

## CHAPTER 2.00 - SCHOOL BOARD GOVERNANCE AND ORGANIZATION

### STUDENT DATING VIOLENCE AND ABUSE POLICY

2.72

#### General Policy Statement

The School Board of Sarasota County, Florida (“School Board”) is committed to protecting all students within the School District of Sarasota County (“District”) from dating violence and/or abuse by other students. The School Board believes all students are entitled to a safe, equitable and harassment-free school experience. Consistent with the intent and requirements of §1006.148, Florida Statutes, the School Board promulgates a policy that:

- Prohibits dating violence and abuse by any student on District property, at school-related functions, or during school-sponsored transportation;
- Provides procedures for responding to such incidents of dating violence or abuse, including accommodations for students experiencing dating violence or abuse; and
- Defines dating violence and abuse and provides for a student dating violence and abuse component in the health education curriculum of grades 7 through 12, in accordance with the requirements of Florida law, with emphasis on prevention education.

In accordance with state law, this policy prohibits dating violence or abuse by any District student on school property or during any school-related functions as defined within this policy, and conduct found to be in violation of this policy will not be tolerated and shall be grounds for disciplinary action. The District may also address dating violence or abuse that occurs outside of a school-sponsored program or activity but has continuing adverse effects within those programs or activities, including by providing supportive measures to address the safety of students.

It is essential that a basic universal prevention curriculum be implemented so every school receives a foundation of prevention upon which to build a culture of health, wellness, safety, respect and excellence. The standards of this policy constitute a specific, focused, coordinated, integrated, culturally sensitive system of support for all students, staff, families, and community agencies which will improve relations within each school. It requires that all staff be trained and supported in the school’s efforts to provide awareness, intervention training, and instructional strategies on prevention, including violence prevention, to all school staff, parents, and students in the District.

#### Scope of Policy

This policy applies to all students in grades 7 through 12 and to school-based employees in District middle schools and high schools.

## CHAPTER 2.00 - SCHOOL BOARD GOVERNANCE AND ORGANIZATION

### Implementation

The Title IX Officer at each middle school and high school (i.e., Principal, Assistant Principal or a designee), will be responsible for the implementation of this policy. Any designee should be at an administrative level and be aware of all students and faculty codes of conduct, be trained in dynamics of relationship abuse, have knowledge of available resources for both claimants and respondents, and be authorized to provide disciplinary interventions to students and meet with parents. Each school's designated Title IX Officer will be identified on that school's website, as well as in student handbooks.

### Definitions

For the purposes of this policy, the following terms shall be defined as follows:

***Accommodations*** include, but are not limited to, change of class seat or workgroup assignment; change of locker assignment; change of student's class schedule, homeroom, or extracurricular activities; permission to leave class or excused absences to see a counselor or other support professionals; makeup class work including homework, quizzes, tests, and any other graded work; for classes missed due to dating violence or threat thereof, or treatment of such violence; a stay-away agreement entered into between the parties and the school requiring the parties to refrain from contacting each other and to keep away from each other; alternative education plan for the claimant; and school transfer for the claimant.

***Bullying*** is defined as provided in Policy 2.70 "Bullying and Harassment."

***Claimant*** refers to a member of the District community who is the target of the respondent's coercive, abusive and/or violent acts.

***Complaint*** refers to any alleged act of dating violence or abuse which may be a violation of this policy.

***Consent*** means the voluntary, willful, and unambiguous agreement to engage in specific activity. Consent must be informed and mutual, and it can be withdrawn at any time. There is no consent when there is force, expressed or implied, or when coercion, intimidation, threats, or duress is used. Whether a person has taken advantage of a position of influence over another person may be a factor in determining consent. Consent must be clear and communicated by mutually understandable words or actions. Silence or absence of resistance does not imply consent. Past consent to sexual activity with another person does not imply ongoing future consent with that person or consent to that same sexual activity with another person.

If a person is mentally or physically incapacitated or impaired so that such person cannot understand the fact, nature, or extent of the sexual situation, there is no consent; this includes

## CHAPTER 2.00 - SCHOOL BOARD GOVERNANCE AND ORGANIZATION

impairment or incapacitation due to alcohol or drug consumption that meets this standard, or being asleep or unconscious.

***Court mandated restraining order or protective order*** means a court order that restricts an individual's actions in relation to another individual. Usually such an order requires the restrained person to refrain from contacting the protected person and to stay a certain distance away from the protected person.

***Dating*** means any romantic relationship between unmarried persons regardless of duration, commitment level, or physical intimacy. Dating includes "hooking up," "going out," and "friends with benefits."

***Dating partner*** means any person, regardless of sex, involved in a relationship. This could include persons who have a former dating or sexual relationship, are same sex couples, or have had intimate or continuous social contact with one another.

***Emotional abuse*** means 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.

***Internet abuse or Cyberbullying/Cyberstalking*** encompasses verbal or psychological abuse or threats using electronic means as defined in Policy 2.70 "Bullying and Harassment."

***On District property or at school-related functions*** means on school property, during any school-related or school-sponsored program or activity and during school-sponsored transportation.

***Physical abuse*** includes intentional, unwanted bodily contact with the claimant by the respondent such as shaking, arm-twisting, pushing, hitting, kicking, slapping, choking, hair pulling, or any behavior that results in non-accidental injury.

***Physical intimidation*** includes, but is not limited to, acts such as restraining someone, blocking movements or exits, punching walls, or throwing things.

***Respondent*** refers to the individual named in the complaint that is accused of using dating violence or abuse, including sexual assault, to establish and maintain power and control over the victim or target (claimant) of his or her behavior.

***Safety Plan*** means an individualized set of actions, strategies, and resources that addresses a claimant's safety and his or her concerns with regards to dating violence and abuse.

***Sexual exploitation*** occurs when a person takes sexual advantage of another person for the benefit of anyone other than that person without that person's consent. Only individuals 18 years old and above are legally able to consent to this activity in Florida. Examples of behavior

## CHAPTER 2.00 - SCHOOL BOARD GOVERNANCE AND ORGANIZATION

that could rise to the level of sexual exploitation include:

- Recording images (e.g., video, photograph) or audio of another person's sexual activity, intimate body parts, or nakedness without that person's consent;
- Distributing images (e.g., video, photograph) or audio of another person's sexual activity, intimate body parts, or nakedness, if the individual distributing the images or audio knows or should have known that the person depicted in the images or audio did not consent to such disclosure and objects to such disclosure; and,
- Viewing another person's sexual activity, intimate body parts, or nakedness in a place where that person would have a reasonable expectation of privacy, without that person's consent.

***Sexual violence*** is a physical act of aggression or force or the threat thereof which involves the touching of another's intimate parts, or forcing a person to touch any person's intimate parts. Intimate parts include the primary genital area, groin, inner thigh, buttocks or breast, as well as the clothing covering these areas. Sexual violence may include, but is not limited to:

- touching, patting, grabbing or pinching another person's intimate parts, whether that person is of the same sex or the opposite sex;
- coercing, forcing or attempting to coerce or force the touching of anyone's intimate parts;
- coercing, forcing or attempting to coerce or force sexual intercourse or a sexual act on another; or
- threatening to force or coerce sexual acts, including the touching of intimate parts or intercourse, on another.

***Stalking*** occurs when a course of conduct is directed at a specific person based on that person's actual or perceived relationship status, where the conduct is unwelcome and would cause a reasonable person to feel fear. Stalking also occurs when a course of conduct is repetitive and menacing and includes pursuing, following, harassing and/or interfering with the peace and/or safety of another.

***Stay-Away Agreement*** means an agreement entered between the parties and the school requiring the parties to refrain from contacting each other, to keep away from each other, and specifying disciplinary consequences should the parties breach the contract. This agreement is separate from a court-mandated restraining or protective order.

***Student dating violence or abuse*** is a pattern of emotional, verbal, sexual, or physical abuse used by one person in a current or past dating relationship to exert power and control over

## **CHAPTER 2.00 - SCHOOL BOARD GOVERNANCE AND ORGANIZATION**

another when one or both of the partners is a teenager. Abuse may include insults, coercion, social sabotage, sexual harassment, stalking, threats, and/or acts of physical or sexual abuse. The abusive partner uses this pattern of violent and coercive behavior to gain power and maintain control over the dating partner. This may also include abuse, harassment, and stalking via electronic devices such as cell phones and computers, and harassment through a third party, and may be physical, mental or both.

***Verbal abuse*** includes the use of threats, put-downs, name-calling, insults, offensive language, sexually explicit or homophobic language, screaming or yelling.

### **Additional Violations of the Policy**

The School Board will also take immediate steps to impose disciplinary action on individuals engaging in any of the following prohibited acts:

#### **Retaliation**

It is a separate and distinct violation of this policy for any member of the school community to retaliate against any person who reports alleged dating violence and/or abuse or against any person who assists or participates in an investigation relating to such dating violence and/or abuse. It is possible to be found to have violated this anti-retaliation provision even if the underlying complaint of student dating violence and/or abuse is not found to be a violation of this policy. Such prohibited retaliation can include, but is not limited to, discipline, discrimination, demotion, denial of privileges, or any action that would keep a person from coming forward to make or support a student dating violence and/or abuse claim.

Anyone who receives information that an act of retaliation in violation of this policy has occurred shall immediately report such incident to the relevant Title IX Officer or assigned investigator. All reports of retaliation made in good faith shall be investigated in the same manner as the underlying acts of alleged dating violence and/or abuse.

#### **False Reports**

A person who knowingly makes a false report shall be subject to the same action that the District may take against any other individual who violates this policy. The term “false report” refers only to those made in bad faith and does not include a complaint that could not be corroborated.

#### **Failure to Report/Investigate**

It is also a violation of this policy if a school employee disregards, fails to investigate adequately, or delays the investigation of allegations of student dating violence and/or abuse, when responsibility for reporting and/or investigating student dating violence and/or abuse

## **CHAPTER 2.00 - SCHOOL BOARD GOVERNANCE AND ORGANIZATION**

charges comprises part of one's supervisory duties.

### **Reporting an Act of Dating Violence or Abuse**

Any student, or parent/legal guardian on that student's behalf, who believes he/she is a victim of dating violence and/or abuse, and/or any member of the District community who has witnessed an act of dating violence or abuse, or has reasonable suspicion that an act of dating violence and/or abuse has taken place, or is otherwise aware that dating violence and/or abuse has occurred, shall file a report. In cases involving an alleged perpetrator who is of adult age and an alleged teen victim, certain suspicions of abuse must be reported to the Florida Abuse Hotline or local law enforcement pursuant to Florida law.

At each school, the Title IX Officer shall be responsible for receiving and documenting complaints alleging a violation of this policy. Any written or verbal reporting of an act of dating violence and/or abuse shall be considered an official means of reporting such act(s). Reports may be made anonymously, but formal disciplinary action may not be based solely on an anonymous report.

All District employees are required and shall report promptly to the Title IX Officer any allegations of violations of this policy involving students. In addition to reporting the incident to the Title IX Officer, if a school employee has reason to suspect that an alleged violation of this policy might constitute a crime, the employee shall immediately report the complaint to the SRO. Any uncertainty regarding whether an alleged violation might constitute a crime must be resolved in favor of reporting the incident to the SRO. In the case of physical abuse and sexual assault that fall within mandated child abuse reporting requirements, a report shall be made to the Florida Abuse Hotline or local law enforcement pursuant to Florida law.

### **Documentation of Complaints**

Complaints, whether made orally or in writing, shall be documented along with measures taken to correct behavior. This documentation shall be kept with student records and include action taken by a school officer or school employee on behalf of a student experiencing dating violence or abuse. The files shall be kept in a secure, locked filing cabinet and/or on a secure, password protected computer.

The Title IX Coordinator will be responsible for collecting and maintaining copies of all complaint forms that are submitted by students and employees pursuant to this policy, as well as documentation from all subsequent investigations and resolutions, including for both informal and formal complaints.

### **Confidentiality**

It is District policy to respect the privacy of all parties and witnesses to complaints of student dating violence and/or abuse. To the extent possible, the District will not release the details of

## **CHAPTER 2.00 - SCHOOL BOARD GOVERNANCE AND ORGANIZATION**

a complaint or the identity of the claimant or the respondent(s) to any third parties who do not need to know such information. However, because an individual's need for confidentiality must be balanced with the District's legal obligation to provide due process to the respondent, to conduct a thorough investigation, and to take necessary action to resolve the complaint, the District retains the right to disclose the identity of parties and witnesses to complaints in appropriate circumstances to individuals with a need to know. The staff member responsible for investigating complaints will discuss confidentiality standards and concerns with all claimants, respondents, and witnesses. Further guidance on confidentiality is available in **Policy 2.71** "Policy Prohibiting Discrimination and Harassment."

To the greatest extent possible, all complaints will be treated as confidential and in accordance with Florida law; the Family Educational Rights and Privacy Act ("FERPA") and the Health Insurance Portability and Accountability Act ("HIPAA").

### **Anonymous Reports**

Anonymous complaints shall be accepted; however, the District may not necessarily be able to effectively investigate all allegations of student dating violence and/or abuse when the identity of the claimant and/or respondent has not been revealed.

If the anonymous report does not provide a sufficient factual basis to establish if student dating violence and/or abuse may have occurred, the complaint shall be documented, the respondent shall be notified and administrative intervention shall be undertaken as deemed appropriate. No records of an anonymous complaint shall be placed in the personnel file.

### **Investigative and Grievance Procedures**

At each school in the District, the Title IX Officer or his/her designee who has been trained in investigative procedures will be the only party to conduct investigations. Such investigations shall be commenced no later than the next school day, unless the complaint is one of violence which should be investigated immediately. Both the investigative and grievance procedure for allegations of dating violence and/or abuse by a student will follow the steps outlined in **Policy 2.71a** "Discrimination and Harassment Complaint Procedures."

### **Appeal of Investigation**

The appeal procedure for dating violence and/or abuse by a student will follow the steps outlined in **Policy 2.71a** "Discrimination and Harassment Complaint Procedures."

### **Options for Assistance / Supportive Measures**

The Title IX Officer should take immediate steps and supportive measures as appropriate to provide for the safety and well-being of the claimant, such as altering academic or bus schedules for either the claimant or the respondent, changing locker locations, changing cafeteria or recess schedules, allowing the claimant to withdraw from/retake a class without

## **CHAPTER 2.00 - SCHOOL BOARD GOVERNANCE AND ORGANIZATION**

penalty, providing an escort to ensure that the claimant can move safely between classes or other activities, and providing academic support (e.g., tutoring). To the extent possible, students who report allegations of dating violence and/or alleged claimants will continue attendance at the same school and pursue their studies as directed while the investigation is conducted and the complaint is pending resolution. Any order of a court to the contrary will prevail. Requests for accommodations may be made verbally or in writing to any school employee and these requests should be taken to the Title IX Officer who will document the request in writing. While the District has the right to take necessary action to address the claimant's safety and ensure equal educational access, it should also ensure that supportive measures are non-punitive, non-disciplinary and not unreasonably burdensome to the other party, unless that party poses an immediate and/or serious threat to the District community.

Denials of requests for accommodations may be appealed by the student or parent/guardian within ten (10) days of the denial, by the student or parent/guardian filing a written request to the Superintendent or his/her designee.

### **Stay-Away Agreements and Enforcement of Court Restraining/Protective Orders**

The Title IX Officer may immediately implement a school-based "stay-away agreement", which is an agreement entered into between the parties and the school requiring the parties to refrain from contacting each other, to keep away from each other, and specifying disciplinary consequences should either party breach the agreement. This agreement is separate from a court-mandated restraining or protective order.

When a restraining or protective order has been issued by a court to protect one student from another, the Title IX Officer shall take reasonable action at the school to comply with the court order and any administrative procedures provided by the Superintendent for this policy. The Title IX Officer will notify law enforcement immediately if she/he has a reasonable belief that a criminal or civil restraining order has been violated.

Parents/legal guardians of victims and perpetrators shall be notified on the same day a stay-away agreement is put into place.

### **Referral for Counseling Intervention**

Contact information for resources who can provide an immediate response and support for the claimant and respondent including school psychologists, counselors, nurses, social workers or law enforcement, shall be included in the Title IX section of the District's website and made available in the office of the District's Title IX Coordinator or the Title IX Officer at each school.

Contact information for counseling, advocacy, mental health and other ongoing support for claimants reporting dating violence and/or abuse, shall be included in the Title IX section of the District's website and made available in the office of the District's Title IX Coordinator or the Title IX Officer at each school.

When student dating violence or abuse is suspected or reported, referrals to appropriate outside agencies may also be made.



## **CHAPTER 2.00 - SCHOOL BOARD GOVERNANCE AND ORGANIZATION**

### **Notification to Parents or Legal Guardians**

Parents/legal guardians of student claimants and respondents shall be notified on the same day a Principal or other district employee is made aware of claims alleging a violation of the Student Dating Violence and Abuse Policy, except in limited circumstances when the Title IX Officer (or designee) determines that such notification is not in the best interest or impairs the safety of the claimant involved, in which case only the parents/legal guardians of the respondent will be notified. In applicable cases, notification to the parents/legal guardians may be made by telephone, writing, or personal conference. All parents/legal guardians of student claimants and respondents who have received notification may participate at each stage of both informal and formal investigation and resolution procedures.

The frequency of notification and follow-up reports to parents/legal guardians will be dependent on the seriousness of the dating violence and abuse incident. All notifications shall be consistent with student privacy rights under the applicable provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA). If the incident results in the respondent(s) being charged with a crime, the principal or designated Title IX Officer shall by telephone or writing inform the parents or legal guardians of the victims involved about the Unsafe School Choice Option (No Child Left Behind, Title IX, Part E, Section 9532), which provides that a student *“who becomes a victim of a violent criminal offense, as determined by State law, while in or on the grounds of a public elementary school or secondary school that the student attends, be allowed to attend a safe public elementary school or secondary school within the local educational agency, including a public charter school.”*

### **Dating Violence and/or Abuse Prevention and Training**

To ensure that students, teachers, staff, and school administrators are prepared to address dating violence in a coordinated manner, the School Board believes District students, teachers, staff, and school administrators should receive training and awareness education on dating violence.

#### **Training for Teachers, Staff, and School Administrators**

The District Title IX Coordinator will be responsible for assessing the training needs of the District’s students and employees in connection with dissemination, comprehension, and compliance with this policy, as well as arrange for necessary training required for compliance with this policy. The District Title IX Coordinator in coordination with the relevant Title IX Officers shall coordinate an annual training, including scheduling and publicizing trainings, for teachers, staff, and school administrators in the areas of the proper identification, investigation, and intervention of dating violence or abuse incidents that fall within the jurisdiction of the school.

#### **Awareness Education for Students**

In accordance with Florida law, the Superintendent or his/her designee shall provide for an age-

## **CHAPTER 2.00 - SCHOOL BOARD GOVERNANCE AND ORGANIZATION**

appropriate, student dating violence and abuse component in the comprehensive health education curriculum of District students in grades 7 through 12. The student dating violence and abuse component shall have an emphasis on prevention education and include, but not be limited to:

- definition of dating violence and abuse;
- forms of abuse;
- warning signs of dating violence and abusive behavior;
- characteristics of healthy and unhealthy behaviors and relationships;
- measures to prevent and stop dating violence and abuse;
- Board policies on dating violence and abuse, sexual harassment, and bullying; and
- community resources, including legal, medical or mental health resources, available to victims of dating violence and abuse.

Schools should utilize existing resources, including but not limited to student support services staff (e.g. school social workers, school counselors) to assist in providing student dating violence and abuse intervention and prevention training.

Schools may also work with community organizations with expertise in student dating violence and abuse to provide such trainings specifically targeted to each population for the training of teachers, staff and school administrators.

### **Notice of Policy**

Schools with students in grades 7 through 12 shall take the following actions to provide notice of this policy to students, parents/guardians, and other members of the school community.

- Publish this policy on the school website.
- Send a copy of the policy, including the name(s) of the school's designated contact(s) for dating violence and abuse to parents/guardians of students in grades 7 through 12 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 the rights of a student to be free from dating violence and abuse in classrooms or hallways, and how a report of dating violence and abuse may be filed in-person or anonymously including the contact information of the designated school administrator. The Office of Safe Schools (Florida Department of Education) shall be a resource for the creation of such postings for the schools.
- Include the policy and the name(s) of the designated Title IX Officer(s) and his/her contact information in the student handbook for parents and students.

## **CHAPTER 2.00 - SCHOOL BOARD GOVERNANCE AND ORGANIZATION**

### **Constitutional Safeguard**

This Policy does not prohibit expressive activity protected by the First Amendment of the United States Constitution or Article I, Section 4 of the Florida Constitution.

### **Preclusion**

This Policy shall not be interpreted as to prevent a claimant or respondent from seeking redress under any other available law either civil or criminal.

### **STATUTORY AUTHORITY:**

This policy is intended to effect compliance with federal and state regulations, including:  
Title VII of the Civil Rights Act of 1964, as amended (42 U.S.C. § 2000e et seq.)  
Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 et seq.)  
Florida Civil Rights Act of 1992 (F.S. § 760.01)

### **LAW(S) IMPLEMENTED:**

F.S. § 110.1221 – Sexual Harassment Policy  
F.S. § 119.071 – General Exemptions from Inspection or Copying of Public Records  
F.S. § 784.049 – Sexual Cyberharassment  
F.S. § 1001.42 – Powers and Duties of District School Board  
F.S. § 1002.22 – Education Records and Reports of K-12 Students  
F.S. § 1002.221 – K-12 Education Records  
F.S. § 1003.04 – Student Conduct and Parental Involvement  
F.S. § 1003.31 – Students Subject to Control of School  
F.S. § 1003.42(2)(n) – K-12 Education Code Required Instruction  
F.S. § 1006.07 – District Board Duties Relating to Student Discipline and School Safety  
F.S. § 1006.08 – District School Superintendent Duties Relating to Student Discipline and School Safety  
F.S. § 1006.09 – Duties of School Principal Relating to Student Discipline and School Safety  
F.S. § 1006.148 – Dating Violence and Abuse Prohibited  
F.S. § 1012.31 – Personnel Files  
F.S. § 1012.796 – Complaints Against Teachers and Administrators

### **HISTORY:**

**ADOPTED: 08/04/20**