

**SBBC POLICY AGAINST STUDENT DATING VIOLENCE OR ABUSE**

The School Board of Broward County, Florida, (SBBC) is committed to protecting its students from dating violence and/or abuse by students. SBBC believes all students are entitled to a safe, equitable and harassment-free school experience. Consistent with the intent and requirements of Section 1006.148, Florida Statutes, SBBC upholds dating violence and/or abuse will not be tolerated and shall be grounds for disciplinary action. This Policy shall be interpreted and applied consistently with all applicable State and Federal laws and Board policies. Conduct that constitutes dating violence or abuse, as defined herein is prohibited.

It is essential that a basic universal prevention curriculum be in place so every school will receive 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 supports for all students, staff, families, and community agencies which will improve relations within each school. It requires all school staff be trained and be 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.

**I. SBBC Prohibits Student Dating Violence or Abuse**

- A. Dating violence and/or abuse will not be tolerated and shall be grounds for disciplinary action if it occurs:
  - 1. on school property;
  - 2. during any educational program or activity conducted by SBBC;
  - 3. during any school-related or school-sponsored program or activity;
  - 4. during school-sponsored transportation.

**II. Definitions Relating to Dating Violence and/or Abuse**

- A. ***“Dating Violence or Abuse”*** means a pattern of emotional, verbal, sexual, or physical abuse or threat of abuse used by one student in a current or past dating relationship to exert power and control over another student. 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/or 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.

**III. Expectations**

The Broward County School District expects students to conduct themselves in keeping with their levels of development, maturity, and demonstrated capabilities with a proper regard for the rights and welfare of other students and the educational purpose underlying all school activities.

- A. All administrators, faculty, and staff, in collaboration with parents, students, and community members, will incorporate systemic methods for student and staff recognition

through positive reinforcement for good conduct, self discipline, good citizenship, and academic success, as seen in the required school plan to address positive school culture and behavior (a.k.a. Discipline Plan).

- B. Student rights shall be explained as outlined in this Policy and in the Student Code of Conduct: Respect for Persons and Property.
- C. Proper prevention and intervention steps shall be taken based on the level of infraction severity as outlined in the Student Code of Conduct, the Discipline Matrix, and this Policy.

#### **IV. Reporting an Act of Dating Violence and/or Abuse**

The victim of dating violence or abuse, anyone who witnessed an act of dating violence or abuse, and anyone who has reasonable suspicion that an act of dating violence and/or abuse has taken place may file a report of dating violence or abuse. **Anyone submitting a good faith complaint or report of violence or abuse will not have negatively affected their future employment, grades, learning or working environment, or work assignments.** Appropriate remedial action will be pursued for persons found to have wrongfully and intentionally accused another of an act of dating violence or abuse.

- A. Each school's principal or administrative designee is responsible for receiving verbal or written complaints, as well as anonymous reports alleging violations 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.
- B. Any student, and/or parent/guardian on that complainant's behalf, who believes he/she is a victim of dating violence and/or abuse and/or any student who has knowledge of any incident(s) involving dating violence and/or abuse of students is strongly encouraged to report the incident(s) to any school district employee. **Complaints and reports should be submitted as soon as possible after the alleged incident, but must be filed within ninety (90) school days after the most recent alleged act of dating violence and/or abuse. Failure on the part of the alleged victim to initiate and/or follow up on the complaint within this period may result in the complaint being deemed abandoned regarding that particular incident.**
- C. All district employees, faculty and staff are required and must report, promptly in writing to the Principal/Designee, any allegations of dating violence and/or abuse or violations of this Policy involving students. Failure to report will result in action(s) or discipline, consistent with the collective bargaining agreement provisions or School Board Policy, up to and including termination of employment.

#### **V. Investigative Procedures and Accommodations**

- A. At each school in the District, the school principal or administrative designee(s) who has been trained in investigative procedures will be the only party to conduct investigations. The designee(s) may not be a relative of the accused perpetrator or alleged victim.
- B. During the investigation, the principal/designee may take any action necessary to protect the complainant, alleged victim, and other students consistent with the requirements of applicable regulations and statutes. In general, student complainants and/or alleged victims 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.

- C. Requests for accommodations may be made verbally or in writing to any school employee and these requests should be taken to the principal or principal's designee who will document the request in writing. Accommodations may include, but are not limited to, class schedule changes, change of lunch schedule, private space for meeting with school guidance counselor or other appropriate school personnel, or safe egress/regress from school and within the school.
- D. If it is determined dating violence and/or abuse has occurred, the principal/designee will take immediate disciplinary action, based on the circumstances of the behavior(s), the Student Code of Conduct and the District's Discipline Matrix.
- E. When necessary to carry out the investigation or for other good reasons, and consistent with federal and state privacy laws, the principal/designee or appropriate area/District administrator may discuss the complaint with any school district employee, the parent of the alleged victim, the parent of the complainant or accused, if one or both is a minor (or has given consent or is an adult who has been determined to be incompetent or unable to give informed consent due to disability), and/or child protective agencies responsible for investigating child abuse.
- F. If the principal determines the reported act of dating violence and/or abuse falls outside the jurisdiction of the District, and suspects the alleged act to be criminal, it will be referred to appropriate law enforcement and reported to the Special Investigative Unit (SIU). Any applicable interventions will be provided and documented according to this Policy.
- G. Whenever possible, face-to-face contact between the alleged victim and alleged perpetrator will be avoided. If changes need to be made, attention should be given to the alleged victim's preference. **The burden for any bus, classroom, or other schedule changes should be on the alleged perpetrator, not the alleged victim.**
- H. The District's threat assessment protocols will be adhered to at all times.

## **VI. Appeals Process**

Appeal procedure for dating violence and/or abuse by a student will follow the steps outlined in the Code of Student Conduct – "Right to Appeal Unfair Penalties."

## **VII. Confidentiality**

School employees shall refrain from sharing confidential student information with other school employees, students, or community members, unless disclosure is required by law or is necessary to protect the student's safety, and consistent with federal and state laws.

- A. To the greatest extent possible, all complaints will be treated as confidential and in accordance with SBBC Policy 5100.1, F.S. § 1002.22(2), § 1002.221; the Family Educational Rights and Privacy Act ("FERPA"); the Health Insurance Portability and Accountability Act ("HIPAA") and any F.S. § 119.071(2);.
- B. Limited disclosure may be necessary to complete a thorough investigation as described above. The District's obligation to investigate and take corrective action may supersede an individual's right to privacy as provided by federal and/or state laws.
- C. The complainant's identity shall be protected as provided by law, but absolute confidentiality cannot be guaranteed.
- D. The identity of the victim of the reported act shall be protected as provided by law.

### **VIII. Retaliation Prohibited**

- A. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment in connection with filing a report or complaint or assisting with an investigation under this Policy.
- B. Retaliatory or intimidating conduct against any individual who has made a dating violence and/or abuse complaint or report or any individual who has testified, assisted, or participated, in any manner, in an investigation is specifically prohibited shall be grounds for disciplinary action.

### **IX. Additional Referral**

In all cases, the District reserves the right to refer the results of its own investigation to the State Attorney for the 17th Judicial Circuit of Florida for possible criminal charges, whether or not the District takes any other action.

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

- A. At the beginning of each school year, each and every school principal/designee shall provide awareness and prominently publicize the provisions of this Policy to ALL students (regardless of age), school staff, parents, or other persons responsible for the welfare of a student.
- B. Staff training on identifying, preventing, responding to, and investigating dating violence and/or abuse shall be provided to all school staff at the beginning of the school year.

### **XI. Dating Violence and/or Abuse Prevention Curriculum**

- A. The health education curriculum for students in grades 7 through 12 shall include a dating violence and/or abuse component through instructional staff in accordance with Section 1003.42, Florida Statutes. This dating violence and abuse component shall include, but is not limited to, dating violence or abuse's definition, warning signs, recognition of abusive behavior, the characteristics of healthy relationships, measures to prevent and stop, as well as available community resources.
- B. The health education curriculum for students in grades K through 6 shall include a dating violence and/or abuse component through instructional staff in accordance to their developmental level.
- C. The curriculum chosen shall have an emphasis on prevention-based education.

### **XII. Constitutional Safeguard**

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

### **XIII. Preclusion**

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

### **XIV. Severability**

If a provision of this Policy is declared by a court of law to be illegal, invalid or unenforceable, that shall not affect the validity or enforceability of any other provision of this Policy.

- AUTHORITY: F.S. 1001.41(1), (2) AND (5)
- LAWS IMPLEMENTED: F.S. 1006.148; F.S. 784.046
- POLICY ADOPTED: 8/2/11