel schools to provide educators with the support they need to address and prevent the complicated and often sensitive issue of dating violence with their students.

Steps Educators Can Take to Prevent Teen Dating Violence

1. **Educate** yourself on the dynamics of teen dating violence, so you can recognize the signs. For literature, studies, and online resources about dating violence see *Resources* in Appendix D.
2. **Learn** about policies in your school on teen dating violence. The Lindsay Ann Burke Act requires that schools provide educators with training on District Teen Dating Violence policy.
3. **Find out** what education students are receiving on this issue. Training should include:
 - A clear definition of dating violence
 - The indicators of teen dating violence- both the obvious and the less obvious signs, dynamics of abusive relationships (cycle of violence), effects on the victim, how to help yourself and others, community resources.
 - Culturally sensitive and realistic training materials, such as videos of real-life incidences of teen dating violence
4. **Demand** that students treat each other with respect at all times. Immediately and publicly acknowledge all acts of discrimination no matter how small. When you hear students put each other down: Say it, Claim it, and Stop it!
 - Say it: Repeat the put down “I just heard you call Jen bitch.”
 - Claim it: Explain that the put down is offensive to you: “The word bitch is offensive to me”
 - Stop it. “You will kindly never use that word again in my presence.”⁴³
5. **Prevent** language that dehumanizes and sexually objectifies people.
6. **Create** opportunities for students to speak out about issues affecting their lives and communities.
7. **Make** your classroom a comfortable place for your students to come talk to you about sensitive issues. See “How to Talk About Teen Dating Violence with Your Students” on the following page.
8. **Know** where to refer students if you are NOT comfortable talking about teen dating violence or if you identify a victim who requires further services.
9. **Invite** a speaker or trainer from your community’s local domestic violence agency to provide presentations to students and staff. See the “Prevention Educator Resource List” at the beginning of this guide.

⁴³ More highly effective strategies for ending prejudice are in abundance at www.youthprideri.org

HOW TO TALK ABOUT DATING VIOLENCE WITH YOUR STUDENTS: A GUIDE FOR SCHOOL STAFF

Teen dating violence is a silent epidemic. In one study, the majority of teen dating violence victims told no one about their victimization—fewer than 22% told a peer, and only 5% told an adult. The reasons that teens are reluctant to reach out to adults vary considerably. They may fear no one will believe them or that they will be blamed for the abuse. Many fear retaliation from the perpetrator. The cycle of abuse fuels these feelings of shame and vulnerability and further isolates victims from support and services.

Educators can work to end this harmful cycle by reaching out to students who may be struggling in an abusive relationship. When educators respond to incidents of dating violence they convey to students that school is a safe place where violence is not tolerated and human dignity is valued.

Dating violence, like any form of family violence, is complex. Starting a conversation will not “end” or “fix” the problem for the student. But, a talk with you could empower him or her to speak openly about the problem and seek the help they need.

Talking to teens about dating violence is a skill that any educator can master. What follows is a 5 step process to help you speak effectively with students about dating violence: How to approach a student who may be at risk, directly state your concern, and respond to what they tell you.

Read each step carefully and picture yourself doing and saying each procedure. You may want to team up with a colleague or a friend to help you role play around different scenarios. As you practice, these procedures will become more familiar and you will be more effective.

STEP 1: Set the Stage—Put the student at ease by creating a safe environment.

A safe space can go a long way towards making a student feel comfortable to talk about an abusive relationship. Confidentiality and kindness are the cornerstones of a safe environment.

1. **Convey Confidentiality**—This is a sensitive conversation that should take place between you and the student. It is neither necessary nor desirable for other students to present—even best friends and *especially* the alleged perpetrator—as this could compromise victim privacy and safety.
2. **Kindness**—Invite honest conversation using a friendly, calm tone when you speak. Smile, offer the student a seat.

STEP 2: Inquire—Direct, kind language conveys compassion and gravity.

Speak directly and warmly. Let the student know that you take both his wellness and the issue of dating violence seriously. Doing this conveys the trust that will be necessary to foster an honest, constructive dialogue. An effective inquiry is kind, direct, brief, and has 3 parts:

1. **A specific and succinct description of what you saw.** Note time and place: “*David, yesterday when you were leaving class I noticed that Leticia grabbed you by the arm.*”

2. **A connection of that act and the definition of abuse:** *“When one person in a relationship hurts their partner or tries to make them feel afraid, it’s called abuse, and it’s never ok.”*
3. **A statement of your concern followed by an invitation for further discussion:** *I’m concerned for your safety. Would you like to talk about it?”*

STEP 3: Listen.

The fear that no one will listen keeps many teen victims of violence from reaching out to adults. So, at this point, active listening is absolutely critical to achieving your goal. Active listening comprises the following:

- a. **Eye contact**—Nothing says undivided attention like consistent eye contact.
- b. **Silence**—Allow the student to speak, do not interrupt. If you wish to convey understanding or sympathy do so with non-verbal cues (such as slight nod of the head or a smile).

STEP 4: Respond—Validate and Convey Empathy

Once the student has finished speaking, it is important that you validate what they say and convey your empathy. This must happen whether or not the student discloses abuse.

If the student does not disclose:

“Thank you. Your safety is important to me. If you feel unsafe, I’m here for you.”

Resist the urge to push or pry, if there is abuse, the student must choose when and how to talk about it. Your job is to validate, convey empathy, and keep the door open.

If the student does disclose:

Validate: Let the student know you believe them (even if you don’t).

“I believe you.”

Convey empathy: Let the student know you care about them

“The abuse you have suffered is not your fault”

“You are not alone”

STEP 5: Refer—Direct the student towards school and community resources

Utilize your list of statewide resources for victims of dating violence and abuse. Know your school’s policy for reporting dating violence. Let them know that there is help available if they decide they want it.

TEEN DATING VIOLENCE: A GUIDE FOR PARENTS

What Is Teen Dating Violence?

Dating violence or relationship violence is a pattern of violence behavior that someone uses against a girlfriend or boyfriend. Abuse can cause injury and even death, but it doesn't have to be physical. It can take many forms, including threats, emotional abuse, insults, isolation from friends and family, name calling and controlling what someone wears or with whom they socialize. It can also include sexual abuse. It can happen to anyone, at any age, no matter what his or her race, religion, level of education or economic background.

How Can I Tell If My Teen Is A Victim Of Teen Dating Violence?

- Is your teen withdrawing from school or family activities?
- Has your teen become secretive, ashamed, hostile, or isolated from their friends and family?
- Is your teen spending all their time with their partner or does that partner maintain constant contact with calls, texts, or instant messages?
- Does your teen have unexplained injuries or apologize for his or her partner's behavior?
- Do you suspect alcohol or drug use?
- The use of alcohol and drugs could be a response to pressure from their partner. It may also be an attempt to numb pain or emotions.
- Does your teen believe that they have to be in a relationship to be happy or think that jealousy and possessiveness are signs of love?

How Can I Tell If My Teen Is Abusive?

- Is my teen excessively jealous and possessive?
- Does my teen have an explosive temper?
- Is my teen constantly ridiculing, criticizing or insulting their partner?
- Does my teen blame others when he/she gets angry or things don't go their way?
- Does your teen exhibit abusive behaviors towards you, friends, or other family members?
- Does your teen use guilt trips – "If you really loved me you would..."

Why Teens Don't Tell Parents About Dating

- Afraid that their parents will make them break up
- Embarrassed, ashamed, or confused
- Afraid of losing privileges
- May have little or no experience with relationships
- Believe being involved with someone is more important than not having a boy/girlfriend
- Confuse jealousy with love
- Do not think anyone will believe that violence is happening to them
- Have lost touch with friends and is afraid to be alone
- Knows the abuser acts nice, Sometimes
- Afraid the abuse will get worse
- Isolation from and mistrust of family and friends due to abusive relationship
- Fear

Parents Can Help End Teen Dating Violence

Parents play a very important role in ending dating abuse. Teens in abusive situations truly need the support of their parents. Even in the rockiest of parent-teen relationship, the advice a parent can give can make a dramatic difference in a teen's life.

Assess your own relationship values before you talk to your kids.

How do you expect men and women to act in a dating relationship? How should people behave when they disagree? How should decisions be made in a relationship? Make sure you can explain your reasoning and can support it with examples.

Reveal the Unspoken “Rules of Dating”

Give your kids clear examples of what is appropriate behavior in a dating relationship. Talk to them about the standard of conduct that you expect rather than letting your kids get information from their friends.

Tell the Whole truth...Good and Bad

Teens generally view dating very romantically. Support these expectations but also be Realistic with them about bad things that can happen. Let them know that violence is never acceptable. Give them a few suggestions or phrases to help them out of a difficult situation (“I’m not ready to go that far” or “I am not comfortable”).

Teach Assertiveness, Not Aggressiveness

One of the best skills parents can teach their teens are to make their feelings known by stating their opinions, desires, and reactions clearly. If they don’t want to do something, they need to say so, or if conflict is escalating, take a break from the situation.

Teach Anger Control

Help your kids recognize their personal warning signs for danger. Do they have clenched fists, red face, are tense? Teach them to calm themselves down, breathing, counting, or walking away.

Teach Problem Solving

When confronted with a difficult situation, have your child determine what exactly happened and ask them to think of several different ways the situation could be resolved. Have them consider the consequences of each solution and discussing their choices with them.

Teach Negotiation

Help your child understand that compromise and taking turns are positive steps to a healthy relationship and that violence, threats and insults have no place in respectful negotiation. Stating each person’s point of view honestly and discussing options for both people to get what they need.

Explain the Danger Zone

Teach your children to recognize that thoughts of aggression are signals of frustration that need to be dealt with. Help your kids understand that any incident of violence in a relationship is a predictor of a very serious problem that will continue to get worse.

Keep No Secrets

Secrecy that isolates kids from friends and family is not acceptable and can be the first sign of manipulation and coercion. Teach your kids that being strong means relying on parents, teachers, and police, if necessary.

Be the Ultimate Role Model

Teens learn by watching, especially parents. It is critical that you respect yourself, your partner and other people.

Educate yourself about abusive relationships

Learn the facts and Talk to your teen about healthy vs. abusive relationships, reinforcing what your teen is learning in health class. Parents and schools are partners in educating our youth.

If Your Teen Tells You About Dating Violence

- Listen without judging. Believe them.
- Recognize your own feelings, using “I” statements when describing your feelings about their safety
- Be sure to use specific examples in their relationship
- Realize your limitations in providing support, and contact a professional.
- Discuss options: counseling, reporting, medical needs
- Let your teen be in control and support their decisions
- Take young relationships seriously, your teen does

SOCIAL NORMS: HOW TO PREVENT GENDER BASED VIOLENCE IN YOUR SCHOOL

Researchers have made a big move towards an environmental approach to preventing gender based violence. This approach includes student, teacher, and parent education about these topics, but also strategies at the community and societal levels to change social norms.

What are Social Norms?

Students are often highly influenced by conformity and what they believe to be the perceptions of their peers. These perceptions then influence their thoughts and the acceptability of particular behaviors within their culture. So, if students believe that sexual harassment and assault, bullying, or intimate partner abuse is acceptable among their peers, they are more likely to commit said behaviors themselves, and significantly less likely to intervene when they see these behaviors among other students.

How do Social Norms Work?

The problem is that most students misperceive the acceptability of violence among their peers. While many students believe that their classmates think that sexist jokes, name-calling, and hitting are acceptable ways to treat others, the reality is that most students are uncomfortable with these types of behaviors. One researcher, Alan Berkowitz, has used social norms as a way to prevent everything from drinking on college campuses to sexual assault, and the results of his approach have been successful. How does it work?

By presenting correct information to students about their classmates' real attitudes, it can change social norms about gender based violence, prevent students from committing these behaviors, and increase the likelihood of bystander intervention of said behaviors.

For example, if students complete a survey of attitudes, staff may present the following findings to students afterwards, such as: 82% of students state that "I am uncomfortable when I see someone harassed or bullied"; 68% of students state that they believe that "Most other students at my school are uncomfortable seeing someone harassed or bullied".

What is Social Marketing and How Does it Work?

This information can be presented in a variety of ways, though many organizations are now using a technique called social marketing to change health behaviors. Social marketing uses traditional marketing techniques as a means to promote healthy behaviors. This can take several forms including poster campaigns, public service announcements, or t-shirts with health messages. It is important to have a consultant who can help you determine what the best method for your school is, how much saturation of the health message is needed, and how to best evaluate the effectiveness of the campaign. California's My Strength campaign is a good example of effective anti-violence social marketing. The campaign displays posters of men and women along with the statement "My strength is not for hurting..." along with a variety of statements such as "... so when she said 'stop', I stopped" or "... so when men disrespect women, we say 'that's not

right’’. The campaign has received many accolades and is often seen as a model in the field. Similar campaigns could be effective in your school, as well.

How Can Policy Change Social Norms?

Another way to change social norms about gender based violence is through effective and consistently implemented policies regarding violence at your school. Often times, students get mixed messages from staff in their school about their behavior, with inconsistent disciplinary actions for their infractions. Carefully developed disciplinary policies send a clear message to students (as well as teachers and other school staff) about what is acceptable behavior within your school, and validates the experiences of victims. For example, an effective sexual harassment policy for a school should include the following: A philosophy statement; a definition of sexual harassment; a list of behaviors it includes; sanctions for both student and adult harassers; student/staff codes of conduct; a statement of confidentiality; options for informal resolution; names and titles of complaint managers; specific timeframes when responding to complaints; a procedure for policy dissemination; a statement about appeals; a statement regarding training students and staff; a statement about services available to victims at the school; a plan to engage the school in prevention; a plan to communicate the plan to the community; a statement about the intent to update the plan. Clearly the more specific and explicit a school is with its plan, the more effective it will be at changing social norms and preventing violence.

Social Norms Resources

Berkowitz, A. (2007). Fostering healthy norms to prevent violence and abuse: The social norms approach. <http://www.alanberkowitz.com/Preventing%20Sexual%20Violence%20Chapter.pdf>

In K. Kaufman (ed.), *Preventing sexual violence and exploitation*. Oklahoma City, OK: Wood and Barnes Publishing.

Harassment-Free Hallways. <http://www.aauw.org/ef/harass/pdf/completeguide.pdf>

My Strength Campaign. <http://www.mystrength.org>

National Social Norms Resource Center. <http://www.socialnorm.org>

RAINN Social Norms Campaign. <http://www.rainn.org/programs/social-norms/index.html>

Strauss, S. (1992). *Sexual harassment and teens*. Minneapolis, MN: Free Spirit Publishing.

Hurt, Byron (2007) *Beyond Beats and Rhymes* www.beats.org

Katz, Jackson *Tough Guise*

Killing us Softly

**APPENDIX A:
LINDSAY ANN BURKE ACT AND BULLYING RELATED LEGISLATION**

Bullying Related Legislation

**TITLE 16
Education**

**CHAPTER 16-2
*School Committees and Superintendents***

SECTION 16-2-17

§ 16-2-17 Right to a safe school. – (a) Each student, staff member, teacher, and administrator has a right to attend and/or work at a school which is safe and secure, and which is conducive to learning, and which is free from the threat, actual or implied, of physical harm by a disruptive student. A disruptive student is a person who is subject to compulsory school attendance who exhibits persistent conduct which substantially impedes the ability of other students to learn or otherwise substantially interferes with the rights stated above, and who has failed to respond to corrective and rehabilitative measures presented by staff, teachers, or administrators.

(b) The school committee, or a school principal as designated by the school committee, may suspend all pupils found guilty of this conduct or of violation of those school regulations which relate to the rights set forth in subsection (a), or where a student represents a threat to those rights of students, teachers or administrators, as described in subsection (a). Nothing in this section shall relieve the school committee or school principals from following all procedures required by state and federal law regarding discipline of students with disabilities.

(c) A student suspended under this section may appeal the action of the school committee, or a school principal as designee, to the commissioner of elementary and secondary education who, after notice to the parties interested of the time and place of hearing, shall examine and decide the appeal without cost to the parties involved. Any decision of the commissioner in these matters shall be subject to appeal by the student to the board of regents for elementary and secondary education and any decision of the board of regents may be appealed by the student to the family court for the county in which the school is located as provided in § 42-35-15.

**CHAPTER 16-21
*Health and Safety of Pupils***

SECTION 16-21-26

§ 16-21-26 Student discipline codes. – (a) As used in this section:

(1) "At school" means in a classroom, elsewhere 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 held on school premises.

(2) "Harassment, intimidation or bullying" means an intentional written, verbal or physical act or threat of a physical act that, under the totality of circumstances:

(i) A reasonable person should know will have the effect of: physically harming a student, damaging a student's property, placing a student in reasonable fear of harm to his or her person, or placing a student in reasonable fear of damage to his or her property; or

(ii) Is sufficiently severe, persistent or pervasive that it creates an intimidating, threatening or abusive educational environment for a student.

(b) The board of a school district of a public school shall adopt a policy prohibiting harassment, intimidation, or bullying at school. The policy shall specifically prohibit harassment, intimidation and bullying by students at school and address prevention of an education about such behavior. The policy shall be adopted through a process that includes representation of parents or guardians, school employees, volunteers, pupils, school administrators and community representatives.

(c) Each school district shall adopt the policy under this section and transmit a copy of its policy to the commissioner of elementary and secondary education and director of the department of education by September 1, 2004.

(d) To assist school districts and public schools in developing policies for the prevention of harassment, intimidation or bullying, the department of education shall develop a model policy applicable to grades K-12. This model policy shall be issued no later than December 1, 2003.

(e) A school district shall ensure that notice of the school district's or public school's policy under this section is included in any publication of the school district or public school policy that sets forth the comprehensive rules, procedures and standards of conduct for its schools and in its pupil handbook.

(f) A school employee, pupil or volunteer shall not, nor shall those individuals solicit others with the intent to engage in reprisal, retaliation or false accusation against a victim, witness or one with reliable information about an act of harassment, intimidation or bullying.

(g) A school employee, pupil or volunteer who has witnessed or has reliable information that a pupil has been subjected to harassment, intimidation or bullying, whether written, verbal or physical, is encouraged to report the incident to the appropriate school official designated by the school district's or public school's policy.

(h) A school employee who promptly reports an incident of harassment, intimidation or bullying to the appropriate school official designated by the school district's or public school's policy, and who makes this report in compliance with the procedures in the policy prohibiting harassment, intimidation or bullying is not liable for damages arising from any failure to remedy the reported incident.

(i) Public schools and school districts are encouraged to form bullying prevention task forces, programs and other initiatives involving school staff, pupils, administrators, volunteers, parents, law enforcement and community members.

(j) Each school district or public school shall do all of the following:

(1) Provide training on the school district's or public school academy's harassment, intimidation or bullying policies to school employees and volunteers who have significant contact with pupils.

(2) Develop a process for discussing the harassment, intimidation or bullying policy with pupils.

(k) A school district or public school academy shall incorporate information regarding the school district or public or private school academy's policy against harassment, intimidation or bullying into each school's employee training program.

(l) This section does not prevent a victim from seeking redress under any other available law, either civil or criminal. This section does not create or alter any tort liability.

LINDSAY ANN BURKE ACT

TITLE 16 Education

CHAPTER 16-85 LINDSAY ANN BURKE ACT

16-85-1. Short title. – This chapter shall be known and may be cited as the "Lindsay Ann Burke Act."

16-85-2. Legislative findings. – The general assembly hereby finds, determines and declares that when a student is a victim of dating violence, his or her academic life suffers and his or her safety at school is jeopardized. The general assembly therefore finds that a policy to create an environment free of dating violence shall be a part of each school district. It is the intent of the general assembly to enact legislation that would require each school district to establish a policy for responding to incidents of dating violence and to provide dating violence education to students, parents, staff, faculty and administrators, in order to prevent dating violence and to address incidents involving dating violence. All students have a right to work and study in a safe, supportive environment that is free from harassment, intimidation and violence.

TITLE 16 Education

CHAPTER 16-21 Health and Safety of Pupils

SECTION 16-21-30

Chapter 16-21 of the General Laws entitled "Health and Safety of Pupils" is hereby amended by adding thereto the following section:

16-21-30. Dating violence policy. – (a) As used in this section:

(1) "Dating violence" means 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.

(2) "Dating partner" means any person, regardless of gender, involved in an intimate relationship with another primarily characterized by the expectation of affectionate involvement whether casual, serious or long-term.

(3) "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.

(b) The department of education shall develop a model dating violence policy to assist school districts in developing policies for dating violence reporting and response. The model policy shall be issued on or before April 1, 2008.

(c) Each school district shall establish a specific policy to address incidents of dating violence involving students at school by December 1, 2008. Each school district shall verify compliance with the department of education on an annual basis through the annual school health report.

(1) Such policy shall include, but not be limited to, a statement that dating violence will not be tolerated, dating violence reporting procedures, guidelines to responding to at school incidents of dating violence and discipline procedures specific to such incidents.

(2) To ensure notice of the school district's dating violence policy, the policy shall be published in any school district policy and handbook that sets forth the comprehensive rules, procedures and standards of conduct for students at school.

(d) Each school district shall provide dating violence training to all administrators, teachers, nurses and mental health staff at the middle and high school levels. Upon the recommendation of the administrator, other staff may be included or may attend the training on a volunteer basis. The dating violence training shall include, but not be limited to, basic principles of dating violence, warnings signs of dating violence and the school district's dating violence policy, to ensure that they are able to appropriately respond to incidents of dating violence at school. Thereafter, this training shall be provided yearly to all newly hired staff deemed appropriate to receive the training by the school's administration.

(e) Each school district shall inform the students' parents or legal guardians of the school district's dating violence policy. If requested, the school district shall provide the parents or legal guardians with the school district's dating violence policy and relevant information. It is strongly recommended that the school district provide parent awareness training.

(f) This section does not prevent a victim from seeking redress under any other available law, either civil or criminal. This section does not create or alter any tort liability.

TITLE 16 Education

CHAPTER 16-22 Curriculum

SECTION 3. Chapter 16-22 of the General Laws entitled Curriculum" is hereby amended by adding thereto the following section:

16-22-24. Dating violence education. – (a) Each school district shall incorporate dating violence education that is age-appropriate into the annual health curriculum framework for students in grades seven (7) through twelve (12).

(1) Dating violence education shall include, but not be limited to, defining dating violence, recognizing dating violence warning signs and characteristics of healthy relationships. Additionally, students shall be provided with the school district's dating violence policy as provided in subsection 16-21-30(c).

(2) For the purposes of this section:

(i) "Dating violence" means 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.

(ii) "Dating partner" means any person involved in an intimate association with another primarily characterized by the expectation of affectionate involvement whether casual, serious or long-term.

(iii) "At school" means in a classroom, on or immediately adjacent to such 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.

(3) To assist school districts in developing a dating violence education program, the department of education shall review and approve the grade level topics relating to dating violence and healthy relationships in the "health literacy for all students: the Rhode Island health education framework."

(4) The provisions of this section shall be amended in the health education curriculum sections of the Rhode Island rules and regulations for school health programs, R16-21-SCHO, and the Rhode Island basic education program at their next revisions.

(b) Upon written request to the school principal, a parent or legal guardian of a pupil less than eighteen (18) years of age, within a reasonable period of time after the request is made, shall be permitted to examine the dating violence education program instruction materials at the school in which his or her child is enrolled.

SECTION 4. This act shall take effect upon passage.

**APPENDIX B:
FORMS**

**Student Complaint Form for Reporting
BULLYING, SEXUAL HARASSMENT,
DATING VIOLENCE and SEXUAL VIOLENCE**

STUDENT-ON-STUDENT ALTERCATION RESPONSE CHART

RESTRAINING ORDER/NO-CONTACT ORDER SCHOOL CHECKLIST

VICTIM SAFETY PLAN

SCHOOL-BASED STAY AWAY AGREEMENT

**Student Complaint Form for reporting
BULLYING, SEXUAL HARASSMENT,
DATING VIOLENCE and SEXUAL VIOLENCE**

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?

Is 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 complaint are true and complete. 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 complaint: _____ Date: _____

School official conducting follow-up: _____ Date: _____

Administrator will document follow up on the Student-on-Student Altercation form (Appendix B) and attach it to this sheet. These documents should remain confidential

STUDENT-ON-STUDENT ALTERCATION RESPONSE CHART

Date	Step	Action
	Step 1	Take necessary steps to separate alleged perpetrator and victim.
	Step 2	Call the School Resource Officer or police if appropriate. If the altercation is assaultive in nature, see legal and policy guidelines for reporting and discipline.
	Step 3	<p>VICTIM: Conference with the victim 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.” Inform the student of his or her right to file a complaint alleging sexual harassment directly with the Title IX coordinator or Office of General Counsel and with the 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 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>
	Step 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>
	Step 5	Further investigate the complaint by interviewing any witnesses separately. Document findings.
	Step 6	Communicate in a confidential manner with the School Resource Officer and counselor and principal or designee.

	<p>Step 7</p>	<p>Make determinations regarding alleged conduct, ordinarily 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: Please allow NAME to see me when requested.) • Inform the student of his or her right to request a “Stay-Away Agreement.” • 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. • 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: Please allow NAME to see me when requested.) • 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 or police immediately and follow legal and policy guidelines for reporting and discipline.</p> <p>[] 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>[] There are no findings of inappropriate behavior.</p>
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	Step 8	<p>After determination 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 may 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 District.
	Step 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 or School Resource Officer. • Document subsequent follow-up actions and complaints in the space provided on the complaint form.
	Step 10	<p>Advise Title IX Coordinator by email or memo of all incidents of sexual harassment that occur on your campus. Label correspondence regarding 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).”</p>
	Step 11	<p>Store complaint forms in a separate, confidential file.</p>

STUDENT NAME _____ Grade ____ H.R. ____

Restraining Order/ No Contact Order School Checklist

VIOLATION OF A RESTRAINING ORDER IS A CRIMINAL OFFENSE AND ANY VIOLATIONS SHOULD BE IMMEDIATELY REPORTED TO THE POLICE.

Local police department telephone number _____

Restraining Order issued on behalf of student named above.

Defendant's NAME _____ Grade ____ H.R. ____

- A copy of the restraining order / no contact order attached
- Copies of Class Schedules (for both victim and defendant) attached
- If defendant does not attend the same school:
 - note school 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 restraining order is on the defendant. A victim cannot violate the restraining order, though realistically, reasonable behavior and cooperation is expected by Both Parties.

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

STUDENT NAME _____ Grade _____ H.R. _____
ADMINISTRATIVE Staff _____

VICTIM SAFETY PLAN

A safety plan should be considered when a student discloses dating violence and abuse, whether or not a Restraining Order/No Contact 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.

1.) Any Schedule Changes Made (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 ex. 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 Restraining Order/ No Contact Order School Checklist.

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SCHOOL-BASED STAY AWAY AGREEMENT

The intent of this agreement is to increase safety for students who have been the victim of bullying, sexual harassment, dating violence, or sexual violence. It is to be administered in a conference with the alleged perpetrator and his or her parent/guardian (if available).

Name of student: _____

Date of most serious incident: _____

Description of behaviors involved in incident:

Date of assessment: _____

Date of parent/guardian notification: _____

In order to protect the rights and safety of all members of our school community, you are required to stay away from (name of victim)

at all times during the school day and at any school-sponsored event. This means that you may not approach, talk to, sit by, or have any contact with (name of victim)

at school or on school property, school buses, and bus stops and/or at any school sponsored event. In addition, the following actions are effective immediately:

Arrival/Departure

Time: _____ Entrance: _____

Bus/Parking: _____

Current Schedule	New Schedule

Lunch: _____

Locker: _____

Extracurricular Activities: _____

Other disciplinary actions: _____

Violations of this agreement and acts of retaliation directly or indirectly toward the victim or the victim's friends or family members will be taken seriously and will result in further disciplinary actions. Your compliance will be monitored by (name and staff title):

_____.

Agreement is valid from _____ to _____.
date date

This agreement will be reviewed on _____.
date

Signatures:

Student: _____ Date: _____

Administrator: _____ Date: _____

cc: Principal * Assistant Principal * Counselor * School Resource Officer

**APPENDIX C:
CHART OF RECOMMENDED DISCIPLINARY ACTIONS FOR BULLYING,
TEEN DATING VIOLENCE, AND SEXUAL VIOLENCE.⁴⁴**

The purpose of this chart is to provide administrators with examples of actions and consequences that may be appropriate given certain violations. While justice must be consistent, we strongly recommend against the rigid enforcement of any discipline plan including the one below. Rather, we encourage schools to consistently enforce a flexible disciplinary plan that is judicious and respectful of due process. Please examine the circumstances around incident with care and make all final decisions on case-by-case basis.

Violation	Consequences	Contact Administrator	Contact Parents/Caregiver	Referral
Verbal/Nonverbal/Written • Use of put-downs, insults, name calling, swearing, or offensive language • Screaming or yelling at another • Making threats, being intimidating or getting friends to threaten or scare another	First Offense • Verbal • Warning/Education	May Inform	May Inform	• If appropriate, dating or other violence prevention counselor
	Repeat Offense • Teacher student conference • Send to office/Detention	Inform	Inform	• Dating or other violence prevention counselor
Physical • Hitting, punching, pinching, pushing, shoving, grabbing, slapping, kicking, chocking, pulling hair, biting, throwing things, arm twisting • Intimidation, blocking exits, punching walls, knocking things around • Damaging or destroying another's property • Restraining, pinning someone to the wall, blocking their movements	First Offense • Detention/Education/ Suspension Must Inform Parent Conference	Must Inform	Parent Conference	• Dating or other violence prevention counselor • School security • Police
	Repeat Offense • Detention plus Diversion Program • Suspension • Dangerousness Assessment	Must Inform	Parent Conference	
Using Weapons	Suspension	Must Inform	Must Inform	• Police
Stalking	Suspension	Must Inform	Must Inform	• Police
Sexual • Name calling, such as slut, bitch, fag • Cat calls or whistling • Spreading sexual gossip or graffiti • Comments about a person's body or unwanted verbal or written sexual comments • Staring or leering with sexual overtones, sexual gestures	First Offense • Detention/Suspension • Education	Must Inform	Parent Conference	• Sexual harassment counselor • Dating violence or rape counselor • School Security • Police
	Repeat Offense • Suspension • Psychological Assessment	Must Inform	Must Inform Parent Conference before admittance to new school or re-admittance	
Forcing obscene materials on others	Suspension	Must Inform	Must Inform	• Police
Pulling off or lifting clothes to expose private parts	Suspension	Must Inform	Must Inform	• Police
Rape or attempted rape	Suspension	Must Inform	Must Inform	• Police

⁴⁴ Adapted from Massachusetts Department of Education, *Sample Written Policy Chart*, <http://www.doe.mass.edu/ssce/tdv/guidelines/polich.html>

APPENDIX D: RESOURCES

Cases Dealing with School Safety and Discipline

1. *In the Matter of Student R.C. Doe, Commissioner of Education*, May 14, 2001 [extent of school premises]
2. *J.S. v. Bethlehem Area School District*, 757 A.2d 412 (Pa.Cmwlth. 2000) [extent school premises]
3. *Donovan v. Ritchie*, 68 F.3d [Off school premises conduct]
4. *Rose v. Nashua Bd. Of Education*, 679 F.2d 279 (1982) [Group sanctions for student misconduct]
5. *In the Matter of Jane A.K. Doe, Commissioner of Education*, March 6, 1996. [Responsibility for student safety]
6. *Parents of a Suspended Student vs. School Committee of Bristol*, Commissioner of Education, February 1, 1983. [Right to cross-examine witnesses]
7. *Newsome v. Batavia Local School District*, 842 F.2d 920, 925 (6th Cir., 1988); *Schneider v. Bd. of Education*, 255 F.Supp.2d 891 (N.D.nd. 2003) [Limitations on the Right to cross-examine witnesses]

Rhode Island Department of Education Guidance Documents

8. *Health Literacy for All Students—The Rhode Island Health Education Framework*, RIDE.
9. *Healthy Schools! Healthy Kids! Rhode Island's Plan for Comprehensive School Health*, RIDE.
10. *Healthy Schools! Healthy Kids! Rhode Island's Plan for Comprehensive School Health—Supplemental Volume*, RIDE.
11. *Comprehensive Health Instructional Outcomes*, RIDE.

United States Department of Education Guidance Documents

12. Questions and Answers on Disciplining Students with Disabilities, 1995
13. Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, 2001
14. Safety in Numbers: Collecting and using Crime, Violence, and Discipline Incident Data to Make a Difference in Schools, 2002
15. Preventing Youth Hate Crime: A Manual for Schools and Communities, 1998
16. Preventing Bullying: A Manual for Schools and Communities, 1998
17. Protecting Students from Harassment and Hate Crime: A Guide for Schools, 1999

Online Resources for Additional Reference and Guidance

Choose Respect is an initiative to help adolescents form healthy relationships to prevent dating abuse before it starts. Website contains helpful materials for parents, educators, and students as well as games, eCards, downloads, and helpful links.

<http://www.chooserespect.org/scripts/about/aboutcr.asp>

Communities Against Violence Network (CAVNET) provides an interactive, online database of information; an international network of professionals; and real-time voice conferencing with professionals and survivors, from all over the world, using the Internet. CAVNET seeks to address violence against women, youth violence, and crimes against people with disabilities.

<http://www.cavnet2.org/>

Men Can Stop Rape empowers male youth and the institutions that serve them to work as allies with women to prevent rape and other forms of men's violence. Through awareness-to-action education and community organizing, the program promotes gender equity and focuses on building men's capacity to be strong without being violent.

<http://www.mencanstoprape.org/>

Stop Bullying Now! is an HRSA national initiative to change environments that are conducive to bullying and promote healthier behaviors for young people. The site contains a bullying resource kit, fact sheets about bullying, and other interactive features for youth, parents, and educators.

<http://stopbullyingnow.hrsa.gov/index.asp?area=main>

<http://www.isafe.org>

Local Resources for Responding to and Preventing Bullying, Teen Dating Violence, and Sexual Violence

Teen Dating Violence

Coalition Against Domestic Violence
24 hour crisis line: 1-800-494-8100
422 Post Road, Suite 102
Warwick, RI 02888-1524
Phone: 401.467.9940
Email: ricadv@ricadv.org
Website: <http://www.ricadv.org>

Sexual Violence

Day One (formally the Sexual Assault and Trauma Resource Center)
24 hour crisis line: 1-800-494-8100
100 Medway Street
Providence, RI 02906-4402
Phone: 401-421-4100
Email: info@dayoneri.org
Website: <http://www.dayoneri.org>

Bullying

Rhode Island Department of Education
Safe & Drug Free Schools Program
255 Westminster Street, Ste 600
Providence, RI 02903
Phone: 401-222-8940
Email: george.mcdonough@ride.ri.gov

Website: http://www.ride.ri.gov/PSI/child_family/substance/

Rhode Island Department of Education
Thrive Program (Coordinated School Health Program)
Website: www.thriveri.org

Midge Sabatini, Ed.D

RI Dept. of Education
401-222-8952

Midge.Sabatini@ride.ri.gov

Rosemary Reilly-Chammat, Ed.D

RI Dept. of Health
401-222-5922

Rosemary.Reilly-Chammat@health.ri.gov

Additional Reference and Guidance in Print

Teen Dating Violence Prevention Recommendations for School Personnel, American Bar Association, 2006

A Guide to Effective Statewide Laws/Policies: Preventing Discrimination Against LGBT Students in K-12. GLSEN and Lambda Legal Defense and Education Fund. 2001.

Blueprints for Violence Prevention, Books 1-12, Center for the Study and Prevention of Violence, University of Colorado, Boulder, CO

Bully proof: A Teachers Guide to Teasing and Bullying for Use with Fourth and Fifth Grade Students. Sjostrom, Lisa, & Stein, Nan. (1996). Boston, MA: Wellesley College Center for Research on Women and the NEA Professional Library.

Keys to Dealing With Bullies (Barron's Parenting Keys). Barry Edwards McNamara, Francine McNamara (Contributor). Keys Hauppauge, N.Y. : Barron's Educational Series, 1997.

The Bullying Prevention Handbook: A Guide for Principals, Teachers and Counselors. Hoover, J.H. and Oliver, R. 1996. National Educational Service, Bloomington, IN.

Research Articles

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Charach, A., Pepler, D., & Ziegler, S. (1995). Bullying at school--a Canadian perspective: A survey of problems and suggestions for intervention. *Education Canada*, 35(1), 12-18.

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Bullying Behavior: Current Issues, Research and Interventions. Geffner, R.A., Loring, M. and Young, C. (Eds.) 2001. Hawthorne Press, New York.

McCoy, E. What to Do... When Kids Are Mean to Your Child (What to Do Parenting Guides, Vol. 1). Pleasantville, N.Y. : Reader's Digest, c1997. 96 p. : col. ill. ; 21 cm.

Nolin, M. J., Davies, E., & Chandler, K. (1995). *Student victimization at school*. National Center for Education Statistics/4Statistics in Brief (NCES 95-204).

Olweus, D. (1993b). Victimization by Peers: Antecedents and Long-term Consequences. In K.H. Rubin and J.B. Asendorf (eds.), *Social Withdrawal, Inhibition and Shyness in Childhood*. Hillsdale NJ: Erlbaum.

Bullying at School: What We Know and What We Can Do. Olweus, D. 1993. Cambridge, MA: Blackwell.

Whitney, I., & Smith, P. K. (1993). A survey of the nature and extent of bullying in junior/middle and secondary schools. *Educational Research*, 35(1), 3-25.

Weisz, A. N., & Black, B. M. (2001). Evaluating a sexual assault and dating violence prevention program for urban youth. *Social Work Research*, 25, 89-100.

Statewide Model Violence Prevention Policies. The following documents were instrumental to the crafting of this guide. We extend our deepest thanks to their authors.

California Women's Law Center. *California Model Policy on School Response to Teen Dating Violence and Sexual Violence*. July 2007.

Texas Dating Violence Prevention Team. *A Guide to Addressing Dating Violence in Texas Schools*. May 2007

Massachusetts Department of Education. *Guidelines for Schools on Addressing Teen Dating Violence*.