

Student to Student Sexual Misconduct

Sexual misconduct among students is a violation of ISD policies. The Board of Regents, State of Iowa, has a Student to Student Sexual Misconduct Policy that prohibits sexual misconduct among students.

If you see or know about sexual misconduct that occurred between students, or it has happened to you, report it to any of these people immediately, or report it to any ISD staff member:

- ISD Superintendent
- ISD Assistant Administrator
- ISD Principal or ISD Assistant Principal
- ISD School Counselor
- ISD Dean of Students
- ISD Student Life Advisor

Any ISD staff member can help a student who is the victim of sexual misconduct. We will also help families and provide information on specialized resources for student victims. Please read the Student to Student Sexual Misconduct Policy for more information, or contact the superintendent if you have questions.

Iowa School for the Deaf Sexual Misconduct Policy

Goal - It is the goal of the Iowa School for the Deaf to maintain positive learning and care environments that are free from sexual misconduct, harassment, abuse, exploitation, intimidation and assault. No student shall engage in any activities of sexual misconduct, harassment, assault, abuse, exploitation or intimidation of another student. Any student found in violation of this policy will be subject to disciplinary measures.

Purpose - For the purpose of this policy the alleged act(s) of sexual misconduct which include(s) harassment, abuse, exploitation, intimidation and assault must be alleged to have occurred on school grounds, on school time, on a school-sponsored activity, or in a school-related context in order to be investigated by school personnel. Allegations of sexual misconduct occurring outside of school jurisdiction may be referred to the appropriate legal authorities. If an investigation reveals that there is a reasonable suspicion that a criminal act occurred (e.g. a sexual assault that is punishable by law) a referral may be made by the school authorities to local legal authorities for their further investigation.

Scope - Student to student sexual misconduct applies to students of the Iowa School for the Deaf and minor age students associated with students from the programs. Allegations of sexual misconduct toward students by school employees and other adults are governed by Procedure for Reporting Suspected Child Abuse, Dependent Adult Abuse or Abuse of a Student by a School Employee. The scope of the Iowa School for the Deaf's Student Sexual Misconduct policy is limited to protecting children in pre-kindergarten and K-12 educational programs and associated programs of the Iowa School for the Deaf.

Definition - "Sexual abuse" means any sexual offense as defined by Iowa Code chapter 709 or Iowa Code section 728.12(1). The term encompasses acts of inappropriate intentional sexual behavior by another student toward a student. Student to student acts of sexual harassment are also governed by policy on Initiations, Hazing, Bullying or Harassment and the accompanying procedure.

Support for Alleged Victim

Of primary concern is the support for the alleged victim of the sexual offense. When an offense is learned of or reported the student victim's parent(s) or guardian will be contacted immediately. The alleged victim and parent(s) or guardian will be offered the support and assistance of a trained sexual assault advocate at all times throughout the investigation | process. The parent(s) or guardian of the victim will be encouraged to report to law enforcement and will be informed of procedures for initiating civil action. The victim and parent(s) or guardian will be provided physical and emotional support through a trained advocate.

The alleged victim and parent(s) or guardian will be informed of victim rights which include:

- Information on reporting to law enforcement that clearly informs the victim and parent(s) or guardian of this option, if the offense had not yet been reported by school personnel;
- An opportunity for the parent(s) or guardian and student, when appropriate and at the parent(s) or guardian discretion, to participate in campus disciplinary hearings;
- The right of the parent(s) or guardian and student to be accompanied by an advisor during the investigation and hearing;
- The right of the parent(s) or guardian or student victim to provide a victim's impact statement if the accused is found in violation;
- To the extent allowed by confidentiality laws governing special education, the right of the parent(s) or guardian and student victim to know the outcome of the hearing, including determination and sanction imposed.
- It is critical to the investigation process that incidents of student to student sexual misconduct be reported immediately and certainly within twenty four hours of the incident. Recipients of the report must report immediately to the Superintendent. Reports beyond that time frame will be investigated but the ability to determine what may have occurred will be compromised by the passage of time.
- The following options are available to insure the safety of a student who might be in imminent danger of continued contact during the investigation process:
 - Temporary removal of the alleged student victim from contact with the other student;
 - Temporary removal of the alleged student violator from service;
 - The accused student may be restricted in activity until it has been determined if a reportable offense has occurred. If a reportable offense has occurred, the student may be recommended for change of IEP or placement review;
 - If the accused individual is not another campus based student, the individual's presence on campus will be excluded by means of legal enforcement. A permanent exclusion from campus will be in effect if the accused is found guilty;
 - Any other appropriate action permissible under Iowa and special education law to ensure the student's safety.

Procedure

Duties of the Investigator - Student to Student Sexual Misconduct Allegations

- (1) Upon receipt of the report, the investigator shall make and provide a copy of the report to the person filing and to the student's parent or guardian, if different from the person filing.
- (2) Upon receipt of a report of sexual misconduct or other notice of an allegation of sexual misconduct, the investigator shall review the facts alleged to determine that the allegations, if true, support the exercise of jurisdiction.
- (3) The investigator shall notify the parent, guardian, or legal custodian of a child, in pre-kindergarten through grade six, of the date and time of the interview and of the right to be present or to see and hear the interview or send a representative in the parent's place. The investigator shall interview the alleged victim as soon as possible, but in no case later than five days from the receipt of a report or notice of allegation of sexual abuse. The investigator may record the interview electronically. The investigator shall exercise prudent discretion in the investigative process to preserve the privacy interests of the individual(s) involved. To the maximum extent possible, the investigator shall maintain the confidentiality of the report.