



TWO RIVERS PUBLIC CHARTER SCHOOL

# Preventing and Addressing Sexual Abuse

February 2023



# Agenda

- **Greeting & Share**
- **Mandatory Reporting**
  - Mandatory Reporter Role
  - Defining Child Abuse and Neglect
  - Responding to Suspicion of Abuse
  - Recognizing Signs of Abuse
- **Title IX**
  - The Basics of Title IX
  - Defining Sexual Harassment, Sexual Abuse, and Dating Violence
  - The Grievance Procedure
  - Conducting Investigations



# Mandatory Reporting



# Mandatory Reporting Key Questions

## *What is a mandated reporter?*

- A person who, because of their profession, is legally required to report any suspicion of child abuse or neglect to Child and Family Services Agency (CFSA).
- As employees of a school, we all are mandated reporters, regardless of our positions, titles, and job duties.



# Mandatory Reporting Key Questions

## *What are the duties of a mandated reporter?*

- Most calls to CFSA come from mandated reporters. We are a critical part of the safety net for our community.
- Failure to report can mean that abuse or neglect continues unabated. It can also lead to a fine and/or imprisonment.
- **It is not our job to determine whether or not abuse or neglect actually took place.** That is the role of CFSA. Our role is to report if we SUSPECT that abuse or neglect may have taken place.
- A report to CFSA and/or MPD must be made within 24 hours of learning about an incident that causes you to suspect abuse has occurred.



# Defining Child Abuse and Neglect

## *What is child abuse and neglect?*

- Child abuse or neglect is the physical or mental injury, sexual abuse, negligent maltreatment, or maltreatment of any child under age 18.
- This does include student to student instances of sexual assault or abuse, including inappropriate sexual touching.



# Responding to Suspicion of Abuse

*Since you regularly interact with children, you may become suspicious that a child might be a victim of maltreatment by:*

- Observation: You may observe physical or behavioral signs
- Disclosure: You may be the first person to whom a child reveals information disclosing their child abuse or neglect.



# Responding to Suspicion of Abuse

- Don't investigate/interrogate the child or talk to their parents
- Obtain only minimal disclosure information, because this:
  - Minimizes the number of interviews for a child
  - Minimizes the chance of a child retracting the story
  - Minimizes interference with the investigation (civil or criminal)
- NEVER put a child on the call to the Hotline and ask them to "repeat what you just told me."
- Consider the Perspective of the Child
  - Express your belief that the child is telling the truth
  - Use the child's vocabulary
  - Reassure the child that it is not their fault
  - Prepare the child about what to expect





# Responding to Suspicion of Abuse

- A mandated reporter must *ALWAYS* make a report to CFSA whenever you know about or suspect child abuse/neglect
  - **This includes current and former students and children in your community outside of Two Rivers**
- You must *IMMEDIATELY* inform a school administrator (Principal, AP, Campus Dir. of SPED, Director of Student Support, or your supervisor) per school policy and together you will call CFSA
  - **If the school administrator does not call or dismisses your claim, you still have the legal obligation to call and report to CFSA**
- You should *NOT* inform the parents or guardians that you have made a report to CFSA



# Responding to Suspicion of Abuse

## *After you report:*

- You may not hear or see signs of an investigation.
  - Depending on an agency's policies and your relationship to the child, you may be able to call back to follow up after a few days.
- If you are able to, continue to play the supportive role you always have in that child's life.
- Take care of yourself. Reporting sexual abuse isn't easy. It's important to practice self-care during this time.
  - To speak with someone who is trained to help, call the National Sexual Assault Hotline at 800.656.HOPE (4673) or chat online at [online.rainn.org](https://online.rainn.org)



# Recognizing Signs of Abuse

*[View RAINN's website for more information by age-group.](#)*

## *Behavioral Signs*

- Shrinking away from or seeming threatened by physical contact
- Regressive behaviors like thumb sucking
- Changing hygiene routines such as refusing to bathe or bathing excessively
- Age-inappropriate sexual behaviors
- Sleep disturbances, or nightmares
- Spending an unusual amount of time alone



# Recognizing Signs of Abuse

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## *Physical Signs*

- Bruising or swelling near the genital area
- Blood on sheets or undergarments
- Broken bones
- Unexplained injuries (discrepancies, blame, or inconsistent stories)

## *Verbal Cues*

- Using words or phrases that are “too adult” for their age
- Unexplained silence, or suddenly being less talkative
- Excessive talk about or knowledge of sexual topics
- Keeping secrets



# Recognizing Signs of Abuse

## *Behavior of the abuser you might observe*

- Does not respect boundaries or listen when someone tells them “no”
- Tries to be a child’s friend rather than filling an adult role
- Does not seem to have age-appropriate relationships
- Talks with children about their (adult’s) personal problems or relationships
- Spends time alone with children outside of their role in the child’s life or makes up excuses to be alone with the child
- Expresses unusual interest in child’s sexual development, such as commenting on sexual characteristics or sexualizing normal behaviors
- Gives a child gifts without occasion or reason
- Sharing obscene images or taking inappropriate photos or videos of a child



# Key Takeaways

## *Trust your instinct:*

- If something seems off, pay attention to that feeling and report it to an administrator, Director of Student Support, or to Director of Human Resources.
- If a child tells you that someone makes them uncomfortable, even if they can't tell you anything specific, listen.
- Talk to someone who can help you, such as a school administrator, and remember your obligations to report to CFSA.

## *RAINN is a free support resource:*

- Remember, you are not alone. If you suspect a child in your life may be experiencing sexual abuse, you can talk to someone who is trained to help. Call the National Sexual Assault Hotline at 800.656.HOPE (4673) or chat online at [online.rainn.org](https://www.online.rainn.org).



# Questions?



# Title IX





# Title IX Key Questions

## *What is Title IX?*

- A federal civil rights law that prohibits discrimination based on sex in education.
- Requires all schools, from K-12 to post-secondary institutions, to take appropriate steps to prevent and address issues of sex discrimination, including sexual harassment and sexual assault.
- While discussion about the Title IX rule has largely centered on colleges and universities, changes that went into effect in August 2020, also affected K-12 schools



# Key Definitions

## *Sexual Harassment*

One or more of the following:

- A Two Rivers employee conditioning the provision of an aid, benefit, or service of the school on an individual's participation in unwelcome sexual conduct.
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the education program or activity.
- Unwelcome conduct of a sexual nature, such as unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature

## *Sexual Assault*

- An offense that meets the definition of rape, fondling, incest or statutory rape as defined in the FBI's Uniform Crime Reporting System.



# Title IX Key Questions

## *Who are our Title IX Coordinators?*

- Jenna Umansky, Director of Student Support ([jumansky@tworiverspcs.org](mailto:jumansky@tworiverspcs.org))
- Mary Gornick, Director of Human Resources ([mgornick@tworiverspcs.org](mailto:mgornick@tworiverspcs.org))

## *What is a Title IX Coordinator?*

- Monitor the school's compliance with Title IX;
- Ensure appropriate education and training is provided;
- Coordinate and complete the investigations, responses and resolutions of all reports under this policy;



# Title IX Key Questions

## *When does an investigation occur?*

- The Title IX coordinators gather initial information to determine if the incident warrants an investigation
- Title IX coordinator may determine that the incident does not meet the definitions of sexual harassment or assault, and may refer the incident back the school administrators for resolution
- The complainant may not want to pursue a Title IX investigation and instead accept an informal resolution
  - The Title IX coordinators can accept this request or deny the request and proceed with an investigation



# Title IX Key Questions

## *What is the Title IX investigation process?*

- Contact the complainant (i.e., person alleged to be the victim of sexual harassment) to discuss supportive measures;
- Inform the complainant of the availability of supportive measures with or without the filing of a formal complaint;
- Explain to the complainant the process for filing a formal complaint;
- Must treat complainants and respondents equitably. We must follow a grievance process that ensures due process before imposing any disciplinary sanctions;
  - If a respondent is found to be responsible for sexual harassment, the school must implement remedies for the complainant, to restore or preserve the complainant's equal educational access;
  - May impose disciplinary sanctions



# Key Definitions

## *Dating Violence*

- Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- For the purposes of this definition dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- Dating violence does not include acts covered under the definition of domestic violence.



# The Grievance Procedure

Must provide prompt and equitable resolution of student and employee complaints alleging sex discrimination/harassment.

- Response obligations:
  - Actual knowledge of sexual harassment or a report of sexual harassment triggers the recipient's response obligations:
    - Must be prompt
    - Must not be deliberately indifferent
    - Must provide supportive measures
    - Must be confidential
    - Must initiate grievance process
    - Must conduct an investigation
- All grievance process provisions, rules, or practices must apply equally to both parties.
- A presumption that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.



# Conducting an Investigation

- Notice of Complaint - must be provided to both parties
- Supportive Measures
  - Non-disciplinary, non-punitive individualized services offered as appropriate.
  - Designed to restore or preserve equal access to the education program or activity.
  - May include:
    - Counseling;
    - Extensions of deadlines or other course related adjustments;
    - Modifications of work or class schedules;
    - Campus escort services;
    - Mutual restrictions on contact between the parties;
    - Changes in work locations;
    - Leaves of absence; and
    - Increased security and monitoring.
- The Title IX Coordinator must promptly contact the complainant to discuss the availability of supportive measures.
- The School must maintain as confidential any supportive measures provided.





# Investigation Requirements

[Full details can be found in our Policy](#)

- Provide an equal opportunity for the parties to present witnesses and evidence.
- Cannot restrict the ability of either party to discuss the allegations or to gather and present relevant evidence.
- Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation.
- Prior to completion of the investigative report, the School must send to each party the evidence subject to inspection and review and the parties must have at least 10 days to submit a written response.
- Create an investigative report that fairly summarizes relevant evidence



# Final Determinations

[Full details can be found in our Policy](#)

- Identification of allegations.
- Description of procedural and process steps.
- Findings of fact supporting the determination.
- Conclusions regarding the application of the School's code of conduct to the facts.
- A statement of, and rationale for, the result as to each allegation:
- The School's procedures and permissible bases for the complainant and respondent to appeal.



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# Appeals

[Full details can be found in our Policy](#)

- Must offer both parties an appeal from a determination regarding responsibility, on the following basis:
  - Procedural irregularity.
  - New evidence.
  - Conflict of interest.
  - Any other basis offered equally to both parties.



# Informal Resolution Process

[Full details can be found in our Policy](#)

- Informal resolution cannot be offered unless a formal complaint is filed. Schools must provide to the parties a written notice disclosing:
  - The allegations.
  - The requirements of the informal resolution process.
  - Any consequences resulting from participating in the informal resolution process.
- Mediation or restorative justice may be offered so long as both parties give voluntary, informed written consent to participate in informal resolution. A party can decide at any time before final determination to no longer proceed with the informal resolution process.
  - This option is not available and cannot be used for sexual harassment claims involving employees against students.



# Dismissal

[Full details can be found in our Policy](#)

- Mandatory dismissal:
  - The actions complained of do not meet the definition of “sexual harassment.”
  - The actions complained of were not against a person in the United States.
  - The actions complained of did not occur in the School’s education program or activity.



# Title IX Investigation Process

[Full details can be found in our Policy](#)

- Official notices sent to the complainant and respondent (or parents)
- Investigation begins
  - Interviewing the complainant, respondent, and any other witnesses, as well as reviewing any other potential evidence (e.g. security cameras, academic and behavioral records)
- The gathered evidence is shared with the complainant and respondent
- An investigation report is sent to the complainant, the respondent, and the decision-maker
- The decision-maker issues a determination letter, which outlines the next steps, including additional, ongoing support and potential consequences.
- Complainant and respondent have the right to appeal the decision to the Executive Director
- If no appeals are filed, the decision is finalized and supports and/or consequences are implemented.



# Title IX Investigation Process

[Full details can be found in our Policy](#)

- We must treat complainants and respondents equitably.
- We must follow a grievance process that ensures due process before imposing any disciplinary sanctions;
  - If a respondent is found to be responsible for sexual harassment, the school must implement remedies for the complainant, to restore or preserve the complainant's equal educational access;
  - May impose disciplinary sanctions





# Key Takeaways

- Title IX dictates how schools must respond to reports of sexual assault and harassment, this applies to acts of student against student, students against employee, employee against student, and employee against employee.
- Title IX is managed by Title IX Coordinators Mary Gornick and Jenna Umansky.
- If you are the victim of or witness sexual assault or sexual harassment, contact a Title IX Coordinator.
- Review our [official policy](#)



# Sources

[Keeping DC Children and Youth Safe: Mandated Reporter Training](#)

[RAINN](#)

[U.S. Department of Education](#)

[Two Rivers Title IX Policy](#)



# Questions?

Title IX Coordinators:

Mary Gornick

[mgornick@tworiverspcs.org](mailto:mgornick@tworiverspcs.org)

Jenna Umansky

[jumansky@tworiverspcs.org](mailto:jumansky@tworiverspcs.org)