

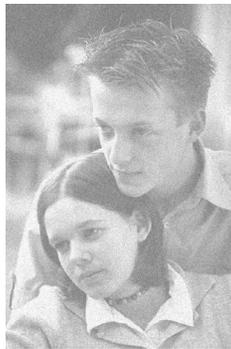
# **A Guide to Addressing Teen Dating and Sexual Violence in a School Setting**



**February 2008**

**Crime and Violence Prevention Center  
California Attorney General's Office**

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# **A Guide to Addressing Teen Dating and Sexual Violence in a School Setting**

## **Introduction**

Schools are given an enormous responsibility. They are asked to educate children and youth and help them become thoughtful and productive members of society. In order to fulfill these great expectations, schools must look beyond the traditional academics-only framework and take a comprehensive approach that considers all aspects of student growth, including academic, social, emotional, cognitive, and physical. As young people mature and move into middle and high school, for example, teasing can develop into abusive behavior in relationships.

In recent years, more and more researchers, health practitioners, and youth service providers have become aware of the problem of teen dating and sexual violence. Teen dating violence is shockingly common. In 2006, the Centers for Disease Control (CDC) reported that nationally one in 11 adolescents has experienced physical abuse. CDC also cited a 2001 report in the *Journal of the American Medical Association* stating that one in five high school girls have been sexually abused by a dating partner. Many youth also experience emotional abuse, harassment, and stalking in dating relationships.

Teen dating violence is a pattern of behavior where one person uses threats of or actual physical, sexual, and/or emotional abuse to control his or her partner. This form of violence can include verbal abuse, written materials, use of weapons, the destruction of property, stalking, and other forms of intimidation. Sexual violence can involve sexual harassment, including any unwanted sexual attention such as catcalls, gestures, sexual gossip, or verbal or written comments about a person's body; inappropriate sexual contact including sexual battery, touching, kissing, caressing and rubbing; and sexual assault, including rape or attempted rape.

Experiencing such abuse can have devastating effects on academic achievement, campus safety, and positive development. The trauma of relationship and sexual violence can lead to depression, poor concentration, drug and alcohol abuse, suicidal tendencies, unhealthy weight management, and inappropriate sexual behavior.

Unfortunately, schools are not exempt from the impact of teen dating violence. While teen dating violence often occurs off campus, teens in a dating relationship also see each other at school, and their violent association can cause a severe safety hazard to themselves and other students. Under state and federal law, schools can be liable for teen relationship violence and abuse on campus. The U.S. Supreme Court has held that a student who is subjected to sexual harassment by another student, for example, can sue a school district to recover monetary damages arising from the district's failure to respond to student-on-student sexual harassment. Under California law, school personnel are also mandated reporters of child abuse, which includes non-mutual violence against a minor. State law charges school district and school employees with the legal duties of properly supervising students and responding to violence at school. A student can recover damages for injuries caused by a breach of these duties.

Failure to address issues of violence on campus can impede students' academic performance. Young people who experience or witness abuse, are often unable to excel in school. Youth who have encountered abuse can become truant from school or certain classes in efforts to avoid the person or people who perpetrated the abuse. Teen dating violence can thus negatively affect school safety and student achievement. Since student intimate relationships affect the school environment, it is incumbent on schools to do all within their power to protect students and enhance their chances for academic success.

### **Schools' Legal Obligations and Potential Liability**

School districts have a duty to respond to complaints of teen dating and sexual violence. Federal and state law both require that students be safe and protected at school, and impose potential liability on a school for injuries arising out of teen dating violence. State law directs schools to develop comprehensive safety plans that address topics such as teen dating violence and encourages schools to educate their students in order to prevent such violence.

For information about all applicable state and federal laws, please refer to Appendix A.

### **Comprehensive School-Wide Plan to Prevent and Respond to Teen Dating and Sexual Violence**

In order to respond to teen dating and sexual violence that can have such a devastating effect on positive youth development and the educational process, schools need to develop a set of objectives and guidelines on what the school community can do to prevent and respond to this form of violence. Schools are encouraged to develop a Comprehensive School-Wide Plan by developing a Teen Dating and Sexual Violence Policy and Protocol. The comprehensive plan should also include a training curriculum for students, teachers and staff.

### **School Policies and Protocols**

In order for any school to address teen dating and sexual violence in a meaningful way, it must have clear expectations for community members. Schools can make all campus stakeholders, including students, parents, faculty and staff, aware of community standards by creating a school policy to prevent and respond to teen dating and sexual violence.

It is critical that the policy and the accompanying protocol ensure that an intervention occurs for all instances of abuse or prohibited behavior. Responding to all incidents is the only way to interrupt behavior and provide alternatives to involved parties. Such interventions must support victims and hold perpetrators accountable. Interventions need not be solely punitive. Educational interventions can also be effective.

The policy should be publicized and distributed so that all community members have a clear and working knowledge of standards of behavior. The policy can become a tool to educate parents, students and staff about community expectations and increase awareness of violence and abuse.

The policy (See Appendix B for sample) should:

- Establish the school's commitment to preventing teen dating and sexual violence.
- Establish the school's intent to respond to **all** reports of teen dating and sexual violence.
- State the school's commitment to report incidents of physical assault, sexual battery, rape, stalking, etc. to law enforcement rather than be handled as an internal matter.
- Declare the school's intent to provide support to victims/survivors.
- Declare the school's intent to hold those that choose to be abusive or violent accountable and responsible.
- Explicitly define types of prohibited behavior including physical, verbal and sexual violence, as well as stalking, internet abuse and other forms of abuse that involve technology.
- Identify disciplinary and educational interventions for teen dating and sexual violence.
- Declare the school's intent to provide facilitated referrals to teen dating and sexual violence prevention and intervention services.

A protocol should also be created which should specifically address how to implement the above policy. A sample protocol (Appendix C) provides details on how to collect and respond to reports of teen dating and sexual violence.

It is also important to highlight the service delivery system for victims, perpetrators and bystanders that include community-based services, as well as how to provide an educational component for students, faculty and staff.

### **Services for Victims, Perpetrators, and Bystanders**

Youth who have experienced or witnessed teen dating and sexual violence need reliable support. Schools can ensure that students have access to supportive services by collaborating with community-based organizations such as rape crisis centers and domestic violence service providers. These providers have experience and expertise in teen dating violence and various forms of sexual assault and are charged with making services available. Schools have the unique opportunity to interrupt the cycle of violence by connecting victims, perpetrators, and bystanders to community services. Schools are strongly encouraged to make these connections and provide facilitated referrals to counseling, advocacy and educational organizations.

Victims of teen dating and sexual violence should be made aware of and connected to the following services:

- Community sexual assault, domestic violence and stalking hotlines
- Empowerment counseling
- Victim advocacy
- Law enforcement response when a crime has been committed
- Civil services such as protective orders

Additionally, perpetrators of teen dating and sexual violence should be made aware of and connected with the following services:

- Counseling
- Batterers intervention groups
- Violence prevention education
- Psychological assessment

Students, teachers and others who have witnessed dating and sexual violence also need assistance and should be made aware of and connected to the following services:

- Crisis counseling
- Violence prevention education

Educating students, faculty and staff is critical in implementing a comprehensive plan. Developing policies and protocols without an educational component will only hinder an effective program.

### **Violence Prevention Education for Students**

A crucial step in preventing teen dating and sexual violence is to educate adolescents about how to identify abuse and build healthy relationships. In many cases, students are the first to know about instances of abuse on and off campus. Because most teens are more likely to tell a friend about having experienced abuse than to go to an authority figure or family member, students are in a unique position to respond to teen dating and sexual violence.

It is important to remember that violence prevention education can and should be implemented not at the expense of academic achievement, but as a means to ensuring it. Schools have the opportunity to integrate teen dating violence prevention education into existing school curricula in many ways. Education can be embedded in health or life skills classes and in other academic electives such as psychology, peer counseling, and sociology. When selecting an educational program, schools should review the materials to ensure that the information supports established violence prevention methodology.

Teen Dating and Sexual Violence Prevention Education Programs should:

- Provide a definition of dating violence or relationship abuse that includes physical, sexual, verbal and emotional or psychological abuse.
- Identify power and control issues as they relate to teen dating violence.
- Alter beliefs and attitudes that blame victims of violence.
- Be culturally competent and accessible.
- Increase empathy for victims/survivors.
- Encourage bystander accountability and peer interventions.
- Encourage help-seeking behaviors.
- Address gender role stereotypes.
- Change social norms that permit or support abuse.
- Promote individual and community activism.

- Support the development of pro-social conflict management skills that contribute to healthy relationships.
- Provide alternatives to abuse.
- Contain outcomes that are measurable.

Teen dating and sexual violence prevention education should be delivered by a person who has expertise and has received specialized training in the dynamics of sexual and relationship violence, adolescent development and cultural competency. Schools are encouraged to partner with domestic violence and sexual assault organizations to provide prevention education to students.

For additional information about suggested curricula, refer to Appendix D.

### **Faculty and Staff Training**

School faculty and staff are the eyes and ears of the administration and often observe instances of teen dating and sexual violence in the course of their duties. Additionally, many students may seek out school faculty and staff as resource people if they have questions about healthy relationships. It is critical to provide these gatekeepers with the training they need to effectively recognize teen dating and sexual violence and implement any new or existing school policies.

Schools should plan to provide mandatory training to all faculty and staff that orients participants to teen dating and sexual violence, campus policies and the comprehensive school wide plan to prevent and respond to teen dating and sexual violence. Schools should also plan to make supplemental follow-up training available on an ongoing basis. Faculty and staff are not required to be experts in teen dating and sexual violence, but all school staff should be able to identify abuse and make timely and appropriate referrals.

Faculty and staff training should include, but not be limited to:

- The comprehensive school-wide plan to prevent and respond to teen dating and sexual violence.
- Any and all applicable school policies and procedures.
- Definitions and dynamics of teen dating and sexual violence including power and control issues and issues of consent.
- Information about the cycle of violence.
- How to identify teen dating and sexual violence.
- Effects of teen dating and sexual violence.
- Responding to teen dating and sexual violence.
- Safety planning.
- Appropriate written information about school and community referrals for teen dating and sexual violence.

## **Conclusion**

Students in California are entitled to attend a safe and secure campus free from violence and abuse. Teen dating and sexual violence jeopardizes school safety and security. Furthermore, teen dating and sexual violence adversely affects academic achievement and school attendance. Schools are one of the remaining community centers in modern society, therefore schools must take a leadership role to prevent and respond to teen dating and sexual violence in schools and in the community.

## **Federal and California Laws Require Schools to Respond to Teen Dating and Sexual Violence**

School districts have a legal duty to respond to complaints of teen dating violence under federal and state law, including sex discrimination, sexual harassment and violence against a minor. The following laws can be used as guidelines, and are up-to-date as of December 2007.

### **FEDERAL LAW**

#### **I. Duties and Requirements under Title IX**

##### *A. 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. 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 education program or activity receiving Federal financial assistance.”<sup>1</sup>

Sexual harassment is a form of sex discrimination. Such harassment consists of unwelcome sexual conduct and includes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature.<sup>2</sup> 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.

##### *B. School liability for teen dating violence*

The United States Supreme Court has held that a student who is subjected to sexual harassment by another student can sue a school district to recover monetary damages arising from the district’s failure to respond to student-on-student sexual harassment.<sup>3</sup> School districts are liable for student-on-student sexual harassment, and accordingly teen dating violence, 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.<sup>4</sup>

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.<sup>5</sup> Second, a

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<sup>1</sup> 20 U.S.C. § 1681(a).

<sup>2</sup> 29 C.F.R. § 1604.11; see *Franklin v. Gwinnett County Pub. Sch.*, 503 U.S. 60, 75 (1992), applying Title VII definition of sexual harassment in Title IX Case.

<sup>3</sup> *Davis v. Monroe County Bd of Ed.*, 526 U.S. 629 (1999).

<sup>4</sup> *Id.* at 650.

<sup>5</sup> *Doe v. Petaluma City Sch. Dist.*, 949 F. Supp. 1415, 1426 (N.D. Cal. 1996).

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.<sup>6</sup>

### C. 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.<sup>7</sup> Failure to adopt and implement policies on sexual harassment and teen dating violence that qualifies as sexual harassment exposes school districts to future law suits under Title IX.

## II. Duty to Provide Equal Protection of the Laws

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.”<sup>8</sup> 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.<sup>9</sup> Therefore, failing to respond to teen dating violence that qualifies as sexual harassment exposes school districts and their officials to liability under the Equal Protection Clause.<sup>10</sup>

## III. Duty to Train Employees on Sexual Harassment Policies

School districts can be liable for failing to train employees on sexual harassment, and accordingly teen dating violence that qualifies as sexual harassment. Federal courts have held that school districts have the 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.<sup>11</sup>

## IV. 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 programs and/or activities that promote school safety.<sup>12</sup>

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<sup>6</sup> *Monteiro v. Tempe Union High Sch. Dist.*, 158 F.3d 1022, 1034 (9th Cir. 1998); *See* 34 C.F.R. § 106.31(b); *Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties*, U.S. Department of Education, Office for Civil Rights (January 2001) at 12; *Vance v. Spencer County Public Sch. Dist.*, 231 F.3d 253, 261 (6th Cir. 2000).

<sup>7</sup> 34 C.F.R. §§ 106.8 (b), 106.9.

<sup>8</sup> *City of Cleburne v. Cleburne Living Ctr.*, 473 U.S. 432, 439 (1985) (internal quotations and citations omitted).

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

<sup>10</sup> *Annamaria M. v. Napa Valley Unified Sch. Dist.*, 2006 WL 1525733 (N.D. Cal. 2006)(citing *Flores*, 324 F.3d at 1135).

<sup>11</sup> *Plumeau v. School Dist. No. 40*, 130 F.3d 432, 439 n.4 (9th Cir. 1997); *Flores*, 324 F.3d at 1136.

<sup>12</sup> 20 U.S.C. §§ 7115, 7161 (3) (B).

## **V. Duty to Track Teen Dating Violence**

In addition, school districts that receive Safe and Drug-Free School and Communities Act funds must track incidents of violence and crime on campus, which includes incidences of teen dating violence. Each state must forward this information to the United States Department of Education on a biannual basis.<sup>13</sup>

## **VI. Limitations of Freedom of Speech at School**

Perpetrators of teen dating violence often use speech and expressive conduct to harass their victims. When teen dating 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.<sup>14</sup>

Students have limited freedom of speech while they are at school. The Ninth Circuit has held that schools can restrict discriminatory speech when such speech endangers or impinges on the rights of students.<sup>15</sup>

## **CALIFORNIA LAW**

### **I. Duty to Provide Safe Schools**

The California Constitution, Article I, § 28(c) states that “[a]ll students and staff of public primary, elementary, junior high and senior high schools have the inalienable right to attend campuses which are safe, secure and peaceful.” Also, parents have a right to a safe and secure learning environment for their children.<sup>16</sup> Preventing and responding to all forms of violence, including teen dating violence, maintains a safe learning environment. While not conferring a private right of action for money damages, this constitutional mandate imposes a legal duty on school districts that is enforceable under California tort law.<sup>17</sup>

### **II. Duty to Combat Sexual Harassment**

California school districts have an affirmative obligation to combat racism, sexism, and other forms of bias against students, and a duty to provide equal educational opportunities for all students.<sup>18</sup> This duty involves taking actual steps to eradicate and address all forms of sexual harassment, including teen dating violence that qualifies as sexual harassment.

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<sup>13</sup> 20 U.S.C. §§ 7102, 7116.

<sup>14</sup> *Id.*

<sup>15</sup> *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”) (Internal quotations and citations omitted).

<sup>16</sup> Cal. Educ. Code § 51101 (a) (7).

<sup>17</sup> *Dailey v. Los Angeles Unified School District*, 2 Cal.3d 741 (1970); *M.W. v. Panama Buena Vista Union School District*, 110 Cal.App.4th 508 (2003); *Leger v. Stockton Unified School District*, 202 Cal.App.3d 1448 (1988); Cal. Educ. Code §§ 201(d-f), 32281, 32282(a)(2)(E), 32228(c)(4), 32260.

<sup>18</sup> Cal. Educ. Code § 201(b).

### **III. Duty to Respond to Hate Violence**

California's Hate Violence Prevention Act mandates that schools "[a]dopt policies directed toward creating a school environment . . . that is free from discriminatory attitudes and practices and acts of hate violence."<sup>19</sup> Hate violence includes violence against an individual because of her/his gender or sexual orientation<sup>20</sup> and therefore may include teen dating violence.

### **IV. Duties for Educators**

Teen dating violence prevention and response is clearly within the purview of educators and administrators. Each teacher is charged with impressing upon his or her students the ideas of "harmonious relations" and human dignity.<sup>21</sup> Moreover, California law encourages schools to spend funds on age-appropriate instruction in dating violence prevention.<sup>22</sup>

### **V. Duty to Protect Students**

California's Civil Code provides that all persons in California have the right to be free from any violence, or intimidation by threat of violence, committed against their persons or property because of their sex, sexual orientation, or because another person perceives them to have this characteristic.<sup>23</sup> The general right to be free from violence or threat of violence includes teen dating violence and sexual assault. A school district's failure to adequately respond to complaints of sexual harassment can constitute intentional sex discrimination in violation of the Unruh Civil Rights Act.<sup>24</sup>

### **VI. Duty to Create School Safety Plans**

California schools are required to establish comprehensive school safety plans, submit these plans to the state Department of Education, and review/revise these plans once a year.<sup>25</sup> An assessment of not more than two thousand dollars (\$2,000) can be levied against a school district or county office of education if a school willfully fails to create a safety plan.<sup>26</sup>

School safety plans must identify "appropriate strategies and programs that will provide or maintain a high level of school safety and address the school's procedures for complying with existing laws related to school safety," which includes providing a safe and orderly learning environment.<sup>27</sup> Because the pervasive nature of teen dating violence

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<sup>19</sup> Cal. Educ. Code § 233 *et seq.*; *and see* Cal. Educ. Code § 231.5(b).

<sup>20</sup> Cal. Penal Code § 422.55.

<sup>21</sup> Cal. Educ. Code § 233.5(a).

<sup>22</sup> Cal. Educ. Code § 32228(c)(4).

<sup>23</sup> Cal. Civil Code §§ 51, 51.7.

<sup>24</sup> *Annamaria M.*, 2006 WL 1525733 at 13; *Nicole M. v. Martinez Unified Sch. Dist.*, 964 F.Supp. 1369, 1389 (N.D. Cal. 1997).

<sup>25</sup> Cal. Educ. Code § 32280 *et seq.*

<sup>26</sup> Cal. Educ. Code § 32287.

<sup>27</sup> Cal. Educ. Code § 32282(a)(2).

compromises school safety, school districts should consider including a safety plan for responding to such violence, even if not expressly mandated by state law.

## **VII. Duty to Report Reasonable Suspicion of Child Abuse**

Teachers, administrators, and other school personnel are mandated reporters and must report any reasonable suspicion of child abuse to law enforcement or child protective services.<sup>28</sup> A school employee's failure to report can result in criminal liability and fines.<sup>29</sup>

Although mutual violence between two minors is not considered child abuse, non-mutual violence against a minor, regardless of whether the perpetrator is a minor or not, is child abuse.<sup>30</sup> Consequently, incidents of teen dating violence are subject to state child abuse reporting laws. In fact, teen dating violence rarely involves a "mutual affray" between minors. Rather, it is common in these cases that one student is a dominant perpetrator of violence and abuse toward the other, even if a situation appears to involve mutual consent. Therefore, violence between teenage intimate partners should trigger an investigation by the mandated reporter as to whether the incident constitutes reportable child abuse.

Mandated reporting of child abuse trumps confidentiality protections (i.e. counselor confidentiality privilege) for victims of dating or sexual violence.<sup>31</sup> Mandated reporters should explain the scope of their confidentiality privilege when counseling victims of teen dating violence.

## **VIII. Duty to Supervise Students**

Under California tort law, schools and school districts can be held liable for injuries caused by violent acts that could have been prevented through the proper supervision of students and employees.<sup>32</sup> As discussed above, state law charges school districts and school employees with the legal duties of properly supervising students and responding to violence, which includes teen dating violence, at school.<sup>33</sup> A student can recover for injuries caused by a breach of these duties through the tort of negligent supervision.<sup>34</sup>

## **IX. Duty to Discipline Perpetrators**

Pursuant to Education Code § 48915, students must be expelled for some types of teen dating violence-related assaults, such as committing or attempting to commit sexual assault or sexual battery, or brandishing a knife at another person.<sup>35</sup> Furthermore, administrators shall recommend expulsion for other teen dating violence-related assaults, such as causing serious physical injury to another person (except in self-defense), unless

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<sup>28</sup> Cal. Penal Code §§ 1165.7, 11165.9.

<sup>29</sup> Cal. Penal Code § 11166.

<sup>30</sup> Cal. Penal Code § 11165.6.

<sup>31</sup> Cal. Penal Code § 11166.

<sup>32</sup> *Panama Buena*, 110 Cal. App. 4th at 683.

<sup>33</sup> *Dailey*, 2 Cal.3d at 750-51.

<sup>34</sup> *Id.*

<sup>35</sup> Cal. Educ. Code § 48915 (c).

the recommendation for expulsion is inappropriate under the circumstances.<sup>36</sup> Also, students may be expelled for first-time offenses where the accused's presence at school "causes a danger to persons or property or threatens to disrupt the instructional process."<sup>37</sup> Teen dating violence can rise to this level because of the continuing danger to other students, particularly the student-victim.

School districts must provide due process for students who they believe should be suspended or expelled. In cases of suspension, the accused has minimal procedural due process rights that are satisfied with an informal meeting with the principal, the accused and his or her parents.<sup>38</sup> Furthermore, the accused is not entitled to know the identities of his accusers, especially when the case involves sexual misconduct.<sup>39</sup>

In cases of possible expulsion there must be a hearing prior to the expulsion.<sup>40</sup> The accused and his/her parents are entitled to appear in person, be represented by an attorney or advocate, look over the documents that will be used in the hearing, question the witnesses and evidence presented at the hearing, and present oral and written evidence on the accused's behalf at the hearing.<sup>41</sup> Further, the accused can be suspended until the expulsion hearing.<sup>42</sup>

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<sup>36</sup> Cal. Educ. Code § 48915 (a).

<sup>37</sup> Cal. Educ. Code § 48900.5.

<sup>38</sup> *Granowitz v. Redlands Unified Sch. Dist.*, 105 Cal. App. 4th 349, 354-55 (2003); see Cal. Educ. Code § 48911(a) (in California suspensions can only last 5 days, unless there is an expulsion hearing pending).

<sup>39</sup> *Granowitz*, 105 Cal. App. 4th at 354-55.

<sup>40</sup> Cal. Educ. Code § 48918.

<sup>41</sup> *Id.*

<sup>42</sup> Cal. Educ. Code § 48911; see American Civil Liberties Union, *School Discipline: A Guide for Students and Parents, Handbook on Suspension and Expulsion in California Public Schools*, [http://www.aclunc.org/youth/publications/asset\\_upload\\_file431\\_2976.pdf?ht=](http://www.aclunc.org/youth/publications/asset_upload_file431_2976.pdf?ht=).

## Sample Teen Dating and Sexual Violence Prevention Policy

### Introduction

“All students and staff of primary, elementary, junior high, and senior high schools have the inalienable right to attend campuses which are safe, secure and peaceful.”

- The Right to Safe Schools, California Constitution. Article I§28, subd. (c), 1982.

### Findings:

The \_\_\_\_\_ School District (the “District”) finds that teen dating violence is a complex public health and safety problem that requires a comprehensive, interdisciplinary approach to ensure that students and staff can learn and work in a safe, secure, and peaceful school climate.

The District additionally finds that an effective teen dating violence prevention strategy takes a public health approach to the problem, and seeks community-based solutions that enrich the school community.

The District holds that schools are in a unique position to address problems that occur within the school community whether that community is on school property or not. The school community is not housed uniquely within the school, instead this community is dynamic and fluid; students with problems outside of school impact the environment within schools.

### Responsible Parties

Each school campus will have a person responsible for the implementation of school policy and protocols addressing teen dating sexual violence. This person should be at an administrative level and be aware of all student and faculty codes of conduct, be trained in dynamics of relationship abuse, have knowledge of available resources for both victims and perpetrators, and be authorized to provide disciplinary interventions to students and meet with parents.

### Definitions

- **Dating Violence** is a pattern of behavior where one person uses threats of or actual physical, sexual, and/or emotional abuse to control his or her partner.
- **Verbal Abuse** includes the use of threats, put-downs, name-calling, insults, offensive language, sexually explicit or homophobic language, screaming or yelling.
- **Nonverbal Abuse** includes intimidation, getting peers to threaten or intimidate, using electronic devices such as pagers and cell phones to harass, threaten or intimidate.
- **Written Materials** include threatening notes, drawings and photos.
- **Obscene Materials** include sexually explicit notes, drawings and photos.

- **Physical Abuse** includes shaking, arm-twisting, pushing, hitting, kicking, slapping, choking, hair pulling or any behavior that results in non-accidental injury.
- **Physical Intimidation** includes restraining someone, blocking movements or exits, punching walls, or throwing things.
- **Internet Abuse or Cyber bullying** encompasses verbal or psychological abuse or threats using electronic means including emails, web-postings, blogs, or social networking sites.
- **Abuse of Property** includes damaging or destroying another's property.
- **Use of Weapons** includes brandishing or using a weapon to intimidate or injure another.
- **Stalking** is willfully and repeatedly following or harassing another person and/or making a threat with the intent to place that person in fear for his or her safety, or the safety of his or her family.
- **Sexual Harassment** is any unwanted sexual attention including catcalls, verbal or written comments about a person's body or sexual conduct, sexual gestures, spreading sexual gossip or graffiti.
- **Inappropriate Sexual Behavior** is any unwanted sexual contact including sexual battery, touching, kissing, caressing, and rubbing.
- **Sexual Assault** is forced sexual contact including rape, attempted rape, forced oral or anal copulation, or genital contact.

### **Interventions**

All incidents of abuse shall receive an appropriate response from the school. **In some instances, such as physical assault, sexual battery, rape or stalking, the appropriate response is an immediate call to law enforcement.** Interventions for other forms of dating and sexual violence can include verbal warning, education, disciplinary action, counseling, and risk or psychological assessments.

### **Documentation**

Incidents of prohibited behavior along with measures taken to correct behavior shall be documented by the responsible party and kept with student records.

### **Parental Notification**

The parents of alleged perpetrators and victims shall be informed of all disciplinary actions taken and will be asked to participate in a parent conference to discuss student behavior.

### **Confidentiality**

Students who are victims of relationship violence or other abuse or harm should be reminded that they may receive confidential assistance from the designated school

office or individual assigned to handle victims of relationship violence or abuse. However, confidentiality is suspended in cases that necessitate a mandated child abuse report or reported sexual assault or rape.

**Child Protective Agency Notification**

In cases of physical abuse and sexual assault that fall within mandated child abuse reporting requirements, a report will be made to the appropriate Child Protective Services Agency (police, sheriff, or department of children’s services).

**Training**

Participating in training on the issues of relationship violence and relevant school policy is the responsibility of any staff or contractor providing services to, or interacting with, abuse victims and perpetrators to ensure timely, accurate, and sensitive assistance to all concerned.

**Education**

Educational programs for students, faculty, and staff will be made available each year.

## Sample Teen Dating and Sexual Violence Protocol

### Initial Knowledge of Abuse

- An instance of prohibited behavior is reported, observed, or alleged.
- If the behavior is first-time low-intensity verbal abuse, including name-calling, insults, etc., the faculty member who witnessed the behavior can provide the offender with education regarding school rules and give a verbal warning. The offender will be notified that this incident will be documented and referred to the appropriate administrator.
- If the behavior includes repeated low-intensity verbal abuse, physical abuse, sexual harassment or abuse, or any other prohibited behavior, the situation will be referred to the appropriate administrator.

### Initial Contact with the Victims and Offenders

- In all cases of teen dating abuse, it is imperative that teachers, counselors, and/or administrators meet with the victim and perpetrator separately. This is the only way to ensure safety and facilitate full disclosure on the part of the victim.
- Meetings will take place in a private room.
- The administrator will meet with each party and any witnesses in order to obtain a clear picture of what types of abuse have taken place.

### Meeting with the Victim

- Assess the meeting for the appropriate timing.
- Explain the purpose of the meeting.
- Explore the situation.
- Review confidentiality and limits.
- Let the victim know that you will be taking notes and that this meeting will be documented.
- Ask student/staff to tell you (in their own words) what is going on. Probe for information about history of abuse and current behaviors.
- Explore intervention options including counseling, safety planning, restraining orders and help from local community based agencies.
- Let the victim know that he/she is entitled to know the outcome of any disciplinary actions that may be taken against the offender.
- Make a follow-up appointment to meet with the victim to re-evaluate safety plans and make additional referrals if necessary.

### Meeting with the Offender

- Explain the purpose of the meeting.
- Explore the situation.
- Review confidentiality and limits.
- Let the offender know that you will be taking notes and that this meeting and incident will be documented.
- Ask student/staff to tell you (in their own words) what is going on.

- Explain definitions of types of abuse to the offender.
- Explain to the offender that this behavior is prohibited and that the school has a responsibility to keep students and faculty safe.
- Explain consequences for the offender. Consequences can include education, detention, suspension or expulsion or a possible referral to law enforcement.
- Refer offender to other interventions including counseling, anger management, and psychological assessment.
- If criminal behavior or reportable child abuse has occurred, notify law enforcement. (See Appendix A for relevant statutes)
- Make sure that offender knows and understands consequences for any subsequent prohibited behavior.
- Notify the offenders' parent/guardian of the prohibited behavior and the actions taken.

**Documentation**

- Document all findings and actions taken.

## Suggested Curricula

Aldridge, L., Friedman, C., and Giggans, P. *In Touch With Teens: A Relationship Violence Prevention Curriculum for Youth*. The Los Angeles Commission on Assaults Against Women, 1993. (213) 955-9090. ([www.lacaaw.org](http://www.lacaaw.org))

Creighton, Allen and Kivel Paul. *Young Men's Work: Stopping Violence & Building Community*. Center City, MN, 1995. ([www.hazelden.org](http://www.hazelden.org))

*Drawing the Line: A Guide to Developing Effective Sexual Assault Prevention Programs for Middle School Students*, The American College of Obstetricians and Gynecologists, 2000. (202) 638-5577. ([www.acog.org](http://www.acog.org))

Foshee, Vangie, *Safe Dates Program*, North Carolina 1996, (919) 966-6616.

Rosenbluth, Barri. *Expect Respect: A School Based Program Promoting Safe and Healthy Relationships*, SafePlace, Austin, TX 2000. ([www.austin-safeplace.org](http://www.austin-safeplace.org))

Stien, Nan and Cappello, Dominic. *Gender Violence/Gender Justice: An Interdisciplinary Teaching Guide for Teachers of English Literature, Social Studies, Psychology, Health, Peer Counseling and Family and Consumer Sciences (Grades 7-12)*, 1999. ([www.wellesley.edu](http://www.wellesley.edu))