

***Student Dating Violence Policy**

Procedural Manual 2011-12



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(*Addressing Florida Statute 1006.148)

TABLE OF CONTENTS

INTRODUCTION..... 3

DEFINITIONS 4

EXPECTATIONS..... 4

REPORTING AN ACT OF STUDENT DATING VIOLENCE..... 5

INVESTIGATION PROCEDURES AND ACCOMMODATIONS6-8

REFERRAL FOR EXTERNAL INVESTIGATION 9

DATING VIOLENCE AND/OR ABUSE PREVENTION TRAINING 9

GLOSSARY 10

ATTACHMENT.....11

SBBC POLICY AGAINST STUDENT DATING VIOLENCE OR ABUSE
PROCEDURAL GUIDELINES

The purpose of this procedural manual is to provide school personnel and other interested parties with both the current Student Dating Violence or Abuse policy as well as the related procedural guidelines. This procedural information will be updated periodically by the **Division of Educational Programs and Student Support**.

Suggestions and questions are welcomed and should be sent to the following Executive Director:

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I. INTRODUCTION

Consistent with the intent and requirements of Section 1006.148, Florida Statutes, SBBC upholds that dating violence and/or abuse will not be tolerated and shall be grounds for disciplinary action. This Policy shall be interpreted and applied consistently with all applicable State and Federal laws and Board policies. Conduct that constitutes dating violence or abuse, as defined herein is prohibited.

It is essential that a basic universal prevention curriculum be in place so that every school will receive a foundation of prevention upon which to build a culture of health, wellness, safety, respect and excellence. Each school shall provide for a teen dating violence and abuse component in the health education curriculum, according to s. 1003.42(2)(n).

II. Defining Dating Violence or Abuse

“Dating Violence or Abuse” means a pattern of emotional, verbal, sexual, or physical abuse or threat of abuse used by one student in a current or past dating relationship to exert power and control over another student. Abuse may include insults, coercion, social sabotage, sexual harassment, stalking, threats and/or acts of physical or sexual abuse. The abusive partner uses this pattern of violent and/or coercive behavior to gain power and maintain control over the dating partner. This may also include abuse, harassment, and stalking via electronic devices such as cell phones and computers, and harassment through a third party, and may be physical, mental, or both.

“Dating Violence and/or Abuse” also encompasses:

1. retaliation against a student by another student for asserting or alleging an act of dating violence or abuse;
2. retaliation also includes reporting a baseless act of dating violence and/or abuse not made in good faith; and/or
3. perpetuation of conduct listed in the definition of dating violence and/or abuse by an individual or group with intent to demean, dehumanize, embarrass, or cause emotional or physical harm to a student by:
 - a. incitement or coercion;
 - b. accessing or knowingly and willingly causing or providing access to data or computer software through a computer, computer system, or computer network within the scope of the District school system; or
 - c. acting in a manner that has an effect substantially similar to the effect of dating violence or abuse.

SEE GLOSSARY FOR OTHER RELATED TERMS

III. Expectations

The District ensures that schools sustain healthy, positive, and safe learning environments for all students.

Each school will change the social climate of the school and the social norms with regards to dating violence or abuse. This requires the efforts of everyone who affects the school environment – students, parents, teachers, administrators, counselors, school nurses, as well as other non-teaching staff (such as bus drivers, custodians, cafeteria workers, school resource officers, and/or instructional aides).

Expectations for School-Based Administrators:

1. Each School Administrator shall:
 - a. receive investigative training and conduct investigations;
 - b. utilize the school’s designated Prevention Liaison in the dissemination of dating violence and/or abuse prevention curriculum;
 - c. ensure the trainings set forth in this Policy are administered; and
 - d. ensure multiple methods of anonymous reporting are made available as detailed in the Student Dating Violence Policy.

IV. Reporting an Act of Dating Violence and/or Abuse

1. Each school's Principal or administrative Designee shall document in writing and/or via the specified data system all complaints regarding dating violence or abuse, as with all infractions of the Code of Student Conduct, to ensure problems are appropriately addressed in a timely manner, whether the report is made verbally or in writing.
2. Each school's Principal or administrative Designee is responsible for ensuring multiple methods for anonymous reporting are made available. **Formal disciplinary action may not be based solely on the basis of an uncorroborated anonymous report.** The methods for anonymous reporting to be made available at each school are:
 - a. utilization of the Broward County Public Schools approved methods of reporting via the Report Form, which can be found on the School District's website www.browardschools.com, at each school's front office, and www.browardprevention.org;
 - b. via the Special Investigative Unit (SIU) website at www.broward.k12.fl.us/siu/tips/, Emergency/Silence Hurts Tipline at (754) 321-0911, email to school911@browardschools.com, or via text message by texting 'SBBC' [space], plus the text message to CRIMES (274637); and
 - c. through each school's "Reporting and Shout Out Box" placed at the single point of entry.
3. When the Principal or Designee has reason to suspect an alleged violation of this policy may constitute a crime, he/she shall immediately report the complaint to law enforcement. Any uncertainty regarding whether an alleged violation might constitute a crime can be referred to the school-based SRO/Deputy, SIU, and/or to law enforcement with the recommendation of erring on the side it being a criminal complaint.
4. In cases involving an alleged perpetrator who is of adult age and an alleged victim who is a minor, the investigating Principal/administrator must report their suspicions of child abuse to the Florida Abuse Hotline and/or local law enforcement pursuant to Section 39.201, Florida Statutes.

V. Investigative Procedures and Accommodations

Each school Principal or administrative Designee(s) who has been trained in investigative procedures will be the **only** party to conduct investigations. The Designee(s) may not be a relative of the accused perpetrator or alleged victim.

The Principal/Designee shall document all complaints in writing and/or through the appropriate data system to ensure that problems are addressed in a timely manner. This process is to be followed with all anonymous or oral complaints. Although this Policy encourages students to use the formal written complaint process, school officials "should investigate all complaints and reports of harassment, whether or not the complaint is in writing," as stated by the Office for Civil Rights in *Protecting Students from Harassment and Hate Crime: A Guide for Schools, Part II* (1999).

The Principal/Designee shall begin a thorough investigation and meet with the alleged victim, complainant and accused within two (2) school days of receiving a notification of complaint. The school Principal or Designee will document interviews of the victim, complainant, alleged perpetrator, and witnesses which are to be conducted separately and confidentially. **At no time will the name of the complainant be revealed and at no time will the parties be interviewed together.**

The Principal/Designee shall provide written notification to the parent/guardian of the alleged victim and accused within two (2) school days of receiving a notification of complaint.

- a. If such notification is not in the best interest or impairs the safety of the students involved, the Principal may determine an exception will be made while adhering to all threat assessment protocols. Determination as to why parents/guardians are not notified will be documented and the records retained.

Whenever possible, face-to-face contact between the alleged victim and alleged perpetrator will 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 alleged victim.**

When meeting with each individual party, the investigating administrator will:

- a. allow the party to respond in writing to the allegations;
- b. identify and implement consequences and/or interventions that will help to prevent further incidents;
- c. refer the parties and parent(s)/guardian(s) to available help and support within the school and community;
- d. address the seriousness of retaliations against any parties;
- e. provide for increased supervision of the alleged perpetrator and victim; and
- f. document the meeting and action plans on all relevant electronic data collecting systems.

Within twelve (12) school days of receiving the notification of complaint, there shall be a written decision by the Principal/Designee regarding the completion and determination of the investigation. The Principal/Designee shall make a decision about the validity of the allegations in the complaint and about any corrective action, if applicable, consistent with the Discipline Matrix.

V. Investigative Procedures (continued)

The Principal/Designee will inform all relevant parties in writing of the decision and the right to appeal in writing within five (5) school days. A copy of the decision will be sent to the originating school and be noted in all relevant data tracking systems including, but not limited to, the School Environmental Safety Incident Reporting system (SESIR).

Referral for accommodations may be made verbally or in writing to any school employee and these requests should be taken to the Principal or Principal's Designee who will document the request in writing. Accommodations may include, but are not limited to, class schedule changes, change of lunch schedule, private space for meeting with school guidance counselor or other appropriate school personnel, or safe egress/regress from school and within the school.

Accommodations for safety shall be considered even if the alleged perpetrator is not a student at the school or if the abuse occurred outside of school grounds.

When a referral for accommodation is made, the school shall provide a written decision to the student as soon as possible, but in all cases a decision must be made within five school days of the request and be kept confidential.

A denial to a request for accommodation must include the reason(s) for the denial. At no time shall the school personnel notify the alleged perpetrator of the student's request for accommodation, nor shall the school require the student to pursue a complaint against the alleged perpetrator through the school grievance process or the criminal justice system. **All accommodations under this policy are voluntary; the student may choose to decline or rescind any accommodations at any time by notifying the Principal or Designee.** The student shall not be subject to any retribution or disciplinary action for such decision and shall not lose the right to request and receive future accommodations.

Requests for intervention may also be made verbally or in writing to any school employee and these requests should be taken to the Principal or Principal's Designee who will document the request in writing. Interventions may include, but are not limited to, identified staff for communication, outside support and/or counseling, empathy training, anger management, or any assistance and support provided to parents/guardians, if deemed necessary and appropriate,

All steps necessary to protect the victim from further violations of this policy will be taken. They may include, but are not limited to, assignment of the perpetrator to a different school from that where the offense occurred. **Only the Superintendent/Designee may make such a reassignment. In such cases of reassignment, transportation will be provided by the District.**

**Broward County Public Schools
DATING VIOLENCE INVESTIGATIVE PROCESS**

**INVESTIGATION PROCESS:
(Initiated when complaint received)**

Begin Investigation Within 2 School Days:

- document and notify guardians “in writing”
- meet separately with alleged offender and victim



Document all interviews with parties and witnesses throughout the investigation (complainant, accused, victim, witnesses and parents).



Additional Procedural Questions:

- Are all threat assessment protocols being adhered to?
- Are any changes in schedules, lockers, etc. needed for safety or as an accommodation?
- Are any referrals to outside agencies needed?
- Is there a restraining order? If not, provide a copy of F.S. 784.046 and a blank “Petition for Injunction for Protection Against Repeat Violence, Sexual Violence, or Dating Violence.”



Complete Investigation Within 10 School Days:

- document determination as to the results of the investigation
- take any actions pursuant to the Discipline Matrix
- refer parties for interventions as needed
- refer parties to outside agencies/departments as needed
- notify the accused and victim in writing of the determination and if their right to appeal to the Area Superintendent/Designee in writing

Process for referral to or cooperation with external investigation:

If a crime has been committed, the police and SIU will be immediately notified. If the alleged act in violation of this policy is also the subject of an investigation by law enforcement, the investigation by the school shall proceed in full cooperation, and without interference, with the criminal investigation.

A student or their guardian should inform the school that a restraining order or an order of protection has been issued. The Principal or Designee will notify law enforcement or campus police immediately if they have a reasonable belief that a criminal or civil restraining order has been violated.

VI. Dating Violence and/or Abuse Prevention Training

Annual trainings on identifying, preventing, and responding to dating violence and/or abuse will be made available to students, parents, teachers, area/District staff, school administrators, student support staff, counseling staff, bus drivers, School Resource Officers/Deputies, contractors and school volunteers.

Annual trainings will be offered to all school administrators on the proper identification, investigation, and intervention of dating violence and/or abuse incidents that fall within the jurisdiction of the school. **Only those administrative employees designated and trained in dating violence and abuse procedures may conduct investigations.**

GLOSSARY

“Accused” is defined as any SBBC student who is reported to have committed an act of dating violence or abuse.

“Complainant” is defined as any SBBC employee, consultant, contractor, agent, visitor, volunteer, student, or other person who formally or informally makes a report of dating violence or abuse.

“Cyberbullying” is defined as the willful and repeated harassment and intimidation of a person through the use of digital technologies, including, but not limited to, email, blogs, texting on cell phones, social websites (e.g., MySpace, Facebook, Twitter, etc.), chat rooms, “sexting”, instant messaging, or video voyeurism. *Note: Per F.S. 810.145, voyeurism, which may be utilized in cyberbullying, in and of itself, is a criminal offense

“Cyberstalking”, as defined in Florida State Statute 784.048(d), means to engage in a course of conduct to communicate, or to cause to be communicated, words, images, or language by or through the use of electronic mail or electronic communication, directed at or about a specific person, causing substantial emotional distress to that person and serving no legitimate purpose.

“Days” shall be construed to be school days as determined by the applicable school calendar whenever mentioned in this policy.

“Harassment” means any threatening, insulting, demeaning, or dehumanizing gesture, use of technology, computer software, or written, verbal or physical conduct directed against a student or school employee that:

1. places a student in reasonable fear of harm to his or her person or damage to his or her property;
2. has the effect of substantially interfering with a student’s educational performance, opportunities, or benefits;
3. has the effect of substantially negatively impacting a student’s emotional or mental well-being; or
4. has the effect of substantially disrupting the orderly operation of a school and/or school district work environment.

“Student” is defined as any individual who is enrolled in a Broward County Public School program, regardless of age.

“Third party” is defined as a person who is neither the victim nor the accused, but someone who is involved not as a principal party.

“Victim” is defined as any SBBC student who is reported to have been the target of an act of dating violence or abuse.