

Independent School District 709
Sexual Assault and Harassment Response
Protocol
Grades K - 12

This protocol was developed in a cooperative effort by Independent School District 709 and the Program for Aid to Victims of Sexual Assault, Inc. (PAVSA).

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This Protocol is designed to be used and modified in conjunction with training provided by PAVSA. This protocol was developed collaboratively with a team of school personnel, sexual assault advocates and other community members. It is written in accordance to Minnesota law and dependant upon the use of Duluth area resources.

If you have received a copy of this protocol and have not received training through PAVSA, please contact us at:

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Protocol was implemented in September, 2002, revised September, 2003 and 2004.

Mission Statement: To create a protocol designed to provide a safe learning environment for all students by offering victim-centered reporting and investigation procedures, and school related accommodations to students reporting sexual violence or sexual harassment to school personnel.

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Thank you for your commitment to the implementation of this protocol.

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Emergency Numbers

Agency	Telephone #	Services Provided
1. Bethany Crisis Shelter	626-2726	Temporary shelter for children ages 0-17 who are in a state of crisis or whose family is in crisis.
2. Minnesota Department of Education	1-651-582-8546	State Agency that receives reports of employee maltreatment of students.
3. Duluth Police Department Family Crimes Unit	723-3235	Investigation of criminal sexual conduct.
4. Initial Intervention Unit (IIU) St. Louis County Social Services	726-2012 720-8550 after hrs.	Agency that receives all mandatory reports in Southern St. Louis County.
5. Program for Aid to Victims of Sexual Assault (PAVSA)	726-1931 (24-hour crisis line)	Crisis intervention and advocacy for victims, their families and friends.
6. St. Luke's Emergency Room	726-5555	Sexual assault examinations, medical examinations, testing for STD's and pregnancy, and early contraceptive pill distribution.
7. St. Mary's Emergency Room	726-4000	Sexual assault examinations, medical examinations, testing for STD's and pregnancy, and early contraceptive pill distribution.

Immediate Response Plan for Safety and Intervention

Purpose: To aid school district personnel in assessing and ensuring the safety of the Reporting Student, the Reported Student, and the School Environment.

- 1) Administration will consult with police to determine any immediate investigative needs. Police investigative needs do not supercede the protocol - refer to on/off campus or mandatory report sections.
- 2) Conduct safety and intervention planning.

Considerations may include:

- Location of Reporting Student.
 - Location of Reported Student.
 - Will they come in contact with each other? (i.e., ride the same bus, lockers by each other...)
 - What does faculty need to know?
 - What do students need to know?
 - What are the peer group considerations?
 - Are there concerns related to parental reactions?
 - Is there a probability of negative response from secondary victims? (boyfriend, siblings, etc...)
- 3) **Contact a PAVSA Advocate for victim support and as a response team resource. The crisis line number is 726-1931.**

On Campus Sexual Assault

Procedure

Student reports to initial contact person. If a medical emergency exists, call 911.

All On Campus sexual assaults MUST be reported to the Building Administration.

Initial Contact Person:

- Normalize and validate experience with Reporting Student (see p. 35).
- Notify administration and a member of the Response Team. (See list at each site). Dual Notification is required.
- Potentially serve as Primary Contact/Support Person for Reporting Student (see p. 34).

Administrator:

- Normalize and validate experience with Reporting Student (see p. 35).
- If school personnel is involved, follow mandatory report procedures (see p. 8).
- Determine if the report meets the On Campus Sexual Assault requirements.
- Assist the Reporting Student with identifying a Primary Contact/Support Person within the school.
- Inform Reporting Student about the reporting process. (provide *Rights of Reporting Student, Community Resource List* p. 37, 40)
- Contact Police Liaison.
- Notify **The Director of School Operations or Superintendent Designee.**
- Convene Response Team.
- Conduct *Immediate Response Plan for Safety and Intervention* with Response Team/police (see p. 3).
- Notify parents of Reporting Student. (provide *Rights of Reporting Student's Parents and Community Resource List* p.38, 40)
- Participate on Response Team.
- After report has been substantiated through initial investigation, notify parents of reported student (see *School Accommodations/Actions* p. 32).
- Complete a violence and Harassment Form for school documentation.
- Ensure follow - up services for student (academic and/or emotional support).
 - Enter into SASE using Code 26.

Police Liaison:

- Contact PAVSA advocate. Let Reporting Student know an advocate is available.
- Conduct preliminary assessment of situation -- determine needs for medical attention, evidence gathering, and additional officers.
- Contact SCAN Unit.

☐ **SCAN Unit:**

- Consult with the Response Team/Administration to coordinate interviews and complete both *Immediate Response Plan For Safety and Intervention* and the *Comprehensive Incident Assessment*.
- Interview victim. (Potentially include an Administrator in the victim interview to reduce the number of times the story is told. This decision will be made by the victim, the administrator and the investigator.)
- Interview Reported Student - SCAN first, then School.
- Interview witnesses - SCAN first, then School.

☐ **Response Team:**

- Conduct *Immediate Response Plan For Safety and Intervention* with Administration/police.
- Determine the most appropriate/effective person to conduct the interview(s) for school investigative purposes.
- Consult with police to coordinate interviews.
- Determine school related investigative needs.
- Conduct School Investigation (see p. 29).
- Complete *Comprehensive Incident Assessment* (see p. 31).
- Determine and facilitate accommodations for Reporting Student (see p. 32).
- Determine and facilitate actions for Reported Student (see p. 32).
- Complete Response Team Follow up Report Form and maintain files (see Documentation, p. 30).
- Coordinate a debriefing of incident after School Accommodations/Actions have been enacted.

Off Campus Sexual Assault

Procedure

Initial Contact:

- Normalize and validate experience with Reporting Student (see p. 35).
- Report situation, **keeping student's names anonymous**, to Administration and one response team member (see list at each site). Maintain the confidentiality of the student's involved.
- Utilize Response Team and/or Building Administration for support and information (maintaining the confidentiality of both students).
- Potentially serve as Primary Contact/Support Person for Reporting Student.

Advocate or Response Team Member:

- Inform student about the reporting process (provide *Rights of Reporting Student, Community Resource List* p.37, 40).
- If student does not want to report to school administration, offer follow up and provide *Community Resource List* p. 40 (until a report is made, school accommodations are not available).
- If student wants to report to school administration, Dual Notification is required. Notify Administration and a member of the Response Team.

Administration:

- Determine if situation meets off campus requirements.
- Guide initial contact in process for off campus reports.

If student chooses to report to Administration:

- Normalize and validate experience with Reporting Student (see p. 35).
- Ensure that Reporting Student has been informed about the reporting process.
- Assist Reporting Student with identifying a Primary Contact/Support Person within the school.
- Contact Police Liaison; if not available call SCAN Unit or 911.
- Notify Reporting Student's parents (Provide *Rights of Reporting Student's Parents* and *Community Resource List* p.38, 40).
- Determine whether School Accommodations are desired. If so:
 - Convene Response Team.
 - Participate on Response Team
- If actions are to be taken for the Reported Student, notify his or her parents (see *School Accommodations/Actions* p. 32).
- Complete Violence and Harassment form for school documentation.
 - Enter into SASE using Code 26

If student chooses not to report to Administration:

- Make sure list of community resources is offered.
- Complete a Violence and Harassment Form for school documentation - using anonymous for the name.

Response Team:

- Be available to aid the student in making decision about reporting.
- Determine the most appropriate and effective person to collect information as needed to accommodate student.
- Complete *Comprehensive Incident Assessment* (see p. 31).
- Determine and facilitate accommodations for Reporting Student (see p. 32).
- Determine and facilitate actions for Reported Student (see p. 32).
- Complete paperwork and maintain files (see documentation, p. 30).
- Coordinate a debriefing of incident after accommodations and actions are enacted.

Police Liaison:

- Contact PAVSA advocate. Let Reporting Student know an advocate is available.
- Conduct preliminary assessment of situation - determine needs for medical attention, evidence gathering, and additional officers.
- Contact SCAN Unit.

Sexual Abuse Reports Mandatory Reporting Procedures

Procedure

Initial Contact:

- Normalize and validate experience with Reporting Student (see p. 35).
- Call IIIU immediately to make report, 726-2012. (Submit written report within 24 hours to IIIU, fax: 725-5118)
- Notify Building Administration and a member of the Response Team. (See list at each site). Dual Notification is required.
- Potentially serve as Primary Contact/Support Person for Reporting Student (see p. 34).

Administration:

If accused is school personnel:

- Normalize and validate experience with Reporting Student.
- Notify The Director of Labor Relations/Human Resources immediately. Complete a Violence and Harassment Report form (4015).
- Assist Reporting Student with identifying a Primary Contact/Support Person within the school.
- Inform Reporting Student about the reporting process (provide *Rights of Reporting Student, Community Resource List* p.37, 40).
- Contact Police Liaison, if not available contact SCAN or 911 (**School may not conduct an investigation or provide any information to the reported personnel at this time. However, the administrator may gather basic information necessary for insuring the safety of the school, the staff and the reporting student.**)
- Conduct *Immediate Response Plan For Safety and Intervention* with Response Team/police (see p. 3).
- Notify parents of Reporting Student (provide *Rights of Reporting Student's Parents* and *Community Resource List* p. 38, 40).
- Confirm that report has been made to the **Minnesota Department of Education.**
- Convene the Response Team.
- Participate on Response Team.
- Ensure follow up services for student (academic and/or emotional support)

If accused is NOT school personnel:

- Normalize and validate experience with Reporting Student. Explain role as a mandatory reporter. **If student has any questions about reporting process, refer her/him to the police.**

- Assist Reporting Student with identifying a Primary Contact/Support Person within the school.
- Consult with Initial Contact to ensure IIU was contacted. (Initial Contact MUST make IIU Report directly).
- Contact the Police Liaison; if not available contact SCAN Unit or 911.
- Convene the Response Team.
- Conduct *Immediate Response Plan For Safety and Intervention* with Response Team (see p. 3).
- If IIU or police direct you to have contact with the parents, provide community resource list (see page 31). **Do not contact parents unless directed by the police or IIU.**
- Ensure that written documentation was given to IIU.
- Ensure follow up services for reporting student (academic and/or emotional support).

□ **Response Team:**

- Conduct *Immediate Response Plan For Safety and Intervention* with Administration/police (see p. 3).
- Ensure that information has been provided to parents as per protocol guidelines.
- Determine and facilitate accommodations for Reporting Student (see p. 32).

□ **Police Liaison:**

- Contact SCAN Unit.
- Contact PAVSA advocate. Let Reporting Student know an advocate is available.
- Conduct preliminary assessment of situation - determine needs for medical attention, evidence gathering, and additional officers.

Sexual or Sexual Orientation Harassment Protocol
(Student on Student)
Secondary (grades 6-12)

General guidelines per policy 4015R:

All teachers must state that no form of harassment will be allowed in their classrooms at the beginning of each semester from the script provided.

Any school personnel who witnesses an act of harassment or is informed about an act of harassment must report the incident to a building administrator or designee.

All students are strongly encouraged to report to an administrator, teacher or other school personnel if they have witnessed any form of harassment.

All allegations of harassment will be evaluated using the preponderance of evidence standard. Prior to imposing any sanctions, the investigator must conclude that it is **more likely than not** that the harassment occurred.

The touching of another person over or under clothing is included in both the definitions of sexual violence and/or harassment. If the touching occurs over or under clothing of a person's private body parts, the sexual assault protocol must be followed. Other unwanted touching, including that of a sexual nature (i.e., putting an arm around someone while whispering in her or his ear) should be considered Level 3 harassment.

Script 1 Primary/Elementary

School is a place to work and learn. Everyone deserves to be treated in a way that helps them to work and learn while they are here. It is not okay for anyone, student or adult to say or do anything that makes you or other students feel unsafe, embarrassed, or makes you uncomfortable while you are trying to learn at school. This also applies when you are coming to, or going home, from school. If you feel someone at school is bullying you or treating you in an unfair or unkind way, you have the right to get help from school with the problem. Please tell me, or you may report to name of building administrator and/or other safe adults in the building). It is important to us that the school stays free of violence and harassment, so that everyone can do their best learning.

Script 2 Upper Elementary/Middle

Our school district believes that being able to work and learn in a safe and respectful environment is important. Every student and adult has the right to be safe and feel comfortable at school. Behaviors that tend to make people feel unsafe or harassed or embarrassed such as name calling, gossiping, bullying, or threats of any kind are prohibited by school district policy. If someone is harassing you, you have the right to get help from school with this problem. Please tell me or name of building administrator and/or other safe adults in the building). It is expressly and specifically prohibited to harass anyone regarding sex, sexual orientation, race/ethnicity, religion or religious practice, disability or any other type of harassment. Copies of this policy (number 4015) are printed in the student policy handbook. Violations will be reported to building administration.

Script 3 High School

By School District policy, every student and adult has the right to be safe and feel comfortable at school. Behaviors that tend to make people feel unsafe, or harassed or embarrassed, such as name calling, gossiping, bullying, or threats of any kind are prohibited by policy 4015. If someone is harassing you it will not be possible for you to do your best schoolwork. You have a right to get help with this problem. Please tell me or name the building principal – also you can discuss with other safe adults in the building). It is expressly and specifically prohibited to harass anyone regarding sex, sexual orientation, race/ethnicity, religious practice, disability or any other type of harassment. This policy is printed in full in your student policy handbook.

**Levels of Sexual/Sexual Orientation Harassment Rubric
Student on Student**

**All of these behaviors are included as they apply to harassment in regards to
gender, sex, sexuality or sexual orientation.**

- (Levels are determined based on intent and severity of the action, and its affect on the victim and/or school climate.)

- Level 1**
- First Offenses that meet the definition for a violation of policy 4015.
- Actions that are unintentional.
- Reported student does not understand what he/she is saying or doing, or does not understand that the behavior is harassing.
- Action which creates a hostile climate and does not target one particular person (is environmental or victimless in nature).
- Minor offenses.

- These behaviors include, but are not limited to: overt sexual behavior, teasing or name calling, dirty jokes, possessing sexual pictures, comics, drawings, or written pornographic materials, harassing or inappropriate e-mail/ written notes, pressuring a student for a date (could move up in level depending upon the type of pressure), whistling or cat calls, starting or spreading sexual rumors, clothing with sexual connotations (i.e. Hooters T-shirts, Co-ed Naked T-shirts, etc.), sexually explicit language.

- Level 2**
- Repeat offense
- Behavior is intentional
- Reported student has knowledge that what she/he is doing is harassing.
- Multiple incidents involving different students committed by the same reported student.

- These behaviors include but are not limited to: bullying/taunting, slam books (books created with the intention of degrading a particular person or group of people), mass derogatory e-mails about an individual or repeated written notes, sexual gestures/leering, yelling "rape" or sexually explicit terms in the hallway, group intimidation or bullying (including conversations about an individual or group that are meant to be overheard), writing derogatory terms (sexual or gender based) about an individual on walls, lockers or any school property, using sexually explicit language that is targeted toward an individual.

- Level 3**
- Behavior is intentional.
- Behavior is part of a progression in violence (methods change to continue harassing or increase threat).

- Behavior includes intimidation, coercion, bullying or threats.
- Behavior includes touching/ hands - on activity
- Repeated occurrences with the same reported and reporting student.

- These behaviors include, but are not limited to: exposure of private body parts,
- unwanted touching, grabbing, patting, pinching in a sexual manner (that which does not meet the definition of sexual assault), pushing, shoving, blocking or cornering, mock Sexual Assault or other mock sexual behavior/gestures targeting an individual, intimidation, threats of bodily harm or sexual assault, sexual blackmail or extortion (i.e. taking pictures or videos of someone and using against them), requests for sexual activity in exchange for money, status, or other benefit.

**Procedures Based on Determined Level of Harassment
Student on Student
Secondary (Grades 6-12)**

- Initial Contact or Witness of Incident:**
 - Intervene to stop behavior and protect victim.
 - Notify Building Administrator or designee.
 - Provide written documentation of incident if requested by administrator or designee.

- Administration or Administrative Designee:**
 - Normalize and validate experience with Reporting Student (see p. 32).
 - Determine if the Reported or Reporting Student has any complaints on file.
 - Investigate incident.
 - Complete a *Violence and Harassment Form*.
Determine the level of harassment according to the Levels of Sexual Harassment Rubric (see page 12).
 - Determine if disciplinary action is required.
 - Keep all completed forms in a central location at each building.

- Level One Offenses:**
 - Contact both students.
 - Complete an *ISD 709 Violence and Harassment Form*.
 - All parties should agree on the course of action to be taken.

- Level Two Offenses:**
 - Contact both students.
 - Notify the parents/guardians of both students.
 - Complete a *Violence and Harassment Form*.
 - Disciplinary action (Detention, Saturday School, In School Suspension).
 - Educational Activity.

- Level Three Offenses:**
 - Convene Response Team
 - Notify the parents/guardians of both students.
 - Complete a *Violence and Harassment Form*.
 - File a report with the Police Liaison Officer.
 - Disciplinary Action (Out of School Suspension, potential move for expulsion).
 - Educational Activity.

- Repeat Offenses:**
 - Convene Response Team.
 - Complete *Immediate Response Plan for Safety and Intervention* (see p. 3).
 - Complete a *Violence and Harassment Form*.
 - Convene Response Team.

- If a second offense has occurred between the same two students, notify the parents/guardians of both students.
- If the Reported Student has previously been reported (has a file) his or her parents/guardians must be notified and meet with a Building Administrator.
- Upon subsequent reports of Reporting Student, notify parents/guardians, complete *Immediate Response Plan for Safety and Intervention* (see p.3) and offer an outside advocate.
- Disciplinary action.
- Educational activity.

Response Team:

- Determine and facilitate disciplinary actions for Reported Student.
- Determine and facilitate accommodations for Reporting Student (see p. 32).
- Help Reporting Student choose a Primary Contact/Support Person.
- Add new types of sexual harassment to the rubric as they become known.
- Complete and maintain all paperwork (see *Documentation*, p. 30).
- Keep ALL completed forms in a central and secure location at each building.

Elementary Grades K-5 Procedures

Sexual Harassment Protocol

Student on Student

Elementary (Grades K – 5)

Philosophy Statement:

We recognize that as children progress through developmental stages, they may act in ways that are inappropriate. This may or may not be intentional. As adults, we need to respond, and educate students to use appropriate behaviors. It is our responsibility to help young people develop the skills to become healthy adults. It is in this spirit that these procedures have been developed.

General guidelines per policy 4015R:

All teachers must state that no form of harassment will be allowed in their classrooms at the beginning of each semester from the script provided.

Any school personnel who witnesses an act of harassment or is informed about an act of harassment must report the incident to a building administrator or designee.

All students are strongly encouraged to report to an administrator, teacher or other school personnel if they have witnessed any form of harassment.

All allegations of harassment will be evaluated using the preponderance of evidence standard. Prior to imposing any sanctions, the investigator must conclude that it is **more likely than not** that the harassment occurred.

Levels of Sexual/Sexual Orientation Harassment Rubric

Student on Student

All of these behaviors are included as they apply to harassment in regards to gender, sex, sexuality or sexual orientation.

(Levels are determined based on intent and severity of the action, and its affect on the victim and/or school climate.)

Level 1

- First Offenses that meet the definition for a violation of policy 4015.
- Actions that are unintentional.
- Reported student does not understand what he/she is saying or doing, or does not understand that the behavior is harassing.
- Action which creates a hostile climate and does not target one particular person (is environmental or victimless in nature).
- Minor offenses.

- These behaviors include, but are not limited to: overt sexual behavior, teasing or name calling, dirty jokes, possessing sexual pictures, comics, drawings, or written pornographic materials, harassing or inappropriate e-mail/ written notes, pressuring a student for a date (could move up in level depending upon the type of pressure), whistling or cat calls, starting or spreading sexual rumors, clothing with sexual connotations (i.e. Hooters T-shirts, Co-ed Naked T-shirts, etc.), sexually explicit language.

Level 2

- Repeat offense
- Behavior that is intentional
- Reported student has knowledge that what she/he is doing is harassing.
- Multiple incidents involving different students committed by the same reported student.

- These behaviors include but are not limited to: bullying/taunting, slam books (books created with the intention of degrading a particular person or group of people), mass derogatory e-mails about an individual or repeated written notes, sexual gestures/leering, yelling "rape" or sexually explicit terms in the hallway, group intimidation or bullying (including conversations about an individual or group that are meant to be overheard), writing derogatory terms (sexual or gender based) about an individual on walls, lockers or any school property, using sexually explicit language that is targeted toward an individual.

Level 3

- Behavior is intentional.
- Behavior is part of a progression in violence (methods change to continue harassing or increase threat).
- Behavior includes intimidation, coercion, bullying or threats.
- Behavior includes touching/ hands - on activity
- Repeated occurrences with the same reported and reporting student.

- These behaviors include, but are not limited to: exposure of private body parts, unwanted touching, grabbing, patting, pinching in a sexual manner (that which does not meet the definition of sexual assault), pushing, shoving, blocking or cornering, mock Sexual Assault or other mock sexual behavior/gestures targeting an individual, intimidation, threats of bodily harm or sexual assault, sexual blackmail or extortion (i.e. taking pictures or videos of someone and using against them), requests for sexual activity in exchange for money, status, or other benefit.

Procedures Based on Determined Level of Harassment

Student on Student

Elementary (Grades K-5)

- ☐ Initial Contact or Witness to the Incident
 - Intervene to stop the behavior and protect victim
 - Notify building administrator or designee
 - Provide written documentation of the incident as requested by the administrator or designee

- ☐ Administrator or Administrative Designee
 - Normalize and validate the experience with reporting student (see p. 35)
 - Complete an investigation including the review of any prior incidents
 - Determine the level of harassment according to Rubric definitions (see p.12)
 - Facilitate any accommodations, educational activities, or disciplinary actions
 - Record incident utilizing appropriate forms or electronic codes
 - Maintain accurate records of incidents.

- ☐ Level I

Reported Student

- Parent notification is optional

Notification is required if:

- Child is removed from the classroom for remediation or investigative purposes
- Remediation includes change to schedule
- The parent(s) of one student are notified, then the parent(s) of the other student(s) must be notified.
- Skill Building Action
- Documentation is kept in the building
 - Enter into SASE utilizing code 24

Reporting Student

- Provide support options including:
 - Identify a school advocate (in house helping adult)
 - Establish a communication link with a parent or guardian and reporting student to check at the following times: following day, one week, one month, three months
 - Offer skill building groups/support groups for the reporting student within the community
 - Offer connection to community resources (resource list, PAVSA)
- Documentation is kept within the building

Environmental (victimless) Behaviors

Many of these actions are the result of behavior that is developmental, yet inappropriate in content. These behaviors raise the level of consciousness in the school about what issues are emerging in the community and further education that needs to be provided.

If the behavior continues after instruction or is part of ongoing behavior that is increasing in severity, an appropriate level of I or II may be assigned.

Level II

Reported Student

- Notify parents
 - Provide parent with rights and responsibilities of reported student (p. 39)
- Contact School District Violence and Harassment Officer and PAVSA
- Disciplinary action
- Skill building action
- Documentation is kept within the building
 - Enter into SASE code 24

Reporting Student

- Notify parents
 - Provide parents with rights of reporting student (p. 37) and rights of reporting student's parents (p. 38)
 - Offer PAVSA advocate to student and parents (call advocate to be present at the school)

- Establish a written safety plan
 - Identify a school advocate (in house helping adult).
 - Establish a communication link with a parent or guardian and reporting student to check in at the following times: One day, Two weeks, One month, Three months
 - Offer skill building groups/support groups for the reporting student within the community
 - Offer connection to community resources (resource list, PAVSA)
- Documentation is kept within the building.

□ **Level III**

All plans need to be long term to monitor the situation for the reported student(s) and the reporting student(s).

Reported Student

- Police notification (notify Police Liaison, if they are not available notify the Family Crimes Unit, if they are not available notify 911)
- Notify Director of School Operations
- Contact School District Violence and Harassment Prevention Specialist and PAVSA
- Notify parents and hold conference.
- Provide parents with rights of reported student and reported student's parents (p.39)
- Disciplinary action
- Skill building action
- Documentation
 - Enter SASE code 24
 - Complete Violence and Harassment Report Form 4015 and give copies District Violence and Harassment Prevention Specialist.

Reporting Student

- Notify parents
 - Provide parents with rights of reporting student
 - Offer PAVSA advocate to student and parents (call advocate to be present at the school)

- Establish a written safety plan
 - Identify a school advocate (in house helping adult)
 - Establish a communication link with a parent or guardian and reporting student to check in at the following times: One day, Two weeks, One month, Three months
 - Offer skill building groups/support groups for the reporting student within the community
 - Provide connection to community resources (resource list, PAVSA)

Sexual Abuse Reports
Mandatory Reporting Procedures
Elementary

Procedure

Initial contact:

- Normalize and validate experience with student (see p. 22 in Secondary Protocol manual)
- Call IIU immediately to make report, 726-2012. (submit written report within 24 hours to IIU, fax: 725-5118).
- Notify Building Administrator and designated response team contact _____.
- Work in conjunction with administrators and response team to implement follow up activities.

Designated Response Team Member/ Administration: Duties will be shared. Administrator is responsible for insuring completion of duties.

If accused is School Personnel

- Normalize and validate experience with reporting student
- Notify the Director of Labor Relations/Human Resources and the Director of School Operations immediately. Complete a Violence and Harassment Report form (4015).
- Contact Police Department (Police Liaison, scan unit or call 911) (**The school can not conduct an investigation or provide any information to the reported personnel at this time. However, the administrator may gather basic information necessary for insuring the safety of the school, the staff and the reporting student.**)
- Conduct immediate response safety and intervention plan.
- Notify parents of reporting student (provide rights of reporting student's parents and community resource list)
- Confirm that a report has been made to the Department of Education.
- Convene and participate on the response team.
- Arrange for meetings in school, student's participation in interviews etc.
- Ensure follow up services for reporting student (academic monitoring, emotional support)

If accused is NOT School Personnel

- Normalize and validate experience with reporting student. (If student has questions about the reporting process, you can tell them: There are people I will need to tell so that we can find help and figure out what to do next. I am happy you told me and I will do whatever I can to help you be safe.)
- Consult with initial contact to insure that IIU was contacted (initial contact MUST make IIU report directly).
- Work with designated response team member to complete Immediate Response Plan for Safety and Intervention.
- Convene entire response team (if needed).

- **If IIU or the Police direct you** to have contact with the parents, provide community resource list.
- Arrange for meetings in school, student's participation in interviews etc.
- Ensure that written documentation was given to IIU.
- Complete documentation to be kept within the building.
- Ensure follow up services for reporting student (academic monitoring, emotional support).

Response Team

- Participate in conducting the Immediate Response Plan for Safety and Intervention.
- Determine and facilitate accommodations for the reporting student.

Administration Responsibilities Checklist

Administrators as leaders of the School Community, are responsible for directing the course of the investigation, assuring the appropriate protocol is followed and working collaboratively with the Response Team. The following items will vary according to the specific protocol that is being followed. You may complete these tasks yourself or designate a Response Team member.

- Receive anonymous reports.
- Receive initial reports.
- Determine which protocol to follow (*On-campus, Off-campus* or *Mandatory Report*).
- Normalize and validate experience with Reporting Student (see p. 35).
- Inform student about the reporting process, his/her rights and available community resources.
- Make contacts (attempt immediately).
- Conduct *Immediate Response Plan for Safety and Intervention* with Response Team/Police (see p. 3).
- Inform parents about the reporting process, their rights and community resources.
- Complete *ISD 709 Violence and Harassment Report Form* upon initial report.
- Participate on the Response Team.
- Respond to media inquiries.
- Serve as a liaison between parents, the Response Team, School District Administration, students and outside agencies.
- Facilitate debriefing of incident after *School Accommodations and Actions* are enacted.
- Meet monthly to review status of reports and needs for accommodations.

Response Team Make-up and Responsibility Checklist

Purpose: To conduct and ensure a victim-centered process of reporting, investigation and action for incidents of sexual assault and harassment.

Membership:

A Core Response Team should be primarily three people. It may become larger as case dependent people are added.

Required Members: (all need to complete Response Team Training)

Administrator, PAVSA staff member, School Counselor or Social Worker

Potential Members:

Teachers, other school personnel

Invited Case Dependent Members:

Primary Contact/Support Person chosen by the student, Parents of Reporting Student, SCAN Supervisor.

Response Team Responsibilities Checklist

- Normalize and validate experience with Reporting Student (see p. 35).
- Complete *Immediate Response Plan For Safety and Intervention* with Administration/Police (see p. 3).
- Conduct separate investigation for the school (see p. 29).
- Complete *Comprehensive Incident Assessment* (see p. 31).
- Determine and facilitate accommodations for Reporting Student (see p. 32).
- Determine and facilitate disciplinary or other actions for Reported Student (see p. 32).
- Serve as liaison between the Primary Contact/Support Person and Reporting Student to assure the victim's needs are being met.
- Update Primary Contact/Support Person on the protocol process.
- Serve as a coach for Primary Contact/Support Person in her/his interaction with Reporting Student.
- Ensure that the protocol is being followed.

- Maintain files on all Reported Students and Reporting Students (cases of sexual assault or harassment) in a confidential manner. This information will remain as part of the student's records to ensure school safety, including as student transfers school buildings.
- Provide information to school personnel as needed. This information may include: their responsibilities, what they can and cannot discuss, and who they can access as resources.
- Coordinate and participate in debriefing of incidents.
- Meet monthly to review status of reports and needs for accommodations.

Sexual Assault School Investigation

Purpose: To determine if the school policy governing sexual violence has been violated.

Concurrent Investigations

Depending upon which category of sexual violence has occurred, a school investigation may need to be completed simultaneous to the police investigation. Communication between the police liaison, SCAN Unit, school administration and the Response Team is key to ensuring a victim centered and comprehensive investigation.

For investigative purposes, interviews need to be conducted by the police **first** and the school investigator **second**. This order will only be altered in cases where the timing considerations related to suspension and expulsion are in jeopardy and therefore, the safety of the student body is compromised. Any questioning that accompanies the initial report should be brief, gathering only the information necessary to initiate the protocol process.

It is possible, that the police interview with the Reporting Student may be attended by the school investigator in an effort to avoid multiple interviews and reduce traumatization. This will be at the discretion of the Reporting Student, the school investigator and the police (SCAN) investigator. Because any communication, verbal or non-verbal, to the student by the school investigator during a police interview could hinder the investigation, it is essential that the school representative remain silent and cognizant of non-verbal reactions. The school investigator may ask questions after the police interview is complete. These questions should relate specifically to school policy and interests.

The presence of a police investigation does not eliminate or decrease the need for a school investigation. Legal action is not a pre-requisite for school action.

Victim-centered Investigation

A victim that feels supported will be better able to provide information about the incident. The following is a list of some things to consider in interviewing and investigation.

- In situations where parents will/must be notified, the Reporting Student will have the option to be present when the parents are contacted. Someone will be chosen to interact with the parents and identify resources applicable to them.
- Provide a physically safe place for the student interview or disclosure to take place. The space should be private and may need to be close to an exit.
- Select a School Investigator that will best communicate with the Reporting Student.

Documentation

Purpose: To track cases of sexual harassment and violence to ensure the safety of all students.

Each Response Team will need to designate a record keeper.

- Complete annual summary of reports and outcomes using the on-line report form to be submitted to **The Director of School Operations or Superintendent's Designee.**
- All instances of on-campus sexual assault and Level III Harassment must be reported on Form 4015 and submitted to **The Director of School Operations or Superintendent's Designee.**
- All incidents of harassment and on-campus sexual assault need to be recorded in SASE utilizing codes listed in procedures.

Comprehensive Incident Assessment

Purpose: To determine what actions need to be taken in response to an incident.

A *Comprehensive Incident Assessment* will look at all factors contributing to a potential threat to the safety of the student body; including Reporting Student, other students and the school environment. All disciplinary actions will be in accordance with the **Pupil's Fair Dismissal Act** and the *School Accommodation/Actions List* (see p. 32).

- Did the assault occur on or off campus?
- Are there multiple victims?
- Is there a history of sexual harassment or other reports?
- Are the reports increasing in severity or frequency?
- What interventions have been tried in the past?
- What are the wishes of the Reporting Student and his/her parents?
- What are the wishes of the Reported Student and his/her parents?
- What accommodations are desired by, and needed for, the Reporting Student?
- How long are accommodations necessary?
- When will the incident be reviewed?

School Accommodations/Actions

Purpose: To serve as a guide in determining appropriate accommodations and actions in relation to the type of sexual violence that has occurred.

Response Team members are required to assess what actions, if any, need to be taken in regards to the Reported Student. These decisions will be made in accordance with the **Pupil's Fair Dismissal Act**. Members are also required to discuss accommodations with each teacher of Reporting Student, the Reporting Student and/or his or her parents to determine which school accommodations are appropriate.

On-campus:

If Police Investigation/Probable Cause:

- Notify parents of Reported Student and witnesses.
- Suspend Reported Student pending investigation; possible move to expulsion.
- Offer all possible school accommodations to Reporting Student, includes manipulating the location of the Reported Student.

If Police Investigation/Not Probable Cause:

- Determine if School Policy 4015 R has been violated.
- If **not** a 4015 R Violation:
 - Reported Student is not removed or made to adjust schedule.
 - Reporting Student is offered accommodations.
- If **not** found to be a 4015 R Violation:
 - Notify parents of Reported Student (accused) and/or witnesses.
 - Utilize *Comprehensive Incident Assessment* to determine actions for Reported Student:
 - In the building: education, suspension, modifications of schedule.
 - Out of the building: expulsion, homebound, ALC, education.
 - Offer all possible accommodations to Reporting Student, including manipulating the location of the Reported Student.

If Mandatory Report:

- If School Personnel - offer all possible accommodations to Reporting Student.
- If **not** School Personnel - offer all possible accommodations to Reporting Student.

If Off - campus:

- Utilize *Comprehensive Incident Assessment* to determine if any threat to student body or school environment exists, and the actions for Reported Student:
 - In the building: education, modifications in schedule, suspension
 - Out of the building: transfer, suspension, expulsion, ALC, homebound
- If action is taken for Reported Student, offer all possible accommodations to Reporting Student.
- If action will be taken for Reported Student, parents of that student must be notified.
- If action is **not** taken for Reported Student, offer Reporting Student accommodations that will **not** involve Reported Student.

Potential Accommodations for Reporting Student:

The following list of accommodations is by no means exhaustive and exclusive, but is meant to be used as a guide or suggestions to build upon. All accommodations must be victim-centered.

- Teacher notification.
- Notify teachers of availability of Response Team for continued support.
- Teacher has responsibility for helping student make-up his or her work.
- Behavioral considerations.
- Extra time for assignments/homework.
- Excused absences/tardiness.
- Transfer of classes, teachers, lockers, lunch periods, schools of either student.
- Administrative review/monitoring of transcripts.
- Assist teachers in making accommodations/arrangements (i.e., homework modification, changing test dates, etc...).
- Offer Community Resources.

Primary Contact/Support Person - Responsibilities Checklist

Chosen by the Reporting Student, the basic responsibility of the Primary Contact/Support Person is to provide support and comfort. Additionally, your responsibility is to see that the Reporting Student's needs are met either by yourself or someone else. These responsibilities may vary depending upon which protocol is utilized. Please check with a Response Team member if you have questions.

- Accompany Reporting Student during initial reporting and investigative procedures when possible.
- Keep Reporting Student apprized of what is going on in the protocol process.
- Potentially serve on the Response Team.
- Maintain contact with Reporting Student.
 - Daily for two weeks.
 - Weekly for two - three months.
 - Periodically through the rest of the year.
 - Anniversary date of first report.
- If you need an alternate contact for reporting or to ensure that the protocol is being followed, please contact: the **School District Harassment and Violence Prevention Specialist**, the **Director of School Operations** or the **Superintendent of Schools**. Please contact these individuals in the order they are written.

Normalizing and Validating

- Believe them.
- Don't blame them.
- Respect their privacy.
- Listen.
- Be kind.
- Be supportive without giving advice.
- Do not be judgmental.
- Convey warmth and understanding.
- Express willingness to help.
- Offer hope.
- See to medical and safety needs.
- Use appropriate statements. Examples:
 - ▶ I want you to know you are safe here.
 - ▶ This sounds like a difficult experience.
 - ▶ I'm sorry to hear this has happened to you.
 - ▶ I am really glad you made it through/survived it.
 - ▶ This was not your fault.
 - ▶ Assault is never your fault.
 - ▶ I am here to help, please go on.
 - ▶ You did the right thing.
 - ▶ Please tell me what happened.
 - ▶ Are you okay? Do you need medical attention?
 - ▶ Do you feel safe?
 - ▶ Are there any concerns you'd like to discuss.
 - ▶ I'm so glad you came to talk to me.
 - ▶ I know this must be uncomfortable.
 - ▶ Please take your time.
 - ▶ I am really glad you chose to report.
 - ▶ Would you like to have someone with you while you report?
 - ▶ Are you comfortable here or is there some place else you would like to go?
 - ▶ Please let me know if you need to stop or take a break.
 - ▶ You must have been terrified/angry/confused.

Definition of Terms

Sexual Assault:

Any sexual contact without consent.*

*This definition is being utilized for school protocol purposes. However, most (but not all) activity under this definition will meet Minnesota Legal Statute definitions for criminal sexual conduct in varying degrees.

Sexual Harassment:

Sexual harassment consists of unwelcome sexual attention, unwelcome requests for sexual favors, unwelcome sexually motivated conduct, or other unwelcome verbal or physical conduct or communication of a sexual or gender biased nature. Please see ISD 709 Policy 4015R for a more comprehensive definition of sexual harassment.

Consent:

Verbal active permission from both parties to engage in a particular sexual act without the presence of coercion, intimidation, physical force or trickery. Consent is only applicable when there is a balance of power. Legal Definition: Words or overt actions that indicate a freely given present agreement; does not mean prior or current social relationship or that complainant failed to resist.

On Campus:

Includes the time in which students are involved in school activities or on school grounds; including time on busses, waiting for busses, in extra curricular activities, dances or other school related social activities.

Off Campus:

When a student is off school grounds and/or not engaged in a school related activity.

Reporting Student:

The student who has been victimized.

Reported Student:

The student who has been accused of an act of victimization.

Mandatory Report:

A report, the goal of which is to protect children under the age of 18 from danger of further assault and abuse. A report is mandated when the person committing the abuse is in a position of power, in a caretaker role, or is a family member and the child is considered to be in danger of further abuse. An assault by a peer, even an older peer, is not necessarily a mandated reporting situation unless the victim is a person with mental impairment. If you are unsure whether you need to report or not, call IIU (Initial Intervention Unit for Southern St. Louis County) for clarification. **IIU can be reached at 726-2012 or after hours at 726-8550.** If you receive a report that you are mandated to report to law enforcement or IIU, you must make the report yourself. Inform the victim that you are mandated to report the situation.

Rights of Student
Independent School District 709

As the Reporting Student, you have:

- The right to choose whether you would like to participate in police or school investigations.
- The right to have an informed person (advocate or Response Team member) help you make decisions about your participation in the reporting and investigation process, etc.
- The right to information about how the process will proceed and someone to guide you through that process.
- The right to a victim centered process in which you are supported and provided with information.
- The right to have knowledge of, and access to all school accommodations available. (dependent on the filing of the report)
- The right to knowledge of the Reported Student's return to school.
- The right to attend your classes.
- The right to information on community resources.
- The right to confidentiality.
- The right to an alternate contact should you have questions, needs or concerns regarding any aspect of the process. You may contact in the following order, the **School District Violence and Harassment Prevention Specialist**, the **Director of School Operations** or the **Superintendent of Schools**.

**Rights of Reporting Student's Parents
Independent School District 709**

- As the parent(s) of a Reporting Student, you have:
- The right to information on what was reported.
- The right to have an informed person, an advocate or Response Team member help you make decisions.
- The right to information on how the process will proceed and someone to guide you through that process.
- The right to talk to your child's teachers and independently work with them to accommodate your child.
- The right to information about community resources.
- The right to confidentiality.
- The right to an alternate contact should you have questions, needs or concerns regarding any aspect of the process. You may contact in the following order, the **School District Violence and Harassment Prevention Specialist**, the **Director of School Operations** or the **Superintendent of Schools**.

**Rights of Reported Student and His/Her Parents
Independent School District 709**

- As the parent(s) of the Reported Student, you have:
- The right to information on how the reporting and investigation process will proceed.
- The right to a copy of the Pupil Fair Dismissal Act.
- The right to confidentiality.
- The right to an alternate contact should you have questions, needs or concerns regarding any aspect of the process. You may contact in the following order, the **School District Violence and Harassment Prevention Specialist**, the **Director of School Operations** or the **Superintendent of Schools**.

Community Resource List

Community Service Agencies			
Bethany Crisis Shelter	626-2726	9239 Idaho Street	Emergency shelter (ages 0-17)
First Witness	727-8353	4 West 5 th Street	Child abuse resource center
Initial Intervention Unit (IIU) - Child Protection Service	726-2012	320 W 2 nd Street	Agency responsible for receiving all mandatory reports in Southern St Louis County
Planned Parenthood of MN/SD - Duluth	722-0833	1001 E. Central Entrance	Testing for STD's, HIV, pregnancy, ECP (Early Contraceptive Pill) etc.
Program for Aid to Victims of Sexual Assault, Inc. (PAVSA)	726-1442 24-hour crisis line - 726-1931	32 E 1 st Street Suite 200	Individual advocacy, legal & medical advocacy, support groups.
Together for Youth	722-5053	219 N 6 th Ave East	Social s-support group for GLBT youth
Women's Health Center	727-3352	32 E 1 st Street Suite 300	Testing for STD's, HIV, pregnancy; pregnancy termination; ECP; etc.
Mental Health Providers			
Catherine Larson	733-9903	2223 S Lake Ave	Sliding fee scale. No insurance accepted.
Full Circle	726-5433	230 E Superior St	Chris Henley Kelly Ravenfeather
Human Development Center	728-4491	1401 East 1 st Street	Sliding fee scale, most insurances.*
Institute for Psychological and Sexual Health, Inc. (The)	727-7353	314 W Superior St	Linda Petsoulis Christos Petsoulis
Lake Superior Community Health Center	722-1497	2 East 5 th Street	Sliding fee scale.

- ◆ Resist your strong urges to become involved in the work of the police. You are your child's parent; let the police do the police work. Your child needs you to be there to love and support him. Your involvement in the legal outcome may cause undue anxiety for him.
- ◆ Since sexual assault is an out of control experience, you can help your son regain his sense of control, by giving him the power to make important and not so important choices for himself. (He should be in control of who is going to be told about what happened and how.)
- ◆ Depression in adolescents looks different from depression in adults - it often involves substance use, high risk behaviors, acting out, stealing, etc. If your son exhibits these symptoms, seek professional help. Remember, when kids feel ugly, they act ugly.
- ◆ Symptoms of post-traumatic stress disorder (PTSD) commonly experienced after an assault include general numbness, being very anxious, and being consumed with what happened. These symptoms go away with time, but can feel pretty overwhelming and crazy when present. Your son may need some special accommodations over the next few weeks at school. Subjects like foreign language and math that involve a lot of memorization may be the most difficult. A counselor can help work with teachers. Do not let teachers say he is just being lazy. Coping with a sexual assault takes a lot of energy; it is exhausting!
- ◆ Your son may need a few days off school to regain his physical and emotional strength. If the other students know what happened or the assailant was someone in the school, meet with the school principal or counselor to develop a plan of support. Your son should have someone designated as a support person he can go to if he needs to leave class.

A sexual assault, while a horrible violent experience, does not have to have only a negative impact. This can be a time for your son and you to discover your strengths and learn how to cope with adversity. Many people have made positive changes in their lives after experiencing a sexual assault. You do not have control over the fact that his happened to you, but you do have control over your healing.

Source: Marge Dexheimer Pharris, M.S., M.P.H., R.N.
Nurse Counselor
Sexual Assault Resource Service
525 Portland Avenue
Minneapolis, MN 55415

Program for Aid to Victims of Sexual Assault, Inc.
32 East First Street, Suite 200, Duluth MN 55802
24-Hour Crisis Line: 726-1931
Office: 726-1442/Toll-free: 1-800-286-4751/Fax: 720-4890
pavsa@pavsa.org

Symptoms of Post Traumatic Stress Disorder in Adolescents and Required Accommodations in School

Post Traumatic Stress Disorder (PTSD)

Post Traumatic Stress Disorder occurs when people have experienced trauma. Trauma may include sexual violence against the person such as rape, sexual abuse or assault. PTSD causes significant distress in important areas of functioning, especially in an adolescent's peer and family relationships and in her ability to stay on task in school. Almost all people experience PTSD symptoms immediately after the event, although some experience in later on. The rate of recover is dependent on the extent of the trauma experienced and the amount of support the victim receives in her or his recovery process. PTSD is manifested in the following three clusters of symptoms:

Persistent Avoidance of Stimuli Associated with the Trauma and Numbing of Responsiveness

- efforts to avoid thoughts, feelings, or conversations associated with the trauma
- efforts to avoid anything that arouses recollections of the trauma
- inability to recall important aspects of the trauma
- markedly diminished interest or participation in significant activities
- feelings of detachment or estrangement from others
- restricted range of affect (emotions)

Persistent Symptoms of Increased Arousal

- difficulty falling or staying asleep
- irritability or outbursts of anger
- difficulty concentrating
- hyper vigilance
- exaggerated startle response

Persistent Re-experiencing of the Event

- intrusive recollections - thinking about the event when you don't want to
- recurrent distressing dreams
- acting or feeling like the traumatic event were recurring
- intense distress at exposure to cues that symbolize or resemble an aspect of the event
- physiological reactivity on exposure to cues that symbolize or resemble an aspect of the event

Everyone reacts to trauma differently, but most people experience some constellation of the above symptoms. Coping with these symptoms takes a lot of energy. Patience and support is required to help the person through this stage. It is important to realize that symptoms of PTSD can last for months in many people. They gradually lessen, but can flare up when reminders of the trauma are present (similar situations, testifying in court, seeing the assailant, talking to the police, etc.). Outside support in the form of therapy or advocacy can be helpful to the victim experiencing PTSD.

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School Accommodations for Post Traumatic Stress Disorder

- ◆ Avoid singling the student out for what s/he has experienced and give him/her as much control as possible over which accommodations s/he chooses to utilize and how s/he wants to handle the trauma. The most difficult part of being traumatized for most students is the sense of loss of control over what is happening to them and the feeling that everybody is talking about them and knows what has happened. You want to help normalize their return to class and give them as much control as possible.
- ◆ The student is going to be struggling with concentration in class and while doing homework. You want to maximize his/her successes as s/he regains academic footing, while not overtaxing the student's energies. For example, if the class is doing 10 math problems for each of 5 sets of math concepts, ask the student to complete 1 or 2 from each of the 5 sets. Make sure s/he is mastering the concepts and provide tutorial assistance for those concepts s/he is not grasping.
- ◆ Make accommodations for impaired concentration. Do not average tests taken in the immediate post trauma period (first few weeks) into the student's final grade. Extend deadlines for completion of homework and provide extra time for the student to take any tests. Provide tutorial assistance for the student to master complex subject material.
- ◆ Many students need to take time off school on days when their symptoms are overwhelming. Make arrangements to send assignments home so that the student does not get further behind. Her/his diminished energy level may make the task of catching up seem very difficult. Reinforce/encourage the student to talk to a counselor. Let them know they should not have to do it alone.
- ◆ Refer any "acting out" behavior to the school social worker or counselor serving on the Response Team who should be familiar with the details of what happened to the student and be able to access help for him/her. It is important to understand that "acting out" behaviors are manifestations of the student's anxiety in trying to control the unsettling symptoms s/he is experiencing. React with compassion. Avoid negatively reinforcing the student's already bruised sense of self.
- ◆ The student may be hypersensitive to any negative comments or gestures. When a teen has been traumatized, negative comments are heard much more loudly and positive ones are faintly heard. The student's sense of confidence may be diminished and need to be rebuilt. Positive and accurate feedback from you will be helpful.
- ◆ It is important to realize that the symptoms of PTSD last a varying amount of time for every person. They gradually lessen, but can flare up when reminders of the trauma are present (similar situations, another student experiencing an assault, having to testify in court, seeing the assailant, or talking to the police, etc).

Source: Margaret Dexheimer Pharris, M.S., M.P.H., R.N.
Hennepin County Medical Center

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Sexual Violence/Sexual Harassment
Response Team Follow-Up Report