DEPARTMENT OF DEFENSE

ddess

DOMESTIC DEPENDENT ELEMENTARY AND SECONDARY SCHOOLS
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DDESS Policy Letter 05-003

DEPARTMENT OF DEFENSE DOMESTIC DEPENDENT ELEMENTARY AND SECONDARY SCHOOLS ADULT-TO-STUDENT SEXUAL ABUSE AND HARASSMENT

This Policy Letter establishes and affirms the DDESS commitment to providing an educational environment where students are free from all forms of adult-to-student sexual abuse, harassment and inappropriate conduct. DDESS Superintendents and Principals will be responsible for ensuring faculty and staff knowledge and compliance with this Letter.

It shall be a violation of this Letter for any school employee or volunteer to solicit, attempt, coerce, or engage in, any sexual conduct with a student, regardless of the student's age, and/or regardless of whether the student may have consented or whether the conduct may be considered a crime under state or Federal law. Further, it shall be a violation of this Letter for DDESS employees or volunteers to engage in any inappropriate conduct with a student as defined in attachment one. In the enforcement of this Policy Letter, administrators and supervisors must, however, be cognizant of the contextual circumstances of the incident in question, the age(s) of the child(ren) involved, and the type of activity under scrutiny.

Students and/or parents may report allegations of sexual abuse, harassment and/or inappropriate conduct by DDESS employees to any DDESS employee with whom they feel comfortable making such a report (i.e., teacher, counselor, psychologist, coach, administrator, etc.). If a District or School employee other than an administrator receives a student/parent complaint alleging a violation of this Policy Letter by an employee, or observes inappropriate conduct by an employee as defined in the attachment to this Policy Letter, the employee receiving the report or observing the misconduct shall immediately communicate the information to an administrator and to Family Advocacy Program officials.

Following referral (if appropriate) to the Family Advocacy Office and their disposition, school administrators will promptly investigate all formal, informal, verbal and written complaints of adult-to-student sexual abuse, sexual harassment, or inappropriate conduct, and take corrective action to stop such abuse, harassment, or conduct. Students and/or parents who make such complaints shall be free from any acts of bias, intimidation, and/or reprisal. Likewise, reprisal against any person who reports allegations of sexual abuse, harassment and/or inappropriate conduct; or who testifies, assists, or participates in any manner in an investigation,

proceeding, or hearing of a complaint filed under this Policy Letter, is strictly prohibited, and subject to disciplinary action. False, malicious, or frivolous complaints of sexual abuse, harassment, and/or inappropriate conduct by an employee may result in disciplinary action taken against the complainant.

All employees hold positions of trust within the school and are responsible for establishing and maintaining professional distance with students. Inappropriate conduct demonstrates a lack of professional integrity and a breach of the authoritative power of adults who are in positions of trust. This is unacceptable and will not be tolerated in DDESS schools.

Elaine Beraza
Director, DDESS/DoDDS-Cuba

Attachment:
Definitions

ATTACHMENT 1.

DEFINITIONS

- **EMPLOYEE**: An individual appointed to a competitive or excepted service or non-appropriated fund position with the Federal government and who receives compensation from Federally appropriated or non-appropriated funds for work performed within the Department of Defense Domestic Dependent Elementary and Secondary Schools (DDESS).

- **STUDENT**: Any individual, age 3 to 21, inclusive, enrolled full or part-time in any DDESS school or program.

- **VOLUNTEER:** Any individual performing services for a DDESS school or program who does not receive compensation.

- **SEXUAL ABUSE**: Any act of a sexual nature committed with the intent to arouse, appeal to or gratify the lust, passions or sexual desires of the employee/volunteer and/or student, including but not limited to criminal sexual conduct as defined by state or Federal law. Such acts include, but are not limited to: rape; carnal knowledge; sexual assault or battery; indecent exposure; indecent acts with another; or producing, viewing or trafficking in child pornography.

- **SEXUAL HARRASSMENT**: Any acts, criminal in nature or otherwise, used to influence or threaten the rights or privileges of a student, in exchange for sexual favors, and/or deliberate and/or repeated comments or gestures of a sexual nature.

- **INAPPROPRIATE CONDUCT**: Any behavior of an employee or volunteer toward a student that would reasonably cause the student to feel uncomfortable or that would reasonably give the appearance of impropriety, regardless of whether such behavior is complained of by the student, regardless of whether the behavior is overtly sexual, and/or regardless of whether such behavior would constitute a crime. Examples of adult-to-student behavior that MAY, UPON EXAMINATION OF THE TOTALITY OF THE

CIRCUMSTANCES, constitute inappropriate conduct under this Policy Letter include, but are not limited to:

(1) Sexual invitations or requests for sexual activity;

(2) Touching of students or physical displays of affection that are outside the customary employee/student school relationship;

(3) Frequent personal communication with a student via cell phone, regular telephone, e-mail (including text messaging or other forms of electronic communication) letters, or notes, for reasons unrelated to instruction or official school business;

(4) Conversations or discussions with students (excluding those with a school counselor, psychologist, nurse, and/or teacher in a professional setting) that are sexually suggestive, sexually degrading, that imply sexual motives or intentions, or that pry into a student's personal business, including sexual remarks or innuendoes about a student's body or appearance; discussions about sexual experiences or exploits; spreading sexual rumors; telling sexual jokes, questioning a student about his or her boyfriend or girlfriend, dates, sexual attitudes, etc.;

(5) The use of sexual innuendoes, sexual profanity, or sexual slang in the presence of students;

(6) Transporting students in a personal vehicle without permission from parents and supervisors, unless such transportation is necessary in the event of a health or safety emergency, or other legitimate extenuating circumstances;

(7) Drinking alcohol or taking illicit drugs in the presence of students; providing alcohol or drugs to students, or permitting students to drink alcohol or take drugs at school-sponsored activities or events, at the employee's residence, or in any other context;

(8) Inviting a student to travel or go somewhere alone with a school employee without parental permission for reasons unrelated to instruction or official school business;

(9) Providing a student with gifts, money, privileges, or other favors outside the customary employee/student school relationship, and/or which are not provided equally to other students;

(10) Engaging in improper use of school computers and the Internet, including, but not limited to: accessing, downloading, or uploading pornography; sharing Internet pornography or e-mails with students; creating or maintaining Web Sites with sexual content or pictures of children; participating in sexual discussions with students by means of e-mail, Internet "chat rooms," Instant Messaging, or any other form of on-line communications;

(11) Requesting or encouraging students to "model"; taking or distributing photographs of individual students; or "promoting" students on Web pages or through other means, particularly where such activities are undertaken without the parent's knowledge or consent, or are unrelated to instruction or official school business;

(12) Participating in, or condoning physical pranks or teasing of a sexual nature;

(13) Organizing, participating in, or condoning, skits, assemblies, or productions that are sexually suggestive, sexually degrading, or that imply sexual motives or intentions;

(14) Providing, paying for, attending, or concealing medical appointments or procedures for a student, such as tests for pregnancy or sexually transmitted diseases (STDs), birth, or abortions, without parental consent;

(15) Viewing with a student, either at a movie theater, on television, or on the Internet, sexually explicit movies, programs, or content, or providing music compact discs (CDs) and/or videos to students containing sexually explicit lyrics and/or content that is not related to student education and/or the DoDEA curriculum;

(16) Any sexual act of a criminal nature, including rape, attempted rape, statutory rape, sexual assault and battery, hazing, child sexual abuse, gratification of lust, or contributing to the delinquency of a minor.