



Updated Guidance for Schools and Districts on Addressing Teen Dating Violence (2013)

G.L. c. 71, as amended by sections 60 and 61 of Chapter 256 of the Acts of 2010, requires public schools to include in health education the topic of safe and healthy relationships with a focus on preventing sexual and domestic violence. Additionally, subject to appropriation, schools are required to implement specific policies and discipline codes that address teen dating violence in public schools. This guidance contains recommendations for developing such policies and discipline codes.

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Background

A. State Law Regarding Teen Dating Violence

The Criminal Offender Record Information (CORI) Reform Law, Chapter 256 of the Acts of 2010, included two amendments that directly affect school policies on teen dating violence and related issues. One amendment revised section 1 of chapter 71 of the Massachusetts General Laws to require that health education in public schools include instruction in “safe and healthy relationships with a focus on preventing sexual and domestic violence.”

The other amendment added [section 2C](#) to chapter 71. It reads:

Each school district in the commonwealth, subject to appropriation, shall implement a specific policy and discipline code to address teen dating violence in public schools. The policy shall clearly state that dating violence will not be tolerated and shall include guidelines for addressing alleged incidents of dating violence. The policy may include a teen dating violence prevention task force comprised of staff, students and parents to provide awareness training and education for the school community. Topics to be covered in the policy include, without limitation, defining the issue of teen dating violence, recognizing warning signs, identifying issues of confidentiality, safety and appropriate legal school-based interventions.

While the provisions of section 2C are subject to appropriation and the legislature has not yet appropriated additional funds for these activities, school districts and schools are strongly encouraged to develop a teen dating violence policy and to address the issue in discipline codes. It is an essential component of a comprehensive response to promoting a safe and healthy school environment that is free of abuse. Coordination and integration with related school health advisory/wellness and bullying prevention committees, policies that address issues of violence and abuse such as harassment and bullying, and those that promote wellness and tolerance are essential. Understanding and enforcing the laws that address these behaviors are an important first step toward building a comprehensive response. Schools are required to have policies on bullying, child abuse reporting, harassment, discrimination, discipline, and wellness. Teen dating violence policies should explicitly reference and be coordinated with these school policies.

B. Recent Data

Recent data indicate that teen dating violence persists in Massachusetts. The [Health and Risk Behaviors of Massachusetts Youth, 2011](#)¹ report reflects that:

¹ See <http://www.mass.gov/eohhs/docs/dph/behavioral-risk/2011-yhs.pdf> for the full report, *Health and Risk Behaviors of Massachusetts Youth, 2009*. In February 2011, the Massachusetts Departments of Elementary and Secondary Education (ESE) and Public Health (DPH) presented the results of the two coordinated surveys of Massachusetts adolescents: the 2009 Massachusetts Youth Risk Behavior Survey (ESE) and the Massachusetts Youth Health Survey (DPH). These two surveys were supported by funding from the Centers for Disease Control and Prevention (CDC) and administered in a random sample of 121 public secondary schools by the University of Massachusetts Center for Survey Research in the spring of 2009.

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- Nine (9) percent of high school students reported being physically hurt by a date (e.g., being shoved, slapped, hit, or forced into sexual activity), with female students more likely than males to report this experience (12 percent vs. 6 percent).
- Fourteen (14) percent of female high school students and 5 percent of male high school students reported experiencing sexual contact against their will.
- Sexual minority youth were nearly 5 times more likely than other students to report being physically hurt by a date (27 percent vs. 5.7 percent). They were also more likely to have experienced sexual contact against their will (30 percent vs. 7 percent).
- In middle school, 63 percent of students had gone out on a date. Of these, 9 percent reported being physically hurt by a date (in the past 12 months and/or longer).

The Massachusetts Youth Risk Behavior Survey (MYRBS) consistently indicates that gay, lesbian, bisexual, transgender, and questioning (GLBTQ) students are significantly more likely to experience sexual abuse and teen dating violence than other students. As reported above, GLBTQ youth were nearly 5 times more likely than other students to report being physically hurt by a date. They were also more likely to have experienced sexual contact against their will. Schools need to be aware that “Teen Dating and Domestic Violence” (also referred to as relationship violence or interpersonal violence) is more likely to occur between same sex couples. Therefore, schools should ensure that their efforts to address dating violence are equally relevant to GLBTQ youth. This includes providing a safe and supportive environment where these youth can feel comfortable discussing personal relationships with adults in the building.

It is clear that relationship and sexual violence occurs among adolescents, and that it can have severe and long-lasting social, psychological, and physical health repercussions for victims and offenders. There is a pressing need for prevention and intervention with adolescents. Developmentally, adolescence is a critical time to intervene. Because dating experiences are relatively new to adolescents, they are less likely to be entrenched in attitudes and patterns of behavior. We hope this information and the recommendations that follow assist school officials in providing preventive education and safe intervention strategies within the school and district.

Recommendations for Schools and Districts on Addressing Teen Dating Violence

I. LEADERSHIP

Leadership at all levels plays a key role in developing and implementing programs to promote a safe school environment that prevents teen dating violence. School personnel can model respectful behaviors, attitudes, and beliefs in many ways. All school personnel, including administrators, teachers, counselors, athletic coaches, bus drivers, cafeteria workers, and others, are important role models for students, and students draw information about positive human interactions from witnessing staff behaviors and attitudes. Therefore, administrator, faculty, and staff interaction with each other and with students can deliver strong messages about what is acceptable behavior. School personnel have the power to consistently model behaviors and attitudes that demonstrate respect and equality.

II. TRAINING AND PROFESSIONAL DEVELOPMENT

Schools should provide training for faculty, staff, administrators, and parents on relevant policies and how they can nurture environments that support healthy youth relationships and actively prevent bullying, harassment, discrimination, and abuse. Local programs that specialize in sexual and domestic violence and healthy sexuality can often provide expert consultation for professional development and parent meetings.² These trainings should be organized to reach all members of the school community including students, educators, administrators, custodial and food service staff, and parents. Trainings can be co-facilitated by school staff and community agencies that promote healthy relationships and serve victims of teen dating violence and harassment. It is essential that all teachers, staff, and administrators receive this training, so they understand their responsibility to actively support healthy behaviors and have the knowledge and skills to do so consistently and effectively.

III. ACCESS TO RESOURCES AND SERVICES

Schools should provide access to safe and confidential intervention, resource, and referral services that include: collaborations with local domestic violence, sexual assault, and certified batterer intervention programs, and counseling and juvenile justice programs; Memoranda of Understanding and systems of reporting with local district attorney's office and law enforcement; connections with related community-based resources and service providers; support groups for teen survivors in collaboration with local specialized service providers; specialized assessment and intervention programs for youth who behave abusively; high-risk groups for youth who exhibit sexually abusive behaviors and/or abusive dating behaviors, in collaboration with local specialized service providers (e.g., [Massachusetts Adolescent Sex Offender Coalition](#) and DPH-certified batterer intervention programs); and, when appropriate, referrals to the criminal justice and/or court system to help students and parents understand their legal rights in the context of teen dating violence. A list of community-based referral programs and services in the community for both the persons engaging in and the victims of these behaviors should be made available to faculty, staff, students, and families. Lists should be updated annually.

² When used in this document, the term “parent” includes legal guardian as well.

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IV. ACADEMIC AND NON-ACADEMIC ACTIVITIES

Use of evidence-informed relationship and sexual violence prevention curricula that promote healthy relationships and sexuality in trauma-informed programming can be incorporated into the school's health curricula. Local community-based programs that specialize in sexual and domestic violence prevention and healthy sexuality can often assist with program planning and/or delivery of curricula. School-sponsored activities can promote and teach healthy relationships, skills, and behaviors. Students can benefit from discussion and guidance about consent, respect, and skill development on healthy ways to initiate, maintain, and end dating relationships.

School health advisory/wellness and bullying prevention committees should include relevant stakeholders on these issues, and specifically address these issues in coordinated ways. Consider forming a standing subcommittee or task force comprised of staff, parents, students, law enforcement, representatives from local domestic violence and GLBTQ advocacy groups, and other concerned community members who can examine all aspects of the school environment and develop specific policies and recommendations for promoting a positive, safe, bias-free and abuse-free environment.

V. POLICIES AND PROCEDURES FOR REPORTING AND RESPONDING TO TEEN DATING VIOLENCE

It is important to develop or review and update written policies to address the issue of teen dating violence as well as identify and implement effective dissemination methods to ensure that all parents, school personnel and students are aware of these policies. Policies should include clear guidelines for addressing alleged incidents of these behaviors. These guidelines should include, but not be limited to:

a. ***Statement that dating violence will not be tolerated***

G.L.c. 71 § 2C states: *the policy shall clearly state that dating violence will not be tolerated and shall include guidelines for addressing alleged incidents of dating violence.*

b. ***Process for addressing alleged incidents of dating violence including documentation of incidents***

Districts should develop a system for documenting each complaint or report of any teen dating violence incident on and/or off school grounds involving an enrolled student. Reports should be accepted from any members of school community including students, parents, and staff. The system should include the process for making a report as well as having complaint forms readily available to all students, faculty, and staff. Documentation should include the following elements:

- i. Description of incident(s): what, when, where, witnesses;
- ii. Victim and alleged perpetrator information, including class schedules, group and club memberships, and school activities;

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- iii. Disciplinary and accommodation recommendations, including changes to class schedules;
 - iv. Response actions taken, including safety planning, referrals for services and counseling, and disciplinary actions; and
 - v. Incident updates, including response to disciplinary actions, alleged perpetrator compliance, use of referrals for services, reviews of safety plans, and status reports from the victim, including further referrals for services.
- c. ***Awareness training and education for the school community***

Training for the school community should include:

- i. Defining the issue of relationship and sexual violence and its relationship to school;
 - ii. Community norms and laws supportive of all students' rights to safe learning environments and educational access;
 - iii. Recognizing warning signs (see section VIII);
 - iv. Identifying issues of confidentiality, safety, and academic accommodations linked to the impact of the abuse; and
 - v. Appropriate school-based and non-school based help, interventions, and referrals.
- d. ***Ensuring confidentiality***

- i. Under state law, any information about a student's status as a target or perpetrator of dating abuse or sexual violence or as the petitioner or respondent of an order of protection and other related information that is either generated by or provided to school officials, regardless of its form, is part of the individual's student record (*see* Massachusetts Student Records Regulations, 603 CMR 23.00). The information is confidential and must be kept private and secure, and may not be disclosed to third parties without the written consent of the parent or eligible student, except in limited circumstances. An "eligible student" is a student who is 14 years of age or older or who has entered the 9th grade, unless the school committee has extended rights to younger students or those who have not yet entered 9th grade (603 CMR § 23.02). Once the student reaches the age of 18, the student or the parent may consent to the disclosure of information from the student's record to third parties unless the student has limited the parent's right in that regard. (Although a student 18 years of age or older has authority to limit the parent's right to consent to disclosure of his or her student records, the student cannot limit the parent's right to review them.)
- ii. Authorized school personnel may have access to student records of students to whom they are providing services when access is necessary to perform their official duties (603 CMR §23.07(3)). In these circumstances, written consent of the eligible student or parent is not required. For example, if the student or student's parent has provided the school principal a copy of a court order of protection issued on behalf of one student against another student in the same school, the principal may need to inform the assistant principal, the school nurse, teachers, and the student's guidance counselor for safety planning and other related purposes.

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- iii. A school may disclose information to parties in connection with a health or safety emergency if knowledge of the information is necessary to protect the health and safety of the student or other individuals. 603 CMR 23.07(4)(e).
- e. *Once alleged incidents of teen dating violence have been confirmed, steps should be taken to develop safety plans for victims to prevent further abuse and harassment, conduct an assessment of the victim's needs for protection, and/or make referrals to school and non-school support services.*

A safety plan should be developed to address the victim's needs and concerns, including staff to report to if safety concerns arise or a court mandated restraining order is violated. Parents should be contacted and involved in the safety planning for the victim. When both parties attend the same school, the perpetrator should be involved to the extent he or she needs to understand what “rules” apply with respect to his or her actions. Safety plans could include class schedule changes if necessary or appropriate. If available, it is important to offer specialized in-school services or referral to community-based services to the victim and, to the abuser, referrals to a certified batterer intervention program or for a specialized assessment for sexually abusive behaviors. Local domestic violence programs, rape crisis centers, and other community-based resources should be used as resources for the development of safety plans.

VI. COLLABORATION WITH FAMILIES

Schools should identify and implement effective dissemination methods to ensure that all parents are aware of the policies and procedures.

- i. Parents should be notified of trainings, prevention curricula, school-sponsored events, and other district offerings, as well as available community-based programs and resources, to support teens affected by dating violence.
- ii. Parents should be included as members of the teen dating violence prevention task force.

VII. PROHIBITION AGAINST TEEN DATING VIOLENCE

Districts should prohibit teen dating violence on school grounds, at a school sponsored event, or at a school related activity, function, or program. Policies and procedures should be included in the student and staff handbooks.

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VIII. TERMS

Dating: any romantic relationship between an unmarried couple regardless of duration, commitment level, or physical intimacy. (“Hooking up,” “going out,” and “friends with benefits” are terms that may be used instead of dating.”)

Dating Partner: any person, regardless of gender, involved in a dating relationship. This could include persons who have a former dating or sexual relationship, are same sex couples, or are unrelated but have had intimate or continuous social contact with one another.

Perpetrator/Abuser/Dominant Aggressor: a person who uses either bullying, dating violence, or sexual violence to establish and maintain power and control over the target of his/her behavior. *The dominant aggressor/abuser means the person determined to be the most significant, rather than the first aggressor.* The following should be considered when identifying the dominant aggressor: (1) whether either person made threats creating fear of physical injury; (2) whether there is a history of domestic or sexual violence between the persons involved; (3) whether either person acted in self-defense; and (4) whether either person used or threatened to use a weapon and/or physical force.

Sexual Violence: In the [Massachusetts Sexual Violence Prevention Plan](#), sexual violence is defined as any sexual activity where consent is not obtained or able to be given freely. The term ‘sexual violence’ is used to demonstrate a broad continuum of sexually violent and abusive behaviors that include – but are not limited to – rape, sexual assault, drug facilitated sexual assault, and sexual harassment and exploitation, and includes non-contact sexual abuse such as verbal, behavioral and cyber-harassment.

Teen Dating and Domestic Violence (also referred to as relationship violence or interpersonal violence).

Domestic violence is a pattern of coercive control one person exercises over another with whom they have or have had an intimate relationship. Domestic violence can take many forms, such as actual or threatened physical, sexual, psychological, or economic abuse. Teen dating violence mirrors adult domestic violence in terms of the offender employing a continuum of controlling behaviors to gain power and control. These behaviors range from verbal and emotional abuse, to physical assault, to murder and rape. As with adult domestic violence, abusive pre-teen and teen dating relationships can affect people from all socio-economic, racial, and ethnic groups. Such violence can occur in heterosexual and same sex relationships. Similar to adult domestic violence, these relationships generally exhibit a pattern. Common elements may include:

- use of emotional and verbal abuse, destruction of property, and/or other means of intimidation to assert control over a partner;
- use of technology and/or verbal abuse to control partner’s behavior;
- repeated violence and/or threats of violence that escalate over time;
- violence that increases in severity the longer the relationship continues, which is important to know for safety planning concerns;
- violence, abusive behaviors, or threats are interchanged with apologies and promises to change; and

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- increasing danger for the victim when trying to terminate the relationship.

It is not unusual for a victim of pre-teen, teen, or adult abuse to continue to have loving feelings toward the person initiating the abuse, and the survivor may leave and return to the abusive person multiple times. This does not mean the violence did not occur, or that safety is not a concern. It is essential for school personnel to remain nonjudgmental so that a survivor will feel safe to return for help when s/he may need it in the future. It is, however, appropriate to express concern about any continued contact.

Teen (and pre-teen) dating violence happens within a context of adolescent development; therefore, certain developmental aspects characteristic of adolescence are affected, differentiating it from abuse in adult relationships. Characteristics that may be more pronounced or create unique dynamics in situations of teen dating violence may include:

- Teens lack experience with intimate relationships; those in abusive relationships often have difficulty in defining abuse as problematic.
- Abusive behavior may be normalized within youths' peer groups and in the media, which makes it harder for victims to recognize abuse.
- The often normalized use of alcohol and/or drugs among youth may lead some youth to misunderstand violence as a result of substance use and/or abuse.
- Incidents of the adolescent victim using physical violence toward her/his partner may occur with more frequency than between adult victims toward adult perpetrators.
- Youth may be more likely to perceive possessive jealousy and controlling behavior as loving devotion.
- Teens can be reluctant to seek help from adults. They may fear, rightly or wrongly, that if they tell someone about the abuse they will be seen as having done something wrong. Also, they may worry that newly won privileges of independence will be taken away.
- Teens receive mixed messages about sex and violence from all sources - media, friends, and family alike. Discussing safe and healthy relationships with teens can be difficult; not doing so can lead to misinformation and fear. Typically, the teen victim is isolated from her/his peers because of the controlling behavior of her/his partner. In addition to academic progress being hindered, the following may be affected because of this isolation:
 - achieving new and mature relationships with peers of both sexes
 - social role achievement
 - emotional independence
 - the ability to develop personal values and beliefs

Many youth would not identify their "intimate relationships" in the words chosen by adults. Terms such as "dating," "boyfriend/girlfriend," and "intimate or sexual relationship" would not be used by most pre-teens or teens to describe relationships in which the behaviors listed above may be exhibited. It can sometimes be difficult to determine the extent of the relationship because many pre-teens and teens use terms such as "going out" or "friends with benefits." When speaking to pre-teens and teens, school personnel should ask them how they talk about and define these relationships.

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Warning Signs include the following:

- Low self-esteem
- Views violence as a means of problem solving
- Belief that assault is normal
- Difficulty in establishing positive relationships with women or girls
- Lack of empathy toward others
- Difficulty with social interactions
- Need for instant gratification
- Low impulse control
- Angry outbursts
- Difficulty with dating relationships
- Very degrading toward females
- Victim stance
- Difficulty with authority figures
- Inappropriate physical contact
- Inability to set goals for the future
- Has witnessed domestic violence toward their mother
- Difficulty with accepting responsibility for own actions
- Hopelessness
- Depression
- Poor decision making/problem solving skills
- Sexual harassing behavior
- Difficulty with following directions
- Little or no investment in learning life skills
- Fear of failure/anxiety

IX. RELATIONSHIPS TO OTHER LAWS

The Bullying Intervention and Prevention Law³ addresses bullying in public and non-public schools. It requires school leaders to create and implement strategies to prevent bullying, and to address bullying promptly and effectively when it occurs.

An Act Relative to Harassment Prevention Orders⁴ allows a victim of stalking, sexual assault, and/or harassment to obtain a harassment order against his/her perpetrator. Unlike M.G.L. c. 209A, the domestic violence restraining order law, the 2010 law does not require the victim to have a domestic relationship with the perpetrator to obtain the harassment order. The law also makes violation of a harassment order criminally enforceable, and does not require either a filing fee or legal representation to petition the court for an order.

An Act Relative to Gender Identity⁵ prevents discrimination against a person's gender-

³ M.G.L. c. 71, § 37, as added by Chapter 92 of the Acts of 2010, An Act Relative to Bullying in Schools. Implementing regulations may be found at 603 CMR 49.00. An ESE advisory on the requirements of this law may be found at <http://www.doe.mass.edu/bullying/news10/0604memo.html>.

⁴ Chapter 23 of the Acts of 2010 added chapter 258E to the Massachusetts General Laws.

⁵ <http://www.doe.mass.edu/ssce/GenderIdentity.docx>

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related identity, appearance or behavior, whether or not that gender-related identity, appearance, or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth.

In 2010, the U.S. Department of Education's Office for Civil Rights issued a "**Dear Colleague**" **Harassment and Bullying Letter**. The purpose of the letter is to "clarify the relationship between bullying and discriminatory harassment, and to remind schools that by limiting their responses to a specific application of an anti-bullying or other disciplinary policy, they may fail to properly consider whether the student misconduct also results in discrimination in violation of students' federal civil rights." This letter addresses issues and examples directly relevant to teen dating violence.