

Policy 3285 - Relationship Abuse and Sexual Assault Prevention and Response

Relationship Abuse and Sexual Assault Prevention and Response

Covered in T9 3085.

The Board 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 Charter School premises, or at any School sponsored activity, regardless of location including, but not be limited to buildings, facilities, and grounds on the School campus, School buses (if applicable), School parking areas, and the location of any School sponsored activity. This includes instances in which the conduct occurs off the School premises, but impacts a School related activity.

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.

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 Executive Director or Board.

Students or third parties may also be referred to law enforcement officials. Should the School or any of its employees have reason to believe that a child under 18 years of age 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 pursuant to the Child Protective Act.

The Executive Director 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.

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 Charter School becomes aware of a report of sexual violence against a student, the School shall direct the nondiscrimination coordinator to investigate the incident in accordance with Policy 4120 Uniform 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 School 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 School's attention by a student or other person making a report to a School employee, by the witnessing of an incident by a School 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 School 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 School shall take steps to prevent retaliation against a student who files a complaint regarding sexual assault. The School 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 or extracurricular activities;
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 on 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 Charter School 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 a recurrence.

Legal References:

I.C. § 16-1601, et seq. Child Protective Act

IDAPA 08.02.03.160 Safe Environment and Discipline

Other Reference: US Department of Education: Office for Civil Rights, Questions and Answers on Title IX and Sexual Violence (2014) (available at : <https://www2.ed.gov/about/offices/list/ocr/docs/qa-201404-title-ix.pdf>) (last accessed November 18, 2019).

Policy History

Adopted on: June 14, 2021

Revised on:

Reviewed on: September 16, 2024

October 23, 2023