



STATE OF DELAWARE

MODEL POLICY FOR RESPONDING TO STUDENT SEXUAL, PHYSICAL AND EMOTIONAL MISCONDUCT IN DELAWARE SCHOOLS

August 16, 2023 (approved by CPAC)

September 18, 2023 (approved by DVCC)

Prepared by:

Domestic Violence Coordinating Council & Child Protection Accountability Commission

Model Policy for Responding to Student Misconduct in Schools

PURPOSE

Delaware and federal law proscribe a variety of requirements on school responses to incidents involving students or occurring in schools. The requirements center around educational programming, model policies for adoption by school districts and charter schools, and accountability. This document is a model policy for the school response to acts of sexual, physical and emotional misconduct between students, encompassing teen dating violence and sexual assault, Delaware school crimes act and federal Title IX requirements. Model policies for responding to adult sexual misconduct in schools, bullying, suicide awareness and prevention and consent education will be provided separately.

This model policy provides guidance to Delaware schools and law enforcement agencies when responding to misconduct between students in the school environment. The purpose of this model policy is to provide a blueprint for creating a comprehensive and effective response to misconduct between students in accordance with the School Teen Dating Violence and Sexual Assault Act¹, and as such, the following components are included:

- procedures for identifying sexual, physical and emotional misconduct between students;
- procedures regarding the immediate response by school employees and volunteers;
- procedures regarding notifications that are required by school employees and volunteers;
- procedures regarding the next steps and follow up actions with victims and alleged perpetrators that must be taken by school employees and volunteers; and,
- procedures regarding the response by law enforcement and school resource officers.

AGENCIES RESPONSIBLE FOR IMPLEMENTATION

Domestic Violence Coordinating Council is responsible for identifying and maintaining a teen dating violence and sexual assault training program for school administrators, school nurses, and school counselors serving one or more of the grades in grades 7 through 12. The DVCC has the authority to review and advise on the implementation of school district policies and charter school policies related to teen dating violence and sexual assault.²

Department of Education is required to prepare an annual report, which shall include a summary of reported incidences of teen dating violence and sexual assault. The Department shall submit the report to the Domestic Violence Coordinating Council by October 15 of each year.³

School Districts or Charter Schools are required to adopt a policy for responding to teen dating violence and sexual assault and submit a copy to the Department of Education. Each school district and charter school shall ensure that its policy appears in the student and staff handbook. If no handbook is available, or if it is not practical to reprint new handbooks, each school district and charter school shall ensure that a copy of the policy is distributed annually to all students, parents, faculty, and staff.⁴

Child Protection Accountability Commission is responsible for identifying and maintaining educational programming to be used by each school district and charter school for informing school district and charter school

¹ See 14 *Del. C.* § 4166

² See 14 *Del. C.* § 4166

³ See 14 *Del. C.* § 4166

⁴ See 14 *Del. C.* § 4166

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employees, students, and parents about personal body safety and child abuse and about how to detect and report child abuse.

Division of Family Services is responsible for identifying and maintaining educational programming to be used by each school district and charter school for informing school district and charter school employees, students, and parents about personal body safety and child abuse and about how to detect and report child abuse.

DEFINITIONS

1. **Alleged Perpetrator** is the student who is suspected of committing an act of misconduct against another student.
2. **Child Sexual Abuse** is any sexual act which is non-consensual or prohibited due to the ages of the child and perpetrator.
3. **Parent** includes natural parent, adoptive parent, or any person, agency, or institution that has custody or guardianship over a student.⁵
4. **Physical Misconduct** involves any intentional contact that causes physical harm to another student. Physical Misconduct includes, but is not limited to, teen dating violence, school crimes, other crimes and Title IX complaints.
5. **Emotional Misconduct** involves a pattern of deliberate, non-contact behavior that has the potential to cause emotional or psychological harm to a student. Emotional Misconduct includes, but is not limited to, teen dating violence, other crimes and Title IX complaints.
6. **Minimal Facts Questions** are questions that help reporters to obtain the information needed to make a clear and concise report of child abuse and neglect to the Division of Family Services, and it focuses reporters on the essential information – what, when, where and who?
7. **School Employee** shall include all persons employed by a school district or charter school; subcontractors such as bus drivers or security guards; substitute employees; and persons hired by or subcontracted by other state agencies to work on school property.⁶ This includes school-based wellness center staff and volunteers and community agency staff.
8. **School Environment** means within or on school property, and at school sponsored or supervised activities, including, for example, on school buses, at functions held on school grounds, at school sponsored extracurricular activities held on and off school grounds, and on field trips.⁷
9. **School Crimes** means a school employee has reasonable suspicion that a student has been the victim of a violent felony, Assault III or Unlawful Sexual Contact III and the offense was committed by another student as outlined in Title 14 *Del. C.* §4112.
10. **School Property** shall include any building, structure, athletic field, sports stadium that is owned, operated, leased or rented by any school district or charter school; any motor vehicle owned, operated, leased, rented or subcontracted by school district or charter school;⁸ or remote learning platform.

⁵ See 14 *Del. C.* § 4112(a)(4)

⁶ See 14 *Del. C.* § 4112(a)(7)

⁷ See 14 DE Reg. 614

⁸ See 14 *Del. C.* § 4112(a)(9)

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11. **School Volunteer** means a person 18 years of age or older who, without compensation, renders service to a school district or charter school. School volunteer includes parents who assist in school activities or chaperone school functions.⁹
12. **Sexual Misconduct** is conduct of a sexual nature that is committed without consent or by intimidation, coercion, threat or force, or the student is unable to consent due to the student's age.¹⁰ Sexual Misconduct includes, but is not limited to, child sexual abuse, teen dating violence, school crimes, other crimes and Title IX complaints. Please also see attached Determining Age of Consent for Sexual Contact.
13. **Teen Dating Violence** means assaultive, threatening, or controlling behavior, including stalking as defined in § 1312 of Title 11, that one person uses against another person in order to gain or maintain power or control in a current or past relationship and can occur in both heterosexual and same sex relationships and in serious or casual relationships.¹¹
14. **Title IX of the Education Amendments of 1972** is federal legislation that prohibits discrimination on the basis of sex in educational programs and activities. Complaints or inquiries concerning sexual harassment or discrimination on the basis of sex should be directed to the School District or Charter School's Title IX Coordinator.
15. **Victim** is a student allegedly harmed by another student.

CONFIDENTIALITY

1. School Counselors, School Nurses, Mental Health & Medical Professionals

These professions are bound by their professional licensure and code of ethics and as such they are required to maintain confidentiality. HIPAA (the Health Insurance Portability and Accountability Act of 1996) provides for confidentiality. However, certain information can be released under certain circumstances such as: law enforcement investigations, mandatory reporting (such as child sexual abuse) and in the course of certain judicial or administrative proceedings.¹² Additionally, students may give informed consent to release their information. Mental health and medical professionals are required to maintain confidentiality of all information acquired from clients in a professional capacity (including information regarding teen dating violence) except in the following situations:

- a student communicates an explicit and imminent threat to kill or seriously injure a clearly identified victim or victims (including themselves), or
- any reasonable suspicion of child abuse or neglect, or
- a student presents with the following: a stab wound; non-accidental poisoning; a bullet/gunshot wound; powder burn or other injury caused by the discharge of a firearm.

2. Other School Employees, Including Teachers & Administrators

These professions are not bound by confidentiality. Once a school employee knows or reasonably should know of possible sexual, physical or emotional misconduct between students that may have occurred on

⁹ See 14 *Del. C.* § 4112(a)(10)

¹⁰ Children who have not yet reached their twelfth birthday are deemed unable to consent to a sexual act under any circumstances. See 11 *Del. C.* § 761(l)

¹¹ See 14 *Del. C.* § 4161(18)

¹² See 45 C.F.R. § 164.512

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school property, the school employee must take immediate and appropriate action to explore the incident and keep the victim safe.¹³ While these professionals are not bound by confidentiality, it is important that the reports are kept confidential and limited to certain individuals within the school to maintain the privacy of students. The procedures below will address in what specific circumstances reports to the Division of Family Services (DFS) and/or law enforcement are mandated.

SEXUAL MISCONDUCT BETWEEN STUDENTS

1. IDENTIFICATION OF SEXUAL MISCONDUCT

A school employee or volunteer may develop reasonable suspicion that sexual misconduct between students has occurred when:

- the incident is witnessed;
- a student makes a disclosure, even if it is minimal in detail; or,
- indicators of possible sexual misconduct are known (such as a change in behavior or physical sign).

School employees or volunteers shall not interview the victim or alleged perpetrator when sexual misconduct is suspected; only Minimal Facts Questions should be asked.

2. IMMEDIATE RESPONSE BY SCHOOL EMPLOYEES & VOLUNTEERS

- **Separate Victim & Alleged Perpetrator** - Separate the victim and alleged perpetrator, keeping the victim in a location that allows for safety and confidentiality.
- **Assess Need for Medical or Mental Health Intervention** - Assess for injuries and need for medical or mental health intervention. Contact 911 and the School Nurse for medical assistance and connect the victim with mental or emotional health resources.
- **Ask the Minimal Facts Questions** - Gather minimal information from the victim regarding the incident, using **Minimal Facts Questions**. School employees should be seeking information only to determine **what** is alleged to have happened, **when** it happened, **who** is the alleged perpetrator, and **where** it happened. No written statement should be sought from the victim at any point. Document initial findings in Required DDOE Incident Report submitted via E-School Reporting Platform.

3. REQUIRED IMMEDIATE NOTIFICATIONS

The following 3 notifications are required:

- **DFS Report Line** – The school employee or volunteer shall make an **immediate** report to the Division of Family Services (DFS) for any **sexual misconduct between students**, regardless of the victim's age and the relationship between the students. This report shall be made **regardless of where the offense occurred**. Call 1-800-292-9582.

¹³ See 14 Del. C. § 4112

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- **Law Enforcement** – An **immediate** 911 report to law enforcement shall also be made by the School Principal or a Designee for any **sexual misconduct** between students, regardless of the victim's age and the relationship between the students. Notification to a School Resource Officer, if one is assigned to the school, fulfills the obligation to report to law enforcement. This report shall be made **regardless of where the offense occurred**.
- **DOE, School District Central Office & Title IX Coordinator** – The school employee or volunteer or the school administrator shall notify the Delaware Department of Education (DDOE), School District Central Office and the Title IX Coordinator for the school. **Document time, date and method of notification to law enforcement and DOE in Comment Section of E-School Incident report**. The school shall not initiate its Title IX investigation until law enforcement concludes the evidence gathering process of the criminal investigation. Schools should work closely with legal counsel to determine when to initiate the Title IX investigation.

4. NEXT STEPS BY SCHOOL EMPLOYEES & VOLUNTEERS

- **Document Victim's Statement** - Document the details of the victim's disclosure being sure to include the victim's exact words. Do not require victim or alleged perpetrator to write a statement.
- **Protect Physical Evidence** - Protect any physical evidence, whether related to the victim, suspect, or scene, which could be lost or destroyed prior to law enforcement arrival. Absent an urgent medical issue, the victim should not be examined for physical evidence or injury nor bathe or wash their hands. Any evidence, such as weapons or electronic devices, should be placed in a sealed envelope and secured in the school safe until delivered to law enforcement.
- **Identify Potential Witnesses** - Identify for law enforcement any potential witnesses, who may have been present or involved. Law enforcement will conduct interview of witness(es).
- **Do Not Conduct Interviews** – School employees shall NOT interview the alleged perpetrator or inform the alleged perpetrator of the pending criminal investigation.
- **Do Not Notify the Alleged Perpetrator's Parents** - DFS and law enforcement will be responsible for notifying parents.
- **Do Not Investigate** - School employees shall NOT attempt to establish the credibility of a suspected incident of sexual misconduct.
- **Develop Safety Plan** - Develop and implement a safety plan with the victim as indicated in the Teen's Guide to Safety Planning to increase, enhance and monitor the victim's safety. Include IEP and 504 Teams as needed to ensure students with disabilities needs are addressed appropriately. Please see attached A Teen's Guide to Safety Planning.
- **Discuss Protection from Abuse Order** - If applicable, inform the victim and caregivers of the right to file for a PFA, providing contact numbers and websites for resources to assist with filing for the PFA Order. Please see attached Protection from Abuse Instruction Packet.

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- **Inform Victim of Title IX Rights** - Inform the victim of the right to file a complaint, when applicable, directly with the Title IX Coordinator. Refer victim to Title IX Coordinator as appropriate.

5. FOLLOW UP ACTIONS BY SCHOOL EMPLOYEES & VOLUNTEERS

- **Administer Discipline** - After law enforcement concludes or declines its involvement, administer disciplinary consequences to the alleged perpetrator for the physical or emotional misconduct per the school's code of conduct.
- **Warn Against Retaliation** - Inform the alleged perpetrator that retaliation or threats of retaliation in any form designed to intimidate the victim, or those who are witnesses, or those investigating an incident shall not be tolerated.
- **Maintain Complaints** - Maintain sexual misconduct complaints in a file separate from academic records. This practice is recommended to prevent inadvertent disclosure of confidential information.

6. RESPONSE BY LAW ENFORCEMENT OR SCHOOL RESOURCE OFFICERS

The **Memorandum of Understanding for the Multidisciplinary Response to Child Abuse and Neglect** is the guiding document for the multidisciplinary response to child abuse and neglect, which includes the response to sexual misconduct between students. The procedures below are meant to serve as additional guidance for these incidents in the school environment.

- **Respond to School** - If the investigating officer will not be the School Resource Officer present at the school, the officer shall respond to the school on the date the incident is reported.
- **Assess Need for Medical or Mental Health Intervention** – Ensure the victim is in a location where the victim feels safe and confidentiality is protected. Assess the victim's immediate safety and medical needs.
- **Cross-Report to DFS** - Ensure report to DFS has been made. If not, report allegation to the DFS Report Line. Communicate and collaborate with the investigating DFS worker, **conducting a multidisciplinary team (MDT) investigation** for the misconduct requiring a DFS response.
- **Contact the Victim's Parents** - Contact the victim's parents to inform them that sexual misconduct has occurred.
- **Utilize the Children's Advocacy Center** - Victims ages 3 through 12, and all suspected child victims of trafficking, shall be interviewed at the Children's Advocacy Center (CAC). All other victims may be interviewed at the CAC.
- **Interview Victim** – If the victim is not being interviewed at the CAC, law enforcement will interview the victim in a confidential setting and shall be audio-recorded. Law enforcement will invite DFS to observe the interview.

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- **Obtain Statements from Witnesses** - Obtain statements from witness(es), when possible, including statements from persons observing the incident and persons providing corroborative details.
- **Collect Physical Evidence** - Collect and document physical evidence, including any already collected by the school. For physical evidence needing to be collected from the victim, such as DNA or saliva evidence, the collection should occur at a local hospital by a forensic nurse examiner (FNE) or sexual assault nurse examiner (SANE). Law enforcement and DFS will determine the most appropriate setting to photograph the victim's injuries and the most appropriate person to take the photographs.
- **Discuss Protection from Abuse Order** - If applicable, inform the victim and caregivers of the right to file for a PFA, providing contact numbers and websites for resources to assist with filing for the PFA Order.
- **Refer Victim to Services** - Refer victim and caregivers to resources, ensuring police-based victim services are notified of this allegation.
- **Communicate Outcome to School** - Communicate investigation progress and outcome to the School Principal or a Designee.

RESOURCES FOR SEXUAL MISCONDUCT

Delaware Resources:

- 24-Hour Domestic Violence Hotlines
 - New Castle County: 302-762-6110
 - Kent County / Sussex County: 302-422-8058
- Rape Crisis Providers
 - New Castle County – [YWCA Sexual Assault Response Center](#) – (800) 773-8570
 - Kent & Sussex Counties – [Contact Lifeline](#): 302-761-9100
- Division of Family Services Child Abuse and Neglect Report Line
 - Report Line: 1-800-292-9582
 - Online Reporting Portal: <https://www.iseethesigns.org>
- Community Legal Aide Society (CLASI) Legal Services (Kent and Sussex County):
<http://www.declasi.org/>
- Delaware Coalition Against Domestic Violence: www.dcadv.org
- Delaware Domestic Violence, Sexual Violence and Stalking Policy:
<https://dvcc.delaware.gov/background-purpose/dynamics-domestic-abuse/state-delaware-domestic-violence-policy/>
- Delaware Victim Center: <https://dsp.delaware.gov/victim-services/>
- Delaware Victims Services: <https://www.delawarevictimservices.org>

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- [Delaware Volunteer Legal Services \(New Castle County\): https://www.dvls.org/](https://www.dvls.org/)
- Domestic Violence Advocacy Program: <https://courts.delaware.gov/forms/download.aspx?id=120608>
- Domestic Violence Coordinating Council Resource Guide: https://dvcc.delaware.gov/wp-content/uploads/sites/87/2022/09/DVCC-Resource-Guide_08.2022.pdf
- Domestic Violence Coordinating Council Resources: <https://dvcc.delaware.gov/background-purpose/dynamics-domestic-abuse/teen-dating-violence-resources/>
- Family Court Protection From Abuse Process: <https://courts.delaware.gov/family/pfa/index.aspx>
- Mandatory Reporting of Child Abuse and Neglect Resource Guide: <https://courts.delaware.gov/forms/download.aspx?id=136188>
- Statutory Reporting Requirements for School Employees: <https://courts.delaware.gov/forms/download.aspx?id=136168>

National Resources:

- Rape, Abuse & Incest National Network: www.RAINN.org
- National Sexual Assault Hotline: 1-800-656-4673
- Love is Respect's A Teen's Guide to Safety Planning: <https://www.loveisrespect.org/pdf/Teen-Safety-Plan.pdf>

Training:

- Community Outreach from the Delaware Domestic Violence Coordinating Council: <https://dvcc.delaware.gov/training/>
- Law Enforcement Officers Education Reimbursement Program: <https://cjc.delaware.gov/le-reimbursement-program/>
- Office of the Child Advocate: <https://courts.delaware.gov/childadvocate/training.aspx>
- Online Training Center at the Delaware Coalition Against Domestic Violence: <https://dcadv.org/what-we-do/training-and-certification/online-training-center.html>

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PHYSICAL & EMOTIONAL MISCONDUCT BETWEEN STUDENTS

1. IDENTIFICATION OF PHYSICAL OR EMOTIONAL MISCONDUCT

A school employee or volunteer may develop reasonable suspicion that physical or emotional misconduct between students has occurred when:

- the incident is witnessed;
- a student makes a disclosure, even if it is minimal in detail; or,
- indicators of possible physical or emotional misconduct are known (such as bruising or changes in behavior).

School employees or volunteers shall not interview the victim or alleged perpetrator when physical or emotional misconduct is suspected; only Minimal Facts Questions should be asked.

2. IMMEDIATE RESPONSE BY SCHOOL EMPLOYEES & VOLUNTEERS

- **Separate Victim & Alleged Perpetrator** - Separate the victim and alleged perpetrator, keeping the victim in a location that allows for safety and confidentiality.
- **Assess Need for Medical or Mental Health Intervention** - Assess for injuries and need for medical or mental health intervention. Contact 911 and the School Nurse for medical assistance and connect the victim with mental or emotional health resources.
- **Ask the Minimal Facts Questions** - Gather minimal information from the victim regarding the incident, using **Minimal Facts Questions**. School employees should be seeking information only to determine **what** is alleged to have happened, **when** it happened, **who** is the alleged perpetrator, and **where** it happened. No written statement should be sought from the victim at any point. Document initial findings in Required DDOE Incident Report submitted via E-School Reporting Platform.

3. REQUIRED IMMEDIATE NOTIFICATIONS

The following 4 notifications are required:

- **School Principal** – A school employee or volunteer shall make an immediate notification to the School Principal or a Designee for any physical or emotional misconduct involving school crimes between students.
- **Law Enforcement** – An **immediate** 911 report to law enforcement shall also be made by the School Principal or a Designee for any physical or emotional misconduct between students that qualifies as a school crime or that may be any other crime, regardless of the victim's age and the relationship between the students. An exception to this reporting does exist for offenders less than 12 years old for misdemeanor crimes.¹⁴ Notification to a School Resource Officer, if one is assigned to the

¹⁴ When a misdemeanor offense listed in this subsection has allegedly been committed by a child under the age of 12, the principal is not required to notify the appropriate police agency but must file a written report of the incident with the Department of Education within 5 working days. See 14 Del. C. § 4112(b)(6)

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school, fulfills the obligation to report to law enforcement. This report shall be made **for incidents that occurred on school property or at a school function but may be made for incidents occurring outside the school environment.**

- **DOE, School District Central Office & Title IX Coordinator** – The school employee or volunteer, or the school administrator shall notify the Delaware Department of Education (DDOE), School District Central Office and the Title IX Coordinator for the school for **any physical or emotional misconduct involving school crimes or Title IX violations.** Document time, date and method of notification to law enforcement and DOE in Comment Section of E-School Incident report. The school shall not initiate its Title IX investigation until law enforcement concludes the evidence gathering process of the criminal investigation. Schools should work closely with legal counsel to determine when to initiate the Title IX investigation.
- **Victim's Parents** – The School Principal or a Designee shall make reasonable efforts to notify the victim's parents. Written notification of the incident to the victim's parents shall be sent within 3 business days for any physical or emotional misconduct involving school crimes.

4. NEXT STEPS BY SCHOOL EMPLOYEES & VOLUNTEERS

- **Document Victim's Statement** - Document the details of the victim's disclosure being sure to include the victim's exact words. Do not require victim or alleged perpetrator to write a statement.
- **Protect Physical Evidence** - Protect any physical evidence, whether related to the victim, suspect, or scene, which could be lost or destroyed prior to law enforcement arrival. Absent an urgent medical issue, the victim should not be examined for physical evidence or injury nor bathe or wash their hands. Any evidence, such as weapons or electronic devices, should be placed in a sealed envelope and secured in the school safe until delivered to law enforcement.
- **Identify Potential Witnesses** - Identify for law enforcement any potential witnesses, who may have been present or involved. Law enforcement will conduct interview of witness(es).
- **Do Not Conduct Interviews** – School employees shall NOT interview the alleged perpetrator or inform the alleged perpetrator of the pending criminal investigation.
- **Do Not Notify the Alleged Perpetrator's Parents** - Law enforcement will be responsible for notifying parents.
- **Do Not Investigate** - School employees shall NOT attempt to establish the credibility of a suspected incident of physical or emotional misconduct.
- **Develop Safety Plan** - Develop and implement a safety plan with the victim as indicated in the Teen's Guide to Safety Planning to increase, enhance and monitor the victim's safety. Include IEP and 504 Teams as needed to ensure students with disabilities needs are addressed appropriately. Please see attached A Teen's Guide to Safety Planning.

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- **Discuss Protection from Abuse Order** - If applicable, inform the victim and caregivers of the right to file for a PFA, providing contact numbers and websites for resources to assist with filing for the PFA Order. Please see attached Protection from Abuse Instruction Packet.
- **Inform Victim of Title IX Rights** - Inform the victim of the right to file a complaint, when applicable, directly with the Title IX Coordinator. Refer victim to Title IX Coordinator as appropriate.

5. FOLLOW UP ACTIONS BY SCHOOL EMPLOYEES & VOLUNTEERS

- **Administer Discipline** - After law enforcement concludes or declines its involvement, administer disciplinary consequences to the alleged perpetrator for the physical or emotional misconduct per the school's code of conduct.
- **Warn Against Retaliation** - Inform the alleged perpetrator that retaliation or threats of retaliation in any form designed to intimidate the victim, or those who are witnesses, or those investigating an incident shall not be tolerated.
- **Maintain Complaints** - Maintain physical or emotional misconduct complaints in a file separate from academic records. This practice is recommended to prevent inadvertent disclosure of confidential information.

6. RESPONSE BY LAW ENFORCEMENT OR SCHOOL RESOURCE OFFICERS

- **Respond to School** - If the investigating officer will not be the School Resource Officer present at the school, the officer shall respond to the school on the date the incident is reported.
- **Assess Need for Medical or Mental Health Intervention** – Ensure the victim is in a location where the victim feels safe and confidentiality is protected. Assess the victim's immediate safety and medical needs.
- **Contact the Victim's Parents** - Contact the victim's parents to inform them that physical or emotional misconduct has occurred.
- **Interview the Victim** - Victims of any age may be interviewed at the Children's Advocacy Center (CAC). If the victim is not being interviewed at the CAC, law enforcement will interview the victim in a confidential setting and shall be audio-recorded.
- **Obtain Statements from Witnesses** - Obtain statements from witness(es), when possible, including statements from persons observing the incident and persons providing corroborative details.
- **Collect Physical Evidence** - Collect and document physical evidence, including any already collected by the school. For physical evidence needing to be collected from the victim, such as DNA or saliva evidence, the collection should occur at a local hospital. Law enforcement will determine

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the most appropriate setting to photograph the victim's injuries and the most appropriate person to take the photographs.

- **Discuss Protection from Abuse Order** - If applicable, inform the victim and caregivers of the right to file for a PFA, providing contact numbers and websites for resources to assist with filing for the PFA Order.
- **Refer Victim to Services** - Refer victim and caregivers to resources, ensuring police-based victim services are notified of this allegation.
- **Communicate Outcome to School** - Communicate investigation progress and outcome to the School Principal or a Designee.

RESOURCES FOR PHYSICAL & EMOTIONAL MISCONDUCT

Delaware Resources:

- 24-Hour Domestic Violence Hotlines
 - New Castle County: 302-762-6110
 - Kent County / Sussex County: 302-422-8058
- Child, INC.: <https://www.childinc.com>
- Community Legal Aide Society (CLASI) Legal Services (Kent and Sussex County): <http://www.declasi.org/>
- Delaware Coalition Against Domestic Violence: www.dcadv.org
- Delaware Domestic Violence Resources: <https://courts.delaware.gov/forms/download.aspx?id=145228>
- Delaware Domestic Violence, Sexual Violence and Stalking Policy: <https://dvcc.delaware.gov/background-purpose/dynamics-domestic-abuse/state-delaware-domestic-violence-policy/>
- Delaware Victims Services: <https://www.delawarevictimservices.org>
- Delaware Volunteer Legal Services (New Castle County): <https://www.dvls.org/>
- Domestic Violence Advocacy Program: <https://courts.delaware.gov/forms/download.aspx?id=120608>
- Domestic Violence Coordinating Council Resource Guide: https://dvcc.delaware.gov/wp-content/uploads/sites/87/2022/09/DVCC-Resource-Guide_08.2022.pdf
- Domestic Violence Coordinating Council Resources: <https://dvcc.delaware.gov/background-purpose/dynamics-domestic-abuse/teen-dating-violence-resources/>
- Family Court Protection From Abuse Process: <https://courts.delaware.gov/family/pfa/index.aspx>
- Mandatory Reporting of Child Abuse and Neglect Resource Guide: <https://courts.delaware.gov/forms/download.aspx?id=136188>
- People's Place: <http://peoplesplace2.com>
- Statutory Reporting Requirements for School Employees: <https://courts.delaware.gov/forms/download.aspx?id=136168>

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National Resources:

- Love is Respect's A Teen's Guide to Safety Planning: <https://www.loveisrespect.org/pdf/Teen-Safety-Plan.pdf>
- REAL Relationships: www.RealRelationshipsDE.org

Training:

- Community Outreach from the Delaware Domestic Violence Coordinating Council: <https://dvcc.delaware.gov/training/>
- Law Enforcement Officers Education Reimbursement Program: <https://cjc.delaware.gov/le-reimbursement-program/>
- Office of the Child Advocate: <https://courts.delaware.gov/childadvocate/training.aspx>
- Online Training Center at the Delaware Coalition Against Domestic Violence: <https://dcadv.org/what-we-do/training-and-certification/online-training-center.html>

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DETERMINING AGE OF CONSENT FOR SEXUAL CONTACT

- Consensual sexual contact between two students does not generally require a mandatory report to DFS and law enforcement, even when that sexual contact results in a pregnancy. However, there are certain situations where sexual contact does require a mandatory report. These situations are dependent on the age of the minor, as outlined below.
- Any suspected, sexual misconduct against a student by another student must be reported.¹⁵



¹⁵ See 11 *Del. C.* §§ 761, 767-778(a), 780.



A TEEN'S GUIDE TO SAFETY PLANNING

If you have questions about dating in general or a specific relationship, or if you are in an unhealthy or abusive relationship, you deserve support and resources to help you with your situation. You are not alone; our peer advocates are here for you 24/7.

Loveisrespect advocates are trained on issues related to dating abuse and healthy relationships, as well as crisis intervention. This means that when you contact a loveisrespect advocate, they will listen to your situation, assess how you're feeling in the moment, and help you figure out the next best steps for you. You might brainstorm a safety plan together, or the advocate may be able to find some local resources for you, whether it's a counselor, support group, legal service or whatever you might need.



CALL

1-866-331-9474

(1-866-331-8453 TTY for Deaf/hard of hearing individuals)



CHAT

Start a live chat by visiting loveisrespect.org



TEXT

Text* "loveis" to 22522

Message & Data Rates apply on text for help services.



love is respectVorg



This project described was supported by Grant Number 90EV0426 from the Administration on Children, Youth and Families, Family and Youth Services Bureau, U.S. Department of Health and Human Services. The opinions, findings, conclusions and recommendations expressed in this publication are those of the author(s) and do not necessarily reflect the views of the Administration on Children, Youth and Families, Family and Youth Services Bureau, U.S. Department of Health and Human Services.

WHAT IS A SAFETY PLAN?

A safety plan is a practical guide that helps lower your risk of being hurt by your abusive partner. It includes information specific to you and your life that will help keep you safe. A good safety plan helps you think through lifestyle changes that will help keep you as safe as possible on campus, in the dorms and other places that you go on a daily basis.



WHY DO I NEED A SAFETY PLAN?

Everyone deserves a relationship that is healthy, safe and supportive. If you are in a relationship that is hurting you, it is important for you to know that the abuse is not your fault. It is also important for you to start thinking of ways to keep yourself safe from the abuse, whether you decide to end the relationship or not. While you can't control your partner's abusive behavior, you can take action to keep yourself as safe as possible.



HOW DO I MAKE A SAFETY PLAN?

Take some time for yourself to go through each section of this safety plan. You can complete this guide on your own, or you can work through it with someone else that you trust.



Keep in Mind

In order for this safety plan to work for you, you'll need to fill in personalized answers, so you can use the information when you most need it.

Once you complete your safety plan, be sure to keep it in an accessible but secure location. You might also consider giving a copy of your safety plan to someone that you trust.

Getting support from someone who has experience working with college students in abusive relationships can be very useful.

I could talk to the following people at school if I need to rearrange my schedule in order to avoid my abusive partner, or if I need help staying safe at school:

- ☐ School Counselor
- ☐ Coach
- ☐ Teachers:

- ☐ Principal Assistant/Vice principal
- ☐ School security
- ☐ Other:

If I live with my abusive partner, I will have a bag ready with these important items in case I need to leave quickly (check all that apply):

- ☐ CELL PHONE & CHARGER SPARE MONEY
- ☐ KEYS
- ☐ DRIVER'S LICENSE OR OTHER FORM OF ID
- ☐ COPY OF RESTRAINING ORDER
- ☐ BIRTH CERTIFICATE, SOCIAL SECURITY CARD, IMMIGRATION PAPERS AND OTHER IMPORTANT DOCUMENTS
- ☐ CHANGE OF CLOTHES MEDICATIONS
- ☐ SPECIAL PHOTOS OR OTHER VALUABLE ITEMS
- ☐ IF I HAVE CHILDREN— ANYTHING THEY MAY NEED (IMPORTANT PAPERS, FORMULA, DIAPERS)

MY SAFETY PLAN

Staying Safe at School:

The safest way for me to get to and from school is:

If I need to leave school in an emergency, I can get home safely by:

I can make sure that a friend can walk with me between classes. I will ask:

I will eat lunch and spend free periods in an area where there are school staff or faculty nearby. These are some areas on campus where I feel safe:

Staying Safe at Home:

I can tell this family member about what is going on in my relationship:

There may be times when no one else is home. During those times, I can have people stay with me. I will ask:

The safest way for me to leave my house in an emergency is:

If I have to leave in an emergency, I should try to go to a place that is public, safe and unknown by my abusive partner. I could go here:

and/or here: _____

I will use a code word so I can alert my family, friends, and neighbors to call for help without my abusive partner knowing about it. My code word is:



**WE ARE HERE
TO HELP**

CHAT: 24/7/365
CALL: 1.866.331.9474
TEXT: LOVEIS TO 22522

MY SAFETY PLAN

Staying Safe Emotionally:

My abusive partner often tries to make me feel bad about myself by saying or doing this: _____

_____.

When he/she does this, I will think of these reasons why I know my abuser is wrong:

_____ ,

_____ and

_____.

I will do things I enjoy, like:

_____ ,

_____ and

_____.

I will join clubs or organizations that interest me, like:

_____ or _____.

Getting Help in Your Community:

For emergencies: 911

loveisrespect: 1-866-331-9474

Campus police station:

Phone #: _____

Location: _____

Campus Health Center:

Phone #: _____

Location: _____

Campus Women's or LGBTQ Center:

Phone #: _____

Location: _____

Local Free Legal Assistance:

Phone #: _____

Address: _____

If I feel down, depressed or scared, I can call the following friends or family members:

Name: _____

Phone #: _____

Name: _____

Phone #: _____

Name: _____

Phone #: _____

Name: _____

Phone #: _____

During an emergency, I can call the following friends, family members or residential life staff at any time of day or night:

Name: _____

Phone #: _____

Name: _____

Phone #: _____

Name: _____

Phone #: _____

Name: _____

Phone #: _____



MY SAFETY PLAN

These are things I can do to help keep myself safe everyday:

- ☐ I will carry my cell phone and important telephone numbers with me at all times.
- ☐ I will keep in touch with someone I trust about where I am or what I am doing.
- ☐ I will stay out of isolated places and try to never walk around alone.
- ☐ If possible, I will alert dorm or campus security about what is happening in my relationship so that my abuser is not allowed in my building.
- ☐ I will avoid places where my abuser or his/her friends and family are likely to be. I will keep the doors and windows locked where I live, especially if I am alone.
- ☐ I will avoid speaking to my abuser. If it is unavoidable, I will make sure there are people around in case the situation becomes dangerous.
- ☐ I will call 911 if I feel my safety is at risk.
- ☐ I can look into getting a protective order so that I'll have legal support in keeping my abuser away. I can see if there are any self-defense classes available at my college or university.
- ☐ I will remember that the abuse is not my fault and that I deserve a safe and healthy relationship.

These are things I can do to help keep myself safe in my social life:

- ☐ I will ask my friends to keep their cell phones with them while they are with me in case we get separated and I need help.
- ☐ If possible, I will go to different malls, bars, banks, parties, grocery stores, movie theaters, dining halls, etc. than the ones my abusive partner goes to or knows about.
- ☐ I will avoid going out alone, especially at night.
- ☐ No matter where I go, I will be aware of how to leave safely in case of an emergency. I will leave if I feel uncomfortable in a situation, no matter what my friends are doing.
- ☐ If I plan on drinking, I will be sure to have a sober driver who is not my abusive partner.
- ☐ I will spend time with people who make me feel safe, supported and good about myself.

These are things I can do to stay safe online and with my cell phone:

- ☐ I will not say or do anything online that I wouldn't in person.
- ☐ I will set all my online profiles to be as private as they can be.
- ☐ I will save and keep track of any abusive, threatening or harassing comments, posts, or texts. I will never give my password to anyone.
- ☐ If the abuse and harassment does not stop, I will change my usernames, email addresses, and/or cell phone number.
- ☐ I will not answer calls from unknown, blocked or private numbers.
- ☐ I can see if my phone company can block my abuser's phone number from calling my phone.
- ☐ I will not communicate with my abuser using any type of technology if unnecessary, since any form of communication can be recorded and possibly used against me in the future.