
By January 2015, school districts and charter schools are required under Title 14 of the Delaware Code to establish a policy on responding to Teen Dating Violence and Sexual Assault.

In anticipation of this legislation, the Child Protection Accountability Commission created Guidelines for Responding to Teen Dating and Sexual Violence in Delaware Schools, to help schools create policy surrounding these issues.

This presentation was created by the Domestic Violence Coordinating Council to provide training on the guidelines.
Module Three

Module 3:

• Sexual Violence
• Working With the Victim & Perpetrator
Next, we will be discussing sexual violence, specifically what must be reported and what the protocols are for responding.
All required mandatory reports should be given to the DFS child abuse and neglect report line. This report must be made by any school employee who witnessed or was given information about the incident. These required mandatory reports include any abusive sexual behavior that is committed against a minor by another minor OR adult, or abusive sexual behaviors against a student regardless of age in the school environment.

Law enforcement should also be contacted.

Report NOT Required:
- If a student, 18 years of age or older, is a victim of sexual violence that occurs outside of the school environment (unless the perpetrator is a school employee).

If a student, 18 years of age or older, is a victim of sexual violence that occurs outside of the school environment, a report is not required unless the perpetrator is a school employee.
How do we determine the age of consent for sexual contact?

Consensual sexual contact between two minors does not require a mandatory report, even if that sexual contact results in a pregnancy.

There are certain instances where sexual contact requires a mandatory report; these instances depend on the age of the minor.

Any suspected sexual behavior by force or coercion against a minor (even by another minor), must be reported.
The age of consent for sexual contact with other adults is 18 years and older. There are some exceptions to this age of consent for sexual contact:

• When the victim suffers from a cognitive disability, mental illness or mental defect, this renders the victim incapable of appraising the nature of the sexual conduct or incapable of consenting;
• If force or coercion occurred on school grounds or at a school function; or
• If sexual contact occurred between a student and a school employee, then a school employee must report to the school administrator or designee.
• Additionally, all of these incidents require a report to the police.
16 and 17 year-olds can consent to sexual contact with someone who is under 30 years of age. However, 16 and 17 year-olds can NOT legally consent to sexual contact with anyone who is in a position of authority, including a family member, babysitter, coach, teacher, doctor, or clergy. If the person is in a position of authority or trust, you MUST report. If the perpetrator has immediate access to the victim, report as soon as possible.

12-15 year-olds can ONLY consent to sex with someone who is no more than 4 years older than the child. For example, a 13 year-old can consent to have sexual contact with a 15 year-old. A 13 year-old can NOT consent to have sexual contact with an 18 year-old. However, 12-15 year olds can NOT legally consent to sexual contact with anyone who is in a position of authority or trust. If the person is in a position of authority or trust, you MUST report. If the perpetrator has immediate access to the victim, report as soon as possible.

Children under 12 years old can NOT legally consent to sexual contact. All of these cases MUST be reported. If the perpetrator has immediate access to the victim, you must report immediately.

Verbal consent by the victim, for example saying “yes” to sexual activity, without satisfying the criteria above is still “Without Consent” and must be reported.
PROTOCOL FOR RESPONDING – WHEN A REPORT IS NOT REQUIRED

*School employee* shall take the following steps:

- Separate the victim and the alleged perpetrator.
  - Do not under any circumstances, meet with the victim and the alleged perpetrator together.
- Refer to the school code of conduct based on behavior but consider additional responses (like referral to outside resources).
- Refer victim to counselor in the school for services and safety planning.

We will now discuss protocol for responding to sexual violence when a report is not required.

Any school employee who learns that a student, 18 years of age or older, may be a victim of sexual violence not requiring a mandatory report shall take the following steps:

- Separate the victim from the alleged perpetrator. Do not, under any circumstances, meet with the victim and alleged perpetrator together.
- Refer to the school code of conduct based on the behavior but consider additional responses, such as providing outside resources to the student
- Refer the victim to the counselor in the school for services and safety planning.
Any counselor in the school who learns from another school employee that a student may be a victim of teen dating violence not requiring a mandatory report shall take the following steps:

- Inform victim of school and community resources as needed, including their right to access advocacy and counseling services, file charges or seek legal protection, such as a Protection From Abuse Order.

- Encourage victim to seek medical attention.
  - The victim will not be responsible for out of pocket costs of obtaining a sexual assault exam.

- Monitor the victim’s safety.
  - Assist victim with safety planning for school day/after school activities

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<tr>
<th>PROTOCOL FOR RESPONDING – WHEN A REPORT IS NOT REQUIRED (CONT.)</th>
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Any counselor in the school who learns from another school employee that a student may be a victim of teen dating violence not requiring a mandatory report shall take the following steps:

- Inform the victim of school and community resources as needed, including their right to access advocacy and counseling services, file charges or seek legal protection, such as a Protection From Abuse Order.

- Encourage the victim to seek medical attention. The victim will not be responsible for out of pocket costs of obtaining a Sexual Assault exam.

- Monitor the victim’s safety as needed. Assist the victim with safety planning for the school day and for after-school activities (i.e., class scheduling and transportation considerations).
Any school employee who learns that a student may be a victim of sexual violence that does require a mandatory report shall take the following steps:

1. Separate the victim from the alleged perpetrator.
   - Do not, under any circumstances, meet with the victim and the alleged perpetrator together.
2. Refer to the school code of conduct based on behavior but consider additional responses, such as providing outside resources to the student.
3. The school employee shall report incidents that fall under the mandatory reporting obligations to the appropriate police jurisdiction. DFS must also be notified if sexual violence occurs in the teen dating relationship.
The School Administrator or Designee shall take the following steps:

- Speak with the victim and alleged perpetrator separately if approved by the investigating agency. The alleged perpetrator should be told that any statements made may be part of any future disciplinary, delinquency or criminal proceedings.
- Speak with bystanders if possible.
- Administer discipline to the alleged perpetrator per code of conduct.
- Inform victim of his/her right to file a Protection from Abuse Order or school-based complaint.
- Support the victim in documenting the incident.
For the **School Administrator or Designee**, the protocols to follow are:

- Develop a plan with the victim to increase his/her safety.
  - Monitor victim’s safety.
  - Increase supervision of alleged perpetrator as needed.
- Document actions taken and any follow up steps.
- The School Administrator must immediately notify the parents/guardians of the victim per §4112 if the offense is a violent felony, assault III, USC III, or any sexual offense (if the offender is a staff person).

- Develop a plan with the victim regarding how to increase safety, e.g., changes to class or lunch schedules, route to/from classes, etc. Monitor the victim’s safety. Increase supervision of the alleged perpetrator as needed.
- Contact the parents/guardians of the victim to inform them that an incident of dating violence or sexual violence has occurred. The investigating agency will be responsible for contacting the parents/guardians of the alleged perpetrator.
- Document actions taken and any follow up steps.
- The School Administrator must immediately notify the parents/guardians of the victim if the offense is a violent felony, assault III, USC III, or any sexual offense (if the offender is a staff person).
We will now explain the protocols for working with the victim and the perpetrator, and the protocols for working with teens and documentation of incidents.
In working with the victim, districts shall ensure that the safety of the victim is paramount. Administrators may consider adopting the following methods of intervention with the victim, as/when approved by the investigating law enforcement agency:

- **School Administrators** may use these methods if approved by the investigating law enforcement agency:
  - Conference with victim.
  - Identify immediate actions to increase safety.
  - Inform victim/parent/guardian of resources available.

- Safety of the victim is paramount.

- Inform the victim and parent/guardian of school and community resources as needed, including their right to access advocacy and counseling services, file charges or seek legal protection, such as a Protection from Abuse Order.
School administrators may also:

• Encourage the victim to seek medical attention. The victim will not be responsible for out of pocket costs of obtaining a Sexual Assault exam.

• Monitor the victim’s safety as needed.

• Inform the victim of his or her right to request an in-school Stay-Away Agreement or another school-based alternative to a protective order.

• Encourage the victim to report further incidents.

• For situations also involving sexual harassment, inform the victim of his or her right to file a complaint alleging sexual harassment directly with the Title IX Coordinator. A complaint may also be filed with the U.S. Department of Education’s Office for Civil Rights.

• Document the meeting and any action plans taken. Keep these documents in a separate file from the academic records.

• School administrators should also assist the victim with safety planning for the school day and for after-school activities.
In working with the alleged perpetrator, districts shall require schools to make every reasonable effort to protect the due process rights of the alleged perpetrator. Administrators may consider adopting the following methods of intervention with the alleged perpetrator, as/when approved by the investigating law enforcement agency:

• Conference with the alleged perpetrator and parent/guardian.
• The alleged perpetrator should be told that any statements made may be part of any future disciplinary, delinquency or criminal proceedings.
• Emphasize expectations for positive behavior.
School administrators may also:

- Identify and implement disciplinary and other actions and consequences that will be taken to prevent further incidents.
- Inform the alleged perpetrator and parent/guardian of help and support available at school or in the community as needed, e.g., domestic abuse intervention services.
- Increase supervision of the alleged perpetrator as needed.
- Document the meeting and any action plans taken. Keep these documents in a separate file from academic records.

School Administrators should consult with the investigating law enforcement agency regarding these actions.
Districts shall develop and implement a system for documenting mandatory reports of teen dating violence and sexual violence. This will ensure that all victims and alleged perpetrators receive consistent, fair treatment. Each incident of teen dating or sexual violence shall be documented by a School Administrator or Designee. School districts should incorporate the following protocol to document teen dating violence and sexual violence into their policies.

The School Administrator or Designee shall:

- Maintain teen dating and sexual violence complaints in a file separate from academic records. This practice is recommended to prevent inadvertent disclosure of confidential information.

- The documentation of teen dating and sexual violence shall include the following:
  - Obtain minimal facts about incident(s); this may include who assaulted the victim, what is the nature of the incident, when the incident occurred, where the incident occurred, and known witnesses or other victims.
  - Victim and alleged perpetrator information, including class schedules, group and club memberships, and school activities
  - Disciplinary and accommodation recommendations, including changes to class schedules
  - Response actions taken, including safety planning, referrals for services and counseling, and disciplinary actions and
  - Incident updates, including response to disciplinary actions, alleged perpetrator compliance, utilization of referrals for services, reviews of safety plans, and status reports from the victim, including further referrals for services.
Here is a list of resources and contact information for referrals and trainings on teen dating violence. This includes, Break the Cycle, Contact Lifeline Rape Crisis, Domestic Violence Hotline, National Dating Abuse Helpline, National Sexual Violence Research Center, and two more helpful websites.

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<th>Resources</th>
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<td>Break the Cycle:</td>
<td>1-202-824-0707 or 1-310-286-3383</td>
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<td><a href="http://www.breakthecycle.org/">http://www.breakthecycle.org/</a></td>
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<td>Contact Lifeline Rape Crisis:</td>
<td>New Castle County: 302-761-9100</td>
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<td></td>
<td>Kent &amp; Sussex Counties: 1-800-262-9800</td>
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<tr>
<td>Domestic Violence Hotline</td>
<td>New Castle County: 302-762-6110</td>
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<td></td>
<td>Kent &amp; Sussex Counties: 302-422-8058</td>
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<td></td>
<td>Bilingual Hotline (Sussex): 302-745-9874</td>
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<td>National Dating Abuse Helpline:</td>
<td>1-866-331-9474</td>
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<td>TTY 1-866-331-8453</td>
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<td><a href="http://www.loverespect.org">www.loverespect.org</a></td>
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<td>National Sexual Violence Research Center:</td>
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<td>Useful Websites:</td>
<td><a href="http://www.dow.ky.gov/info/">http://www.dow.ky.gov/info/</a> sites/ ci/ content_areas/ health.shtml</td>
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<td><a href="http://www.safenonrespectful.org">www.safenonrespectful.org</a></td>
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PLEASE PROCEED TO MODULE FOUR:

CHILD ABUSE & NEGLECT
TEEN PREGNANCY
YOUTH-PRODUCED SEXUAL IMAGES