

### **Vallivue School District #139**

Vallivue School District No. 139 promotes the comprehensive prevention of and effective and consistent response to incidents of relationship abuse and sexual assault. The district will assist schools in implementing these guidelines as part of existing policies and other related efforts to address social and emotional health, including well-being, bullying, cyber-bullying, harassment, sexual harassment, or other forms of violence among students.

Students will be encouraged to contact the principal or designee or other school personnel if they have been abused or sexually assaulted. Students will also be encouraged to report to school authorities if they are aware that another student has been abused or sexually assaulted, or has committed relationship abuse or sexual assault.

#### **DEFINITIONS**

“Abusive behavior” means the intentional use of physical, sexual, verbal, or emotional abuse against a peer or dating partner, including bullying, harassment, sexual harassment, adolescent relationship abuse, sexual assault, or using technology to cause abuse.

“Adolescent relationship abuse” means the use of physical, sexual, verbal, emotional, or technological abuse by a person to harm, threaten, intimidate, or control another person in a relationship of a romantic or intimate nature, regardless of whether that relationship is continuing or has concluded or the number of interactions between the individuals involved.

“Dating partner” means any person, regardless of sexual orientation or gender identity, involved in a relationship with another person, where the relationship is primarily characterized by social contact of a sexual or romantic nature, whether casual, serious, short-term, long-term, or as defined by both persons.

“School climate” refers to the quality and character of school life. School climate is based on patterns of students’, parents’, and school personnel’s experience of school life and reflects norms, goals, values, interpersonal relationships, teaching and learning practices, and organizational structures.

“Sexual harassment” refers to sexual overtures or conduct, including those that relate to the student’s sexual orientation, that is unwelcome, personally offensive, and affecting morale, thereby interfering with a student’s ability to study or participate in school activities. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct, or other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s participation in the educational process;
2. Submission to or rejection of such conduct by an individual is used as a factor for

educational decisions affecting the individual; or

3. Such conduct has the purpose or effect of unreasonably interfering with an individual's education, or creating an intimidating, hostile, or offensive educational environment.

“Sexual assault” means any sexual act, attempt to obtain a sexual act, unwanted sexual comments or advances, or acts otherwise directed against a person's sexuality using coercion, by any person regardless of their relationship to the victim.

“Technological abuse” means the behavior used to harm, threaten, intimidate, control, harass, monitor, coerce, stalk, or victimize, except as otherwise permitted by law, that is perpetrated through the internet, social networking sites, spyware, global positioning system (GPS) tracking technology, cellular phones, or instant or text messages. Technological abuse includes, but is not limited to: monitoring; unwanted, repeated calls or text messages; non-consensual access to e-mail, social networking accounts, text or cell phone call logs; and, pressuring for or disseminating private or embarrassing pictures, videos, or other personal information.

### **ROLES AND RESPONSIBILITIES**

The district will:

1. Designate a specific individual at the district level who is responsible for implementation of the policy, the provision of technical assistance, and training for school personnel on the development and implementation of a comprehensive prevention strategy and effective and consistent intervention and response to incidents of adolescent relationship abuse and sexual assault.
2. Assure students of their rights to be free from relationship abuse and sexual assault, including cyber-harassment.
3. Ensure students know that adolescent relationship abuse and sexual assault violate district policy, that abusive behavior should be reported, and that violators will be subject to disciplinary action.

The school will:

1. Designate a specific individual at the school level who is responsible for implementation of the policy, the provision of technical assistance, and training for school personnel on prevention of adolescent relationship abuse and sexual and effective and consistent intervention and response to incidents of adolescent relationship abuse and sexual assault.
2. Review policy and procedures on adolescent relationship abuse and sexual assault annually with all staff and provide recommendations and/or revisions to the policy.
3. Ensure all staff, students, and parents/caregivers receive the name and contact information of the individual who is responsible for implementation of this policy at the school and district level, a summary of prohibited behaviors, and a copy of this policy at

the beginning of the school year, as part of the student handbook and/or information packet, as part of the new student orientation, and as part of the school's notification to parents.

### **INTERVENTION AND RESPONSE**

Schools will develop and implement an effective and consistent response to adolescent relationship abuse or sexual assault that takes place on school grounds, while traveling to and from school or a school-sponsored activity, during the lunch period, whether on or off campus, and during a school-sponsored activity as well as abusive behavior expressed through technology using district or school-provided computers, e-mail addresses, or servers.

Schools should also develop and implement an effective response to an incident of adolescent relationship abuse or sexual assault that occurs off campus when the incident negatively affects students at schools and interferes with students' access to education and /or extracurricular activities.

All district personnel are expected to intervene directly or to contact school police when they witness or become aware of an incident of adolescent relationship abuse or peer-on-peer sexual assault. There is a duty to report to the principal or designee when any staff member knows or reasonably should have known of an incident of adolescent relationship abuse or sexual assault on the campus; while traveling to and from school or a school-sponsored activity; during the lunch period, whether on or off campus; or perpetrated using school-owned property such as email addresses and servers. Any staff member who permits or fails to report an incident of adolescent relationship abuse or sexual assault may be subject to disciplinary action.

### **INVESTIGATION OF INCIDENTS**

The principal or designee will investigate all reported incidents of adolescent relationship abuse and peer-to-peer sexual assault. Investigations of peer-to-peer sexual assault will take place in accordance with the district's policy on sexual harassment and will conform to the U.S. Department of Education, Office on Civil Rights' guidance on implementation of Title IX.

Each incident reported will be promptly investigated in a manner that protects the student experiencing abuse and/or sexual assault's safety, and if requested, the target's confidentiality. Investigation may involve separate interviews with the accused student, targets, and witnesses and should include notification of parents/guardians.

If it is determined that it is more likely than not that adolescent relationship abuse or peer-to-peer sexual assault has occurred, the principal or designee will act appropriately within district discipline codes and take steps to increase the safety and well-being of the student experiencing the abuse and/or sexual assault on campus or at school events.

The school will make all efforts to keep a report of adolescent relationship abuse or sexual assault and the results of any investigation confidential to the extent permitted by law, except that the target and the accused will be notified of the outcome of an investigation consistent with federal and state laws.

If an incident that occurs off campus negatively affects students at school, such as peer groups who actively align on the school campus with either the student who was impacted by the violence or who engaged in the abusive behavior or sexual assault and engage in unallowable behaviors, the principal or designee should take steps to minimize negative behavior and increase the safety and well-being of the student experiencing the abuse and/or sexual assault.

### **SUPPORT SERVICES**

The principal or designee will take steps to increase safety and well-being of the student experiencing abuse and/or sexual assault. This may include offering individual or support group counseling or by referring the student to a local victim service provider who serves minors.

Efforts should also be made to assess the safety and well-being of the student who engaged in the abusive behavior and/or sexual assault. The school may refer the student to individual or support group counseling and/or community-based organizations as appropriate.

School personnel will follow-up separately with students involved to ensure that no further incidents have occurred and that students are not experiencing any further problems related to the incident.

### **PROTECTION AGAINST RETALIATION**

No retaliation will be taken by the district or by any of its employees or students against any complainant or any participant in the complaint process, including witnesses, and will take steps to ensure there is no retaliation against any involved party, and will respond appropriately to any incident of retaliation. Any person found to have retaliated against another individual for reporting an incident of abuse, harassment or assault will be subjected to the same disciplinary action created in accordance with this policy. Those persons who assist or participate in an investigation of abusive behavior are also protected from retaliation under this policy.

### **CONFIDENTIALITY**

Any investigation that takes place pursuant to this policy will, to the maximum extent possible, be conducted in a manner that protects the privacy of the student experiencing abuse and/or sexual assault, complainant, and accused. However, if it is suspected that child abuse has occurred or any law has been violated, such abuse will be reported to the proper authorities under Idaho Code 18-1501. When possible students will be notified and reminded of limits of confidentiality and be made aware of possible reports to outside officials. Additionally, informing the targeted and accused students of the outcome of an investigation will not be in violation of this policy. Notification of the outcome of the investigation will be made in accordance with relevant state and federal law.

### **PRECLUSION**

This policy should not be interpreted as preventing a student experiencing abuse and/or sexual assault or someone participating in adolescent dating abuse or sexual assault from seeking redress under any other available law, either civil or criminal.

### **RECORD OF ALLEGATIONS**

The district will keep and maintain a confidential written record, including but not limited to, witness statements, investigative reports, and correspondence, from the date any allegation of abusive behavior or sexual assault is reported to district personnel. The information in the written record will include the action taken by the district in response to each allegation.

**POLICY MONITORING**

The district will conduct an annual review of this policy. To monitor and assess incidents and responses as set out in this policy, the district safety committee will be responsible for reviewing incidents related to this policy annually.

**LIABILITY**

The district and its employees will not be liable for any claim which arises out of injury to a person by a person under supervision, custody, or care of the district when acting within the course and scope of their employment and without malice or criminal intent and without reckless, willful and wanton conduct as defined in section 6-904C, Idaho Code.

**NOTICE**

Students and their parents/guardians will be informed of the district’s policy regarding adolescent relationship abuse and sexual assault and the policy will also be published on the district website.



**LEGAL REFERENCE:**

Idaho Code Sections

33-1612 – Thorough System of Public Schools

6-904A – Exceptions to Governmental Liability

IDAPA 08.02.03.160 – Safe Environment and Discipline

Title IX of the Education Amendments of 1972

*Mareci v. Coeur D’Alene School Dist. No. 271, 250 P.3d 791 (Idaho 2011).*

**ADOPTED: 2/10/15, 3/8/16**

**AMENDED: 4/10/18**

Idaho Code Section 33-1612, IDAPA 08.02.03.160, and Title IX of the Education Amendments of 1972 require secondary schools to have a policy on the prevention and response to adolescent relationship abuse and sexual assault. The Center for Healthy Teen Relationships Leadership Committee, an initiative of the Idaho Coalition Against Sexual & Domestic Violence, developed this model policy for secondary schools to use in developing their policies on the prevention, intervention and response to relationship abuse and sexual assault.