

Policy 3285: Relationship Abuse and Sexual Assault Prevention and Response

Status: ADOPTED

Original Adopted Date: 08/12/2019 | **Last Revised Date:** 07/27/2020 | **Last Reviewed Date:** 07/27/2020

1. The Caldwell School District Board of Trustees endeavors to take steps to prevent and respond to known instances of relationship abuse and sexual assault. Such conduct by students or third parties is strictly prohibited and shall not be tolerated on District premises, or at any District sponsored activity, regardless of location including, but not be limited to buildings, facilities, and grounds on the District campus, school buses, District parking areas, and the location of any District sponsored activity. This includes instances in which the conduct occurs off the District premises, but impacts a District related activity.
2. Relationship abuse includes the intentional use of physical, sexual, verbal, or emotional abuse or violence by a person to harm, threaten, intimidate, or control another person in a current or past dating relationship. Sexual assault includes sexual violence, sexual abuse, sexual stalking, and rape.
3. Students whose behavior is found to be in violation of this policy will be subject to discipline, up to and including expulsion. Third parties whose behavior is found to be in violation of this policy shall be subject to appropriate sanctions as determined and imposed by the Superintendent or Board.
4. Students or third parties may also be referred to law enforcement officials. Should the District or any of its' employees have reason to believe that a student has been abused, abandoned, or neglected or has been subjected to conditions which would reasonably result in abuse, abandonment, or neglect, the school shall follow appropriate reporting requirements to the police pursuant to the Child Protective Act.
5. The Superintendent/Designee is hereby directed to develop administrative procedures to implement this policy. Procedures shall include descriptions of prohibited conduct, the definition of abuse pursuant to the Child Protective Act, reporting and investigative procedures, prevention and response procedures, and provisions to ensure notice of this policy is provided to students.
6. The Board shall review this policy annually.

Addressing Sexual Assault

Any person wishing to report an instance of sexual assault may submit a completed Complaint Form 3295F to the non-discrimination coordinator.

When the District becomes aware of a report of sexual violence against a student, the District shall direct the nondiscrimination coordinator to investigate the incident in accordance with Policy 4120 Grievance Procedure and with Title IX of the Education Amendments of 1972. This shall apply to sexual assaults that occur on school grounds, in the context of a District education program or activity of the school, whether on school property or not, or which have continuing effects on campus on or in an off-grounds education program or activity. This shall occur regardless of whether the assault is brought to the District's attention by a student or other person making a report to a District employee, by the witnessing of an incident by a District employee, media reporting, or any other channel. The nondiscrimination coordinator shall assess whether a sexual assault has occurred based on a standard of whether it is more likely than not that the sexual assault occurred based on the preponderance of the evidence.

The District shall maintain the confidentiality of the student, as far as possible, and may notify the student of what information may need to be disclosed in the course of the investigation, to whom, and why. The District shall take steps to prevent retaliation against a student who files a complaint regarding sexual assault. The District shall immediately act to remediate the situation, without waiting for the completion of the investigation, and shall notify the student of any services available to assist him or her.

Such remediation during or following an investigation may include:

1. Providing an effective escort to ensure the complainant can move safely between classes and activities;
2. Ensuring that the complainant and the perpetrator or alleged perpetrator do not share classes, extracurricular activities, or a school;
3. Provision of victim services such as medical, counseling, and academic support services;
4. Arranging for the complainant to have extra time to complete or retake a class without academic penalty;
5. Disciplinary action against the perpetrator;
6. Counseling for the perpetrator;
7. Conducting training with a group of students if, for example, the sexual violence created a hostile environment within a particular grade level or in a sports team;
8. Ensuring the school has access to a counselor trained to assist victims of sexual violence;
9. Training employees on how to handle reports of sexual violence;

10. Informing students about the problem of sexual violence and how to seek assistance;
11. Conducting bystander intervention and sexual assault prevention programs with students;
12. Issuing official statements that the District will not tolerate and will respond to any incidents of sexual violence; and
13. Assessing the school climate to determine whether the campus is free of sexual violence and determining what steps should be taken to address any problems.

Following the investigation, to the extent possible and not in violation of any applicable law, the complainant shall be notified of the outcome of the complaint, including whether the investigation determined that the alleged conduct occurred, remedies being offered to the complainant, any sanctions imposed on the perpetrator that directly relate to the complainant, and any other steps taken to eliminate the hostile environment or prevent recurrence.

SECTION 7. DEFINITIONS

7.1 "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.

7.2 "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.

7.3 "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.

7.4 "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.

7.5 "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:

7.5.1 Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's participation in the educational process;

7.5.2 Submission to or rejection of such conduct by an individual is used as a factor for educational decisions affecting the individual; or

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

7.6 "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.

7.7 "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; inappropriate, 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.

Idaho Code § References

16-1601, et seq.

Description

[Child Protective Act](#)

IDAPA References

08.02.03.160

Description

[Safe Environment and Discipline](#)

Cross References

3085

3295

4120

Description[Sexual Harassment, Discrimination and Retaliation](#)[Hazing, Harassment, Intimidation, Bullying, Cyberbullying](#)[Uniform Grievance Procedure](#)