

## **Model Dating Abuse and Sexual Violence Policy**

A Comprehensive Approach to Addressing Dating Abuse and Sexual  
Violence in New York City Schools

## **About Legal Momentum**

Founded in 1970 as NOW Legal Defense and Education Fund, Legal Momentum is the nation's oldest legal advocacy organization dedicated to advancing the rights of women and girls. Legal Momentum is a nonpartisan, nonprofit 501(c)(3) organization. As chair of the National Task Force to End Sexual and Domestic Violence Against Women, Legal Momentum led passage of the Violence Against Women Act and its subsequent reauthorizations, historic legislation protecting the rights of victims of all forms of violence against women, including immigrant women and girls.

## **About the Teen Dating Abuse Program**

The Teen Dating Abuse Program at Legal Momentum uses litigation, policy initiatives, and public advocacy to enforce equal education rights for teens enrolled in New York City Public Schools who are victims of dating violence and abuse. Established in 2008 with funding by the Skadden Fellowship Foundation, the program is directed by Naomi Shatz, staff attorney and Skadden Fellow.

*If you have questions about this policy or would like assistance implementing it in your school, please contact Naomi Shatz: (212) 413-7542; nshatz@legalmomentum.org.*

Legal Momentum would like to thank the following groups for their assistance in developing this model policy: Break the Cycle, STEPS to End Family Violence, Manhattan Center for Science and Mathematics – Student Focus Group.

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# New York City Schools Dating Abuse and Sexual Violence Policy

## I. PURPOSE

Young people are at enormous risk for dating abuse and sexual violence, and New York City teens are victimized at much higher than average rates.<sup>1</sup> Twenty to thirty percent of teens nationwide have been in abusive relationships.<sup>2</sup> Forty-three percent of students who have been in abusive relationships have experienced abuse at school.<sup>3</sup> This abuse negatively impacts teens in numerous ways.<sup>4</sup> LGBTQ and parenting teens who are targets of dating abuse face additional difficulties when trying to end relationships or access support and resources. The schools need a comprehensive policy that can address dating abuse among their students and help to protect students who have been targeted by abuse.

Existing New York City education laws and policies do not adequately deter dating abuse or protect its targets. While the New York City Department of Education's discipline code addresses most behaviors that appear in abusive relationships, the code only applies to actions that occur on campus and during school hours, ignoring abuse by fellow students that occurs off-campus. The Department of Education (DOE) has a Chancellor's Regulation that aims to bring schools into compliance with their obligations regarding sexual harassment under Title IX, the federal law prohibiting gender discrimination in education. This regulation was amended in 2008 to add referrals to counseling services for dating abuse and sexual violence as a follow-up action to addressing sexual harassment complaints.<sup>5</sup> However, very few schools comply fully with this

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<sup>1</sup> Columbia University, Mailman School of Public Health, *Three-Year Study on Sexual and Dating Violence Among New York City High School Students Finds New York Teens Victimized at Rate Higher than National Average* (June 26, 2008), available at <http://www.mailmanschool.org/news/display.asp?ID=648>.

<sup>2</sup> NEW YORK CITY ALLIANCE AGAINST SEXUAL ASSAULT AND COLUMBIA CENTER FOR YOUTH VIOLENCE PREVENTION, COLUMBIA UNIVERSITY, PARTNERS AND PEERS: SEXUAL AND DATING VIOLENCE AMONG NYC YOUTH 33, 36 (2008); Advocates for Youth, *Dating Violence Among Adolescents*, <http://www.advocatesforyouth.org/PUBLICATIONS/factsheet/fsdating.htm> (last visited Dec. 16, 2008); Centers for Disease Control National Center for Injury Prevention and Control, *Dating Violence Fact Sheet*, <http://www.cdc.gov/ncipc/dvp/DatingViolence.htm> (last visited Dec. 16, 2008). Ten percent of New York City teens have also experienced non-partner sexual violence. NEW YORK CITY ALLIANCE AGAINST SEXUAL ASSAULT AND COLUMBIA CENTER FOR YOUTH VIOLENCE PREVENTION, COLUMBIA UNIVERSITY, *supra* at 14.

<sup>3</sup> Christian Molidor and Richard M. Tolman, *Gender and Contextual Factors in Adolescent Dating Violence*, 4 VIOLENCE AGAINST WOMEN 180 (1998).

<sup>4</sup> Studies have found that girls who have been targets of dating violence are four to six times more likely to get pregnant than their peers, are eight to nine times more likely to commit suicide than their peers, and are twice as likely to use drugs and alcohol. Teen victims of violence also report higher rates of truancy, more negative contact with teachers, and increased conflict with other students.

<sup>5</sup> NYC Chancellor's Regulation A-831(IV)(B) reads: "Referral to counseling services for youth relationship abuse or sexual violence: When one person uses a pattern of threatened or actual physical, sexual, and/or emotional abuse to

regulation, and students and staff are left without guidance on how to address the pervasive sexual harassment and dating abuse present in New York City Schools. Similarly, although the DOE recently created the “Respect for All” program, which addresses bias-based bullying in school, and added a complaint mechanism for bias-based harassment and bullying, many schools have failed to implement this policy. Most importantly, the existing regulations and laws ignore the needs of students who are the targets of dating abuse, sexual violence, and sexual harassment. The existing regulations reduce reporting barriers and focus on disciplining the offender, but do not provide sufficient services for the targets or discuss the accommodations the schools can make to help the targets remain safe in school.

This policy provides a comprehensive, proactive approach to the problem of dating abuse and sexual violence in the New York City Public Schools. This policy applies equally to students abused in heterosexual and same-sex relationships.

## II. DEFINITIONS

*The following definitions are commonly accepted by experts on dating abuse.*

- A. Dating Abuse:** Dating abuse is a pattern of behavior involving the use of tactics to gain and maintain power and control over a current or former dating partner.

These tactics include but are not limited to:

Physical Abuse: Any intentional, unwanted contact with the target’s body by either the perpetrator or an object within the abuser’s control, regardless of whether such contact causes pain or injuries to the target.

Emotional Abuse: The intentional infliction of mental or emotional distress by threat, coercion, stalking, humiliation, destruction of self esteem, or other unwanted, hurtful verbal or nonverbal conduct.

Sexual Abuse: Any sexual behavior or contact by the abuser that is unwanted by the target and/or interferes with the target’s ability to consent or control the circumstances of sexual interaction.

Threats: The threat of any of the aforementioned forms of abuse, threat of disclosing private information to parents, peers, or teachers, or any other

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control a dating partner, the school should refer both the victim and the student who engages in this behavior to separate appropriate school or community-based agencies for counseling, support, and education. Neither mediation nor conflict resolution are, under any circumstances, appropriate interventions for suspected relationship abuse.”

threat made with the intent of forcing the target to change his or her behavior.<sup>6</sup>

- B. Sexual Violence:** Sexual violence is sexual assault of an adult or minor child, including any sexual violation committed by perpetrators who are strangers to the target as well as sexual violence committed by perpetrators who are known or related by blood or marriage to the victim. Prior consensual sexual conduct between the abuser and target does not preclude the conclusion that sexual assault was committed.
- C. Sexual Harassment:** Sexual harassment is any unwelcome harassment based on the sex or gender of the target of the harassment. Such harassment may, but does not have to be, sexual in nature and can include: advances, requests for sexual favors, sexually motivated physical conduct and other verbal, nonverbal, or physical conduct or communication of a sexual nature. To constitute sexual harassment the conduct must be sufficiently severe, pervasive, or persistent to: (1) substantially interfere with a student's ability to participate in or benefit fully from an educational program, school-sponsored activity, or any other aspect of a student's education; or (2) create a hostile, offensive, or intimidating school environment; or (3) otherwise adversely affect a student's educational opportunities. Dating abuse is a form of sexual harassment.
- D. Dating Partner:** Any person, regardless of sex or gender identity, involved in a relationship with another person, if the relationship is primarily characterized by social contact of a sexual or romantic nature, whether casual, serious, short-term, or long-term.
- E. Abuser:** The person determined to be the most significant, rather than the first, aggressor, taking into consideration the circumstances of both the immediate incident and the course of conduct by the partners during the entirety of the relationship.
- F. Target:** The target is the individual the abuser tries to control through his or her coercive and/or violent acts.

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<sup>6</sup> For further description of some of the forms dating abuse can take see <http://www.thesafespace.org/pdf/handout-types-of-abuse.pdf>.

- G. Safety Plan:** An individualized set of actions, strategies, and resources that addresses a student’s safety and his or her concerns with regard to dating violence, based on a trained professional’s thorough assessment of the target’s circumstances.
- H. School Employee:** Any person who is employed by the New York City Department of Education or who works in a New York City school, regardless of his or her position. This includes school safety agents, security guards, or Community Based Organization (CBO) employees and any other consultants or educators who are employed by agencies other than the school.
- I. Order of Protection:** A civil or criminal court order issued in any jurisdiction for the protection of a target of dating violence or sexual violence that restricts the conduct of an individual toward the target for a period of time.

### **III. DATING ABUSE AND SEXUAL VIOLENCE TARGETS’ RIGHTS**

This school is committed to creating a campus environment that promotes timely and fair adjudication of teen dating abuse and sexual violence cases. Students who become targets of teen dating abuse and/or sexual violence are entitled to certain rights that shall be respected by all school administrators and employees. These rights include, but are not limited to, the following:

#### **1. Right to be free from sex discrimination and sexual harassment**

All students have the right to be free from sex discrimination and sexual harassment at school.<sup>7</sup> Dating abuse and sexual violence are forms of sexual harassment.

#### **2. Right to be treated with respect and dignity**

A student who reports dating abuse or sexual violence shall be treated with respect, dignity, and sympathy. Neither staff nor students shall: indicate that the abuse or violence was in any way the fault of the target (sometimes referred to as “victim blaming”); spread rumors about the victim; disclose confidential information; or in any way punish or otherwise retaliate against the target.

#### **3. Right to be free from violence at school**

All students have the right to an education in a safe school environment.<sup>8</sup> The school will take affirmative steps to prevent and respond to dating abuse and sexual violence that occurs both on and off campus.

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<sup>7</sup> 20 U.S.C. § 1681 (2008); NY Educ. Code § 3201-a (2008).

#### **4. Right not to have parents or guardians notified.**

In some cases, parental notification will endanger the target and prevent that person from obtaining important services. In any case where a target does not want his or her parents or guardians notified, or where it is the teacher or administrator's opinion that notifying a parent or guardian could cause the student further harm, parents and guardians should not be notified unless the target consents in writing or if reporting to parents is required by state law or district policy. School personnel must notify a student of the circumstances under which they will be required to report to the student's parent or guardian before the student discloses information to the school employee.<sup>9</sup> If a student is requesting accommodations under this policy, and does not disclose a school-related incident,<sup>10</sup> the school should not contact the student's parent or guardian unless the student consents.

#### **5. Right to attend classes and to learn in an environment free from unwanted contact or proximity with the abuser.**

To the extent possible, targets and abusers should be separated on campus. The school shall make every effort possible to ensure that the target does not come into contact with the abuser. It is preferable that whenever possible, while respecting the abuser's rights and the wishes of the target, any burden of change in school schedule or participation be placed on the abuser.

#### **6. Right to transfer from school**

Targets of dating abuse and sexual violence have a right to transfer to another school.<sup>11</sup> A target's decision to transfer to another school must be informed and voluntary. If the abuser is

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<sup>8</sup> See, e.g., N.Y. EDUC. LAW §§ 101, 207, 305, 2801-a (Consol. 2008); Reg. of Comm. of Ed. of New York § 155.17 (2008), available at [http://www.emsc.nysed.gov/facplan/policy/8NYCRR155\\_5\\_15\\_00.html](http://www.emsc.nysed.gov/facplan/policy/8NYCRR155_5_15_00.html).

<sup>9</sup> Under New York City Chancellor's Regulation A-412 a school must notify parents or guardians in the following situations: If their child has been involved in a school-related crime; if a student is the victim of a suspected crime or sexual misconduct by a Department of Education employee; if their child requires immediate medical attention; if their child is a victim of child abuse by someone other than: a parent, a person responsible for the student's care, or a person regularly or continually found in the student's household; if there is a school-related non-criminal incident involving their child which might require school discipline or follow-up actions. The regulation does not define what "child abuse" by someone who is not a parent/guardian/caretaker of a student is, and under New York laws child abuse is only abuse committed by a parent, guardian, person charged with the child's care, or person regularly found in the child's home. Though it conflicts with New York's definition of child abuse, Regulation A-412 indicates that if a student discloses any abuse to a school the school should notify the parents.

<sup>10</sup> Chancellor's Regulation A-412 defines school-related incidents as "those which occur on or near school property (e.g., in front of the building, or which occur off school property but which have a nexus to the school, e.g., involving students or staff from the same school) (sic)".

<sup>11</sup> 20 U.S.C. § 7912(a) (2008).

eligible for an involuntary transfer, the abuser should always be transferred rather than the target, unless the target would rather be the one to transfer. A school may not compel a target to transfer. If the target chooses to stay, the school shall make other arrangements to protect him or her.

**7. Right to referral for services**

Targets of dating abuse and sexual violence have the right to have access to counseling, medical services, and victim support services both on and off-campus. The school shall refer the target of teen dating abuse or sexual violence to a community-based advocate. The school will maintain a list of domestic violence/dating abuse/sexual assault agencies and services in the community and make that list available to targets. The school must offer to refer sexual assault victims to health care providers that provide a full range of sexual and reproductive health care, including family planning services. Participation in any referral program is voluntary for targets.

**8. Right to have a support person present**

All parties to a teen dating abuse or sexual violence investigation are entitled to have one or more support person(s) present during all stages of the investigation. A support person includes domestic violence victim advocates, attorneys, parents or guardians, teachers, friends (including other students), or other advisors.

**9. Right to confidentiality**

All information concerning a student's status as a target or perpetrator of dating abuse or sexual violence or as the petitioner or respondent of an order of protection provided to the school or its employees shall be retained in the strictest confidences by the school and its employees, except to the extent disclosure is requested or consented to in writing by the target, or is otherwise required by applicable federal, state, or municipal laws.

**10. Right to be informed of any disciplinary actions taken against the offender.**

The target has the right to be informed in advance if the school intends to take any action against the abuser, or in any way notifies the abuser that the target has pursued relief through the dating abuse and sexual violence policy. The target has the right to be informed if the school is reconsidering any actions that have been taken against the abuser, including appeals made by the abuser to a principal or other authority.

**11. Right to be informed of option to notify law enforcement.**

To the extent state and federal law allow, a target must make a voluntary and informed decision whether to notify law enforcement.<sup>12</sup> Targets should be informed of the procedures for reporting, the consequences of reporting, and whether reporting the incident will require someone to notify their parent(s) or guardian(s). School personnel shall assist targets in notifying such authorities.

**12. Right to be free from pressure to report crimes.**

The target has the right to be free from pressure to minimize the severity of the acts that occurred, and the right to be free from any suggestion that a target somehow contributed to his or her own victimization by contributory negligence, by assuming the risk of being assaulted, because of drug or alcohol abuse or other illegal conduct, or by otherwise sharing the responsibility for what is alleged to have occurred. This also includes the right to be free from pressure to report the incident at all, unless the school is obligated to do so by state law or district policy.<sup>13</sup>

**13. Right to cooperation with legal proceedings.**

Students who have experienced dating abuse or sexual violence have the right to full cooperation from school personnel in obtaining any evidence necessary for potential criminal or civil proceedings. This includes, but is not limited to: making school personnel available to be interviewed or to appear as witnesses in any legal proceedings, retaining any physical evidence of abusive behavior including any electronic or written communications complaining of abuse, and promptly responding to requests for any student's records.

**IV. DATING ABUSE COORDINATOR**

The principal of the school shall designate at least one school employee to serve as the Dating Abuse Coordinator(s). The Coordinator shall be trained to respond to dating abuse and sexual violence on campus and to act as a liaison between the school and students who are

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<sup>12</sup> In the case of reportable child abuse, which does not include abuse inflicted by dating partners or peers, mandatory reporters must report to the New York Central State Register for Child Abuse and Maltreatment regardless of victim consent.

<sup>13</sup> Schools are obligated to report incidents to authorities in the following situations: If a student commits a school-related crime (those which occur on or near school property); if a DOE employee or volunteer connected with school services commits a crime; if school staff have a reasonable suspicion that a student has suffered child abuse, the principal must report it to the New York Central State Register for Child Abuse and Maltreatment; if school staff suspect that a student has suffered child abuse from someone other than: a parent, person responsible for the child's care, or person regularly found in the child's household the principal shall call the police. Chancellor's Regulation A-412.

experiencing dating abuse or sexual violence. This coordinator shall be the person designated to handle situations of peer sexual harassment under Chancellor's Regulation A-831, unless the size of the school makes it infeasible for that person to handle all complaints. If possible the Coordinator shall be a person with a background in social work or counseling. The Coordinator should be trained in intimate partner violence work.

In addition to being available to students by phone and for in-person meetings, the Dating Abuse Coordinator shall create and monitor an e-mail account where students can send questions—anonously or otherwise—regarding dating abuse resources and the school's dating abuse policy. The Coordinator shall respond to such emails and other inquiries on a daily basis during the school year.

## **V. DUTY OF SCHOOL EMPLOYEES**

Every school employee has a duty to respond quickly and effectively if he or she becomes aware of an incident of dating abuse or sexual violence. When a student discloses dating abuse or sexual violence to a school employee, or if a school employee witnesses an incident that he or she believes to be dating abuse or sexual violence, the school employee must take the following actions with the target, or make a timely referral to the Dating Abuse Coordinator who shall take the following actions as soon as possible:

- Immediately separate the target and the abuser. If the employee has witnessed the abuse and the students are in the same class, relocate the offender's seat immediately so as to place the abuser as far away from the target as possible. This may include changing laboratory partners, gym team assignments, or other workgroup assignments.
- Inform the target of this policy and his or her rights under the policy, including accommodations and grievance processes.
- Provide the target with a list of local resources, including on- and off-campus services, and refer him/her to appropriate services.
- Offer to connect the target with a campus or community-based advocate.
- Offer ongoing assistance, counseling, support, and advocacy to the target throughout the student's career at the school.

- If the school employee witnesses the abuse, he or she shall alert the abuser to the fact that his or her behavior is inappropriate and will not be tolerated, and take whatever reasonable actions the discipline code requires.

A school employee who takes any action with regard to an instance of dating violence or sexual violence shall document the action in writing or via e-mail and provide the documentation to the Dating Abuse Coordinator. After a school employee refers a student to the Coordinator, the school employee shall take whatever steps are necessary to ensure the student's safety pending action by the Coordinator.

These duties are in addition to any steps the school employee is required to take pursuant to the New York Department of Education Chancellor's Regulations or the school's own policies.

## **VI. TARGET SAFETY**

*A key element in protecting targets of dating abuse is ensuring privacy. High school students we spoke with unanimously agreed that they would not report dating abuse or involve the school in safety planning if the school were to notify the abuser. Because of the strong social sanctions against reporting fellow students to school authorities, and the extreme social value students place on dating relationships, students risk losing friends and being ostracized by their peers if they report dating abuse. For this reason, rather than focus on punishing the abuser, which might make targets unwilling to report abuse or seek assistance, students recommended focusing on target safety that could be accomplished without notifying the abuser that the target has sought assistance because of the abuse.*

### **A. Safety Planning**

When the school receives notice that a student has been the target of dating abuse or sexual violence, the Coordinator shall meet with the student to develop a safety plan. The safety plan discussion should include:

- Contact information for, and schedule(s) of the Coordinator and any other staff person(s) who have been identified as part of the support system for the target,
- Routes to and from school and to and from classes within school to avoid the abuser,
- Names and contact information of peers who can support the target and accompany him or her to and from classes as needed,
- A strategic discussion of potential school-related areas of concern and strategies for increasing safety (e.g. class trips, dances, sporting events etc.),

- A plan of action for the target to follow if he or she encounters the alleged perpetrator outside of school or on campus after regular school hours,
- Conversation about and a list of general safety tips to aid the target outside of school (e.g. try not to walk alone, screen calls, lock doors etc.),
- A list of local resources, such as 24 hour hotline numbers, social service, legal, and health agencies that work with teens,
- Referral to the National Teen Dating Abuse Helpline: 1-866-331-9474/  
www.loveisrespect.org, or the National Sexual Assault Hotline: 1-800-656-  
HOPE/www.rainn.org,
- Written information about dating abuse (if desired by the target).

The safety plan may or may not include school accommodations or a “Stay Away” contract, as described below. If the target is abused by a person of the same sex or gender, the safety plan should take in to consideration safety in locker rooms, gym classes, bathrooms and any other areas where students are segregated by sex. The contents of the safety plan may be shared with other school staff only as necessary to effectuate the plan. The Coordinator shall inform the student beforehand if any parts of the plan would require the Coordinator to discuss the plan with other school personnel.

#### **B. Accommodations**

Any student who has been a target of dating abuse or sexual violence may request accommodations from the school in order to preserve his or her safety and continued access to meaningful education. Requests for accommodations may be made by a student either orally or in writing—including e-mail or other forms of electronic communication—to any school employee or directly to the Dating Abuse Coordinator. School employees shall refer any request for accommodation to the Coordinator. If the request is made orally, the Coordinator shall document the request in writing. The Coordinator shall confer with the principal and provide a written decision to the target as soon as possible, but in all cases a decision must be made within five school days of the request. A denial to a request for accommodation must include the reasons for the denial.

All requests for accommodation under this section shall be kept strictly confidential. It is the responsibility of the Coordinator to notify the target’s teachers when an accommodation impacts their classrooms. At no time shall the Coordinator notify the abuser of the target’s

request for accommodation unless the target gives express permission, nor shall the Coordinator require the target to pursue a complaint against the abuser through the school grievance process or the criminal justice system.

All accommodations for the target under this policy are voluntary; the target may choose to decline or rescind any accommodation at any time by notifying the Coordinator, if the Coordinator does not believe such an action would place the target at risk of further abuse or physical harm. The target 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.

Upon receiving a request for an accommodation the Coordinator must schedule a meeting with the target to discuss the request. Requests for accommodations shall be granted absent exigent circumstances and shall be granted without notice to a minor student's parent(s) or guardian(s), unless consented to by the student or required by law or school policy. If parental notification is requested by the target or required by law or school policy, the Coordinator shall assist the target in developing a plan for safely involving the target's parent(s) or guardian(s), including meeting with the target and parent(s) or guardian(s) as necessary.

Examples of accommodations include, but are not limited, to the following:

- Change of class seat or workgroup assignment
- Change of locker assignment
- Change of student's class schedule, homeroom, or extra curricular activities
- Permission to leave class to see a counselor or social worker
- Private space for meeting with counselors and school employees regarding dating violence and sexual violence issues
- Excused absence for classes missed due to dating or sexual violence or meetings with professionals to address these issues
- Makeup class work including homework, quizzes, tests, and any other graded work, for classes missed due to dating abuse or sexual violence or threat thereof, or treatment for such violence
- Stay Away contract between the abuser and school
- Alternative education plan for target
- School transfer for target

Denials of requests for accommodations may be appealed within ten school days of the denial using the grievance procedure set forth in Part VII, described below.

### **C. Stay Away Contracts**

Stay Away contracts are contracts entered into by the abuser in an incident. These contracts state that the abuser, while on campus, will try to keep a set distance away from the target to the best of his or her ability, and will refrain from contacting the target in any way during school hours. The contract will contain the distance the abuser must stay away from the target and will specify disciplinary consequences to be enforced by the school if the abuser breaches the contract. Stay Away contracts are private agreements between the school and the abuser, and are separate from court mandated orders of protection. If the abuser violates the Stay Away contract, consequences may include but are not limited to: detention, suspension, anger management counseling, or restriction from extracurricular activities. The consequences of violating the contract shall be explicitly listed on the contract before the abuser signs it. The existence of a Stay Away contract will ordinarily trigger an obligation under Chancellor's Regulation A-412 to notify the abuser's parents, but not the target's.

### **D. Enforcement of Orders of Protection**

*Orders of Protection are court orders that restrict an individual's actions in relation to another individual. Usually these orders require the restrained person to refrain from contacting the protected person and to stay a certain distance away from the protected person. In New York civil orders of protection are granted by the Family Court, and are available to people in dating relationships as well as people who are married, live in the same house, or have a child in common. These orders generally last for two years. Criminal orders of protection are granted to the victim of a crime by the criminal court for a set period of time during or after the criminal case.*

Enforcement of court-issued orders of protection is critical to ensuring safety for students experiencing dating abuse and sexual violence. Schools should take all steps necessary to enforce an order of protection held by a student.

Upon receiving notice that a student holds an order of protection, the Coordinator shall immediately schedule a meeting with the target to create a plan for enforcement of the order of protection on the school campus. The Coordinator shall work with the target to create an enforcement plan regardless of whether the abuser is a student. In addition, the Coordinator shall provide the target with information about reporting violations of the order of protection, assist him or her with reporting any violations, and provide him or her with a list of campus and

community resources. The Coordinator shall also provide information about the order of protection, including photographs of the target and abuser if necessary, to school security personnel so that they can ensure the safety of the target.

If the abuser is a student attending the school or any other school within the same campus, school personnel shall make any and all necessary changes to the abuser's enrollment, participation, or environment in order to comply with the order of protection and ensure the target's safety. In addition, the Coordinator shall work with the target and the school to alter the target's school enrollment, participation, or environment as necessary to ensure his or her safety, with consent of the target. Changes to the abuser's school enrollment, participation, or environment that are made pursuant to a valid order of protection do not require a written complaint or grievance by the target student.

When school administrators are aware of an existing court-mandated order of protection and the restrained individual is enrolled in the same campus as the protected student, the Coordinator will meet with the restrained individual to have him or her sign a Stay Away contract. The Coordinator will meet with the target to discuss and review the contract and tell the target what he or she should do if the contract is violated.

## **VII. GRIEVANCE PROCEDURE**

A student who is the target of dating abuse or sexual violence may file two types of grievances under this procedure if the school fails to adequately protect the target.

1. Appeal of a denial of a request for accommodation
2. Request for disciplinary action against an abuser, including changes to the abuser's school enrollment, participation, or environment.

A minor student may file a grievance on his or her own, without parental involvement. A parent may file a grievance on behalf of a minor student with the student's written consent.

The target must file a written grievance with the Coordinator, who shall promptly notify the principal or appropriate overseeing body in the school. The principal shall attempt to resolve the grievance by holding individual meetings with the target and with relevant school employees. If the grievance is appealing the denial of an accommodation the principal shall not require the target to disclose the name of the abuser, seek to involve the abuser, or notify him or her of the grievance. The content of all meetings held pursuant to this process shall be kept strictly confidential.

The principal shall work together with the target to create a resolution that is acceptable to him or her and which adequately addresses the target's safety both on and off campus. The resolution may utilize the accommodations listed in this policy or any other accommodations agreeable to the target and the school. Voluntary transfer of the target is a final resolution only if consented to by the target and available under Chancellor's Regulation A-449.

If when filing a grievance a student requests disciplinary action against an abuser, the school shall follow the Citywide Standards of Discipline and Intervention Measures, which are the procedures governing disciplining students. A grievance requesting disciplinary action against an abuser may be based on either a single incident of dating abuse or a course of conduct which may comprise more than one incident. If the incident or course of conduct constitutes sexual harassment as defined in Chancellor's Regulation A-831 then the procedures for filing a report of peer sexual harassment set forth in Chancellor's Regulation A-831(II) must be followed. If the incident or course of conduct constitutes student-to-student bias-based harassment, intimidation, or bullying, as defined in Chancellor's Regulation A-832, the procedures set forth in that regulation must be followed. The abuser shall retain all rights to appeal discipline procedures as set forth in Chancellor's Regulation A-443.

If the grievance is requesting disciplinary action against an abuser, the principal shall also meet individually with the abuser. At no time will the principal, or any other school officials, meet with both the target and the abuser together. Interviews with the target and abuser should be scheduled in such a manner that the target and abuser will not encounter each other in or near the interview room. Neither mediation nor peer counseling is acceptable in addressing a dating abuse or sexual violence complaint. The school shall not offer either as a proposed resolution.

If any action is taken involving the abuser, the school shall refer the abuser to specialized counseling services for youth relationship abuse or sexual violence and guidance conferences to discuss the abusive behavior.

## **VIII. TRAINING FOR SCHOOL EMPLOYEES**

Schools shall coordinate annual trainings, including scheduling and publicizing trainings, as part of required professional development. Schools shall mandate annual trainings of administrators, teachers, counselors, mental health professionals, social workers, and security staff, and shall work with community organizations with expertise in teen dating violence and sexual violence to provide such trainings specifically targeted to each population.

The school employee(s) holding the role of Dating Abuse Coordinator shall receive additional instruction through a minimum of one (1) full day training, and also shall receive ongoing continuing education provided by community organizations. Coordinator trainings shall include the following topics:

- Theories and dynamics of dating abuse and sexual violence
- Barriers to teens leaving abusive relationships
- Characteristics of healthy and unhealthy relationships
- Effects of dating abuse and sexual violence on survivors
- Dating abuse in special populations, including LGBTQ teens and parenting teens
- Crisis intervention and safety planning
- Intersection of dating abuse and other school safety issues
- Applicable Chancellor's regulations, state, and federal laws

#### **IX. STUDENT EDUCATION**

The school shall require teachers to address dating abuse and sexual violence in its health classes in the first year of middle school and in the ninth grade. At least one hour of class time shall be devoted to dating abuse and sexual violence education. The dating abuse program shall cover the following areas of instruction:

- Definitions of dating abuse and sexual abuse
- Characteristics of healthy and unhealthy relationships
- Forms of abuse
- Warning signs of abuse
- Power and control dynamics
- Barriers to leaving abusive relationships
- Safety planning
- National and local resources (medical, legal, mental health)
- School policies on dating abuse, sexual violence, sexual harassment, and bias-based bullying

#### **X. NOTICE OF POLICY**

Schools shall take the following actions to provide notice of this policy to students, parents, guardians and other members of the school community:

- Publish the policy on the school website
- Send a copy of the policy, including the name(s) of the designated Dating Abuse Coordinator(s), to parents or guardians of all students at the beginning of each school year
- Disseminate the policy to all students, staff, and other school employees at the beginning of each school year
- Post fact sheets that explain students' rights to be free from dating abuse and sexual violence in classrooms and hallways, including the name(s) of the Dating Abuse Coordinator(s) and his or her contact information

## **XI. DOCUMENTATION**

The Coordinator shall maintain a complete file for each case of dating abuse or sexual violence that he or she addresses for a period of five years after the issue has been resolved or a final action was taken. The file shall contain written or electronic documentation of every action taken by a school official on behalf of a student experiencing dating abuse or sexual violence. School employees may take actions to accommodate students without first notifying the Coordinator, but employees who take any action on behalf of a student experiencing dating abuse or sexual violence shall document the action in writing and provide the documentation to the Coordinator. Coordinators' files shall be kept in a secure, locked filing cabinet and/or on a secure, password-protected computer. Students who seek assistance through the dating abuse policy shall receive a hard copy of every document they sign, unless they ask to receive such documents electronically.

Access to student files is governed by state and federal law. Under the Family Education Rights and Privacy Act (FERPA), parents and legal guardians have a right to see their children's school records until the child turns 18, including files of the Coordinator that involve their child as the target or abuser.<sup>14</sup> However, this does not mean a school must disclose information to a parent if the parent does not request it. New York State law conforms to this federal law by requiring school districts to develop parental bills of rights that include "reasonable access by parents, persons in parental relation and guardians to schools, classrooms, and academic and attendance records of their own children."<sup>15</sup>

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<sup>14</sup> 34 C.F.R. §99.4-5 (2008).

<sup>15</sup> N.Y. EDUC. LAW § 2590(15)(c) (Consol. 2008).

**DATING ABUSE AND SEXUAL VIOLENCE  
REQUEST FOR ACCOMMODATION**

Name: \_\_\_\_\_ Grade: \_\_\_\_\_ Student ID: \_\_\_\_\_

Gender : \_\_\_\_\_ Date: \_\_\_\_\_ School: \_\_\_\_\_

**Please answer the following questions about the most recent or most serious incident:**

What is the alleged perpetrator's gender? \_\_\_\_\_

Describe the relationship between you and the alleged perpetrator (*perpetrator's name optional*):

\_\_\_\_\_

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: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**What accommodation(s) requesting? Please check all that apply.**

- Change of class seat assignment
- Change of locker assignment
- Change of lab group or work group
- Change of gym group
- Change of my class schedule
- Permission to leave class to see a counselor or social worker

Private space for meeting with counselors and school officials regarding dating abuse or sexual assault issues

Excused absence for classes missed due to dating abuse or sexual violence

Makeup class work, including homework, quizzes, tests, and any other graded work, for classes missed due to dating abuse, sexual violence, or threat thereof

Alternative education plan

School transfer

Other (please specify): \_\_\_\_\_

I consent to notification of my parent or guardian that I am seeking accommodation under this policy

I *do not* consent to notification of my parent or guardian that I am seeking accommodation under this policy

At this time I consent to notification of my abuser that I am seeking accommodation under this policy

At this time I *do not* consent to notification of my abuser that I am seeking accommodation under this policy

I certify that all statements made in this request for accommodation 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 to respond to this request.

**Signatures:**

Student's name: \_\_\_\_\_ Date: \_\_\_\_\_

Student's signature: \_\_\_\_\_

School official receiving request: \_\_\_\_\_ Date: \_\_\_\_\_

School official signature: \_\_\_\_\_

Notes of action(s) taken: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Additional information from student or school employee: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**DATING ABUSE AND SEXUAL VIOLENCE  
STUDENT GRIEVANCE**

Name: \_\_\_\_\_ Grade: \_\_\_\_\_ Student ID: \_\_\_\_\_

Gender : \_\_\_\_\_ Date: \_\_\_\_\_ School: \_\_\_\_\_

What is the grievance?

- Appeal of denial of request for accommodation
- Request for disciplinary action against an alleged perpetrator, including changes to alleged perpetrator's school enrollment, participation, or environment

If requesting disciplinary action, please print the name of the alleged perpetrator:

\_\_\_\_\_

Other (please specify): \_\_\_\_\_

\_\_\_\_\_

**If appealing denial of request for accommodation, please attach original accommodation request.**

**If requesting disciplinary action against another student, please answer the following questions about the relevant incident(s) (you may attach additional pages if necessary):**

What is the alleged perpetrator's gender? \_\_\_\_\_

Describe the 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 of this kind?  yes  no

If no, how long has the conduct been occurring? \_\_\_\_\_

Other information, including previous incidents or threats: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

I certify that all statements made in this request for accommodation 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 to respond to this request.

**Signatures:**

Student's name: \_\_\_\_\_ Date: \_\_\_\_\_

Student's signature: \_\_\_\_\_

School official receiving request: \_\_\_\_\_ Date: \_\_\_\_\_

School official signature: \_\_\_\_\_

Notes of action(s) taken: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Additional information from student or school employee: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**DATING ABUSE AND SEXUAL VIOLENCE  
RESOLUTION OF GRIEVANCE**

School Employee: \_\_\_\_\_ Position: \_\_\_\_\_

Date: \_\_\_\_\_ School: \_\_\_\_\_

Complaining Student: \_\_\_\_\_ Student ID: \_\_\_\_\_

Please describe actions taken to resolve issue: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**I authorize school officials to disclose the information I provide only as necessary to implement this resolution.**

Student's Name: \_\_\_\_\_ Date: \_\_\_\_\_

Student's Signature: \_\_\_\_\_

**I certify that all statements made in this form are true and complete. Any intentional misstatement of fact will subject me to appropriate discipline.**

**I have attached the original grievance form.**

Principal's Name: \_\_\_\_\_ Date: \_\_\_\_\_

Principal's Signature: \_\_\_\_\_

**If disciplinary action was taken the alleged perpetrator must also sign.**

Student's Name: \_\_\_\_\_ Date: \_\_\_\_\_

Student's Signature: \_\_\_\_\_

**DATING ABUSE AND SEXUAL VIOLENCE  
GENERAL ACTION**

School Employee: \_\_\_\_\_ Position: \_\_\_\_\_

Date: \_\_\_\_\_ Time: \_\_\_\_\_ School: \_\_\_\_\_

Complaining Student: \_\_\_\_\_ Student ID: \_\_\_\_\_

Describe action taken: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

List other involved school administration/staff: \_\_\_\_\_

\_\_\_\_\_

Necessary follow-up: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**I certify that all statements made in this form are true and complete. Any intentional misstatement of fact will subject me to appropriate discipline.**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Please remember to pass this form along to the Dating Violence Coordinator for further action.**

**DATING ABUSE AND SEXUAL VIOLENCE  
STAY-AWAY CONTRACT**

I, \_\_\_\_\_, agree to:  
*Contracting student's name*

Stay \_\_\_\_\_ feet away from \_\_\_\_\_ while on the \_\_\_\_\_  
*Target student's name* *name of school*

\_\_\_\_\_ campus and surrounding areas, including gyms, library and:  
\_\_\_\_\_

Refrain from talking to, emailing, calling, text messaging, or in any other way contacting

\_\_\_\_\_  
*Target student's name*

Inform the administration of changes to my school schedule and extra-curricular activities

If I intentionally violate this contract, I understand that I will be disciplined in the following ways:

Dating violence counseling

Restriction from extracurricular activities

\_\_\_\_\_ hours of detention

suspension

other: \_\_\_\_\_

Contracting Student Name: \_\_\_\_\_

Signature of Contracting Student: \_\_\_\_\_ Date: \_\_\_\_\_

School Official Name: \_\_\_\_\_

Signature of School Official: \_\_\_\_\_ Date: \_\_\_\_\_