

11-2011

Dating Violence, Don't Ignore It!

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Recommended Citation

Surface, Jeanne L.; Stader, David; Graca, Thomas; and Lowe, Jerry, "Dating Violence, Don't Ignore It!" (2011). *Educational Leadership Faculty Proceedings & Presentations*. 5.

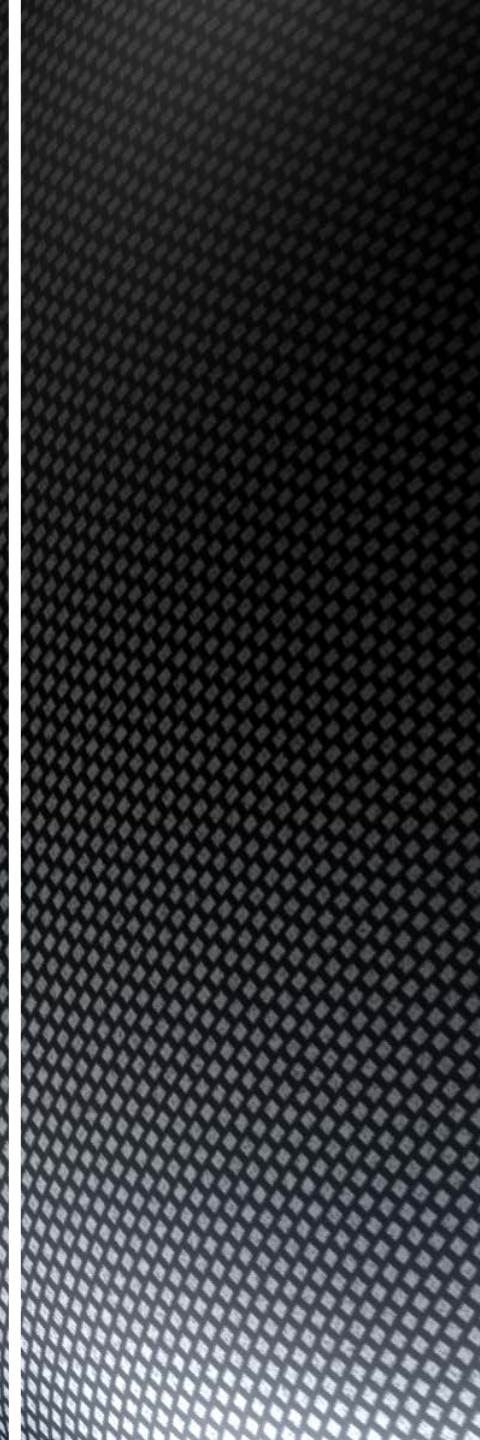
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Dating Violence

Don't Ignore it!



- Why don't people get involved?

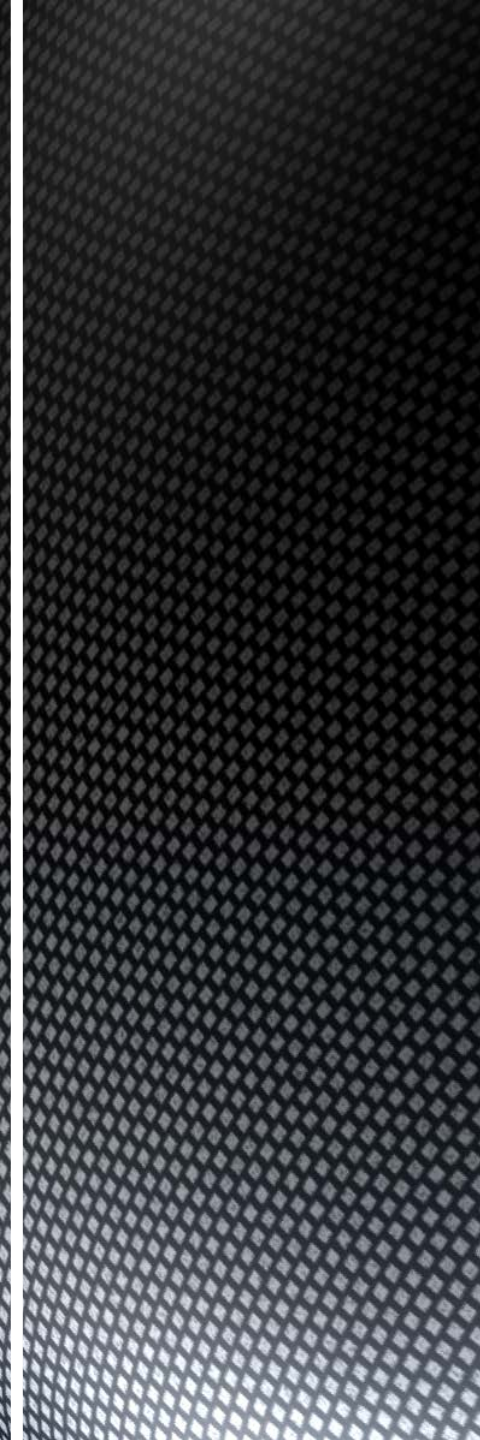
A Call to Action

- Why DO people get involved?



Lindsey Ann
Burke

Statistics and Teen Dating Violence



- Dating violence impacts the mental health of the victim.
- According to the 2003 Youth Risk Behavior Survey (YRBS), 8.9% of students reported physical violence between boyfriend or girlfriend during the past 12 months. (8.9% of males and 8.8% of females)
- Students who reported dating violence were also more likely to be sexually active, attempt suicide, engage in episodic drinking, and physical fighting.

What do we
know?

- YRBS 2001 in Massachusetts found that approximately 20% of females public high school students reported experiencing physical and/or sexual violence from dating partners
- In a three year study of single black females ages 14-18, 18.4% of participants reported a history of dating violence. 30% of these had been abused within the last 6 months.

These young women were significantly more at risk for other serious health concerns.

- For many of these young victims, dating violence is considered normative.
- Teens as a general rule have little dating experience and may not understand that the partner's behavior is abusive (Carlson, 2003).

ALARMING

- One partner tries to maintain power and control over the other through abuse.

Dynamics of teen dating violence

- Young men may believe:
 - that they have the right to “control” their female partners,
 - that masculinity is heightened with physical aggressiveness
 - that they possess their partner,
 - they have a right to demand intimacy
 - that may lose respect if they are attentive and supportive of their girlfriends.
- Young women may believe:
 - that they are responsible for solving problems in relationships,
 - that their boyfriend’s jealousy, possessiveness or even physical abuse is “romantic”,
 - that abuse is normal because their friends are being abused and
 - that there is no one to ask for help.

Misguided belief systems

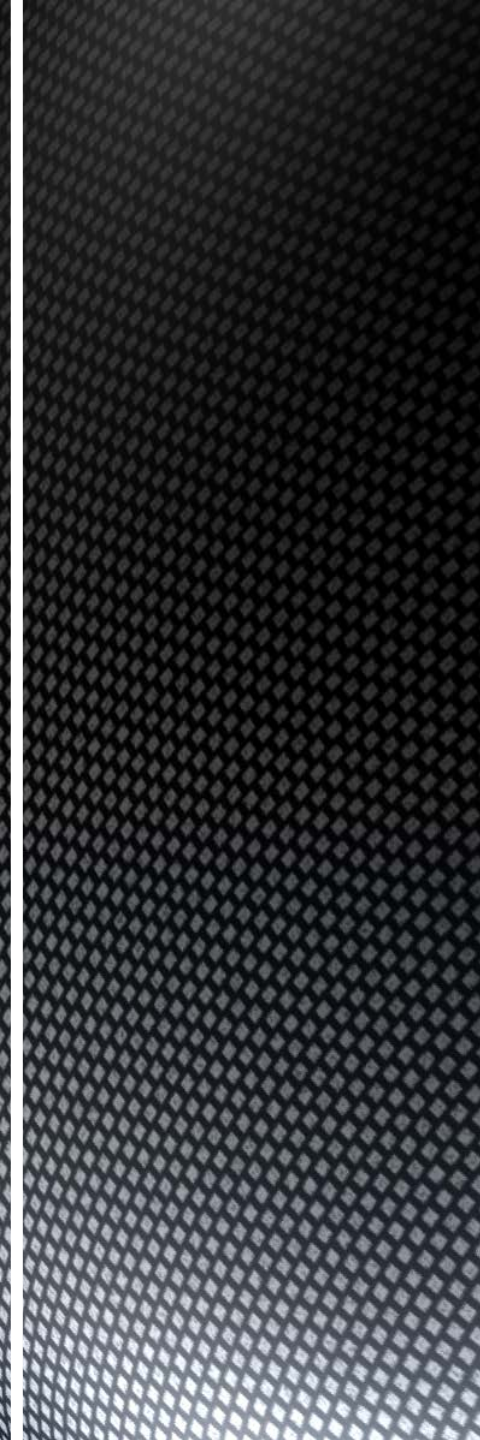
- Extreme jealousy
- Controlling behavior
- Quick involvement
- Unpredictable mood swings
- Alcohol and drug use
- Explosive anger
- Isolates dating partner from friends and family
- Uses force during an argument
- Shows hypersensitivity
- Believes in rigid sex rules
- Blames others for problems and feelings
- Cruel to animals or children
- Verbally abusive
- Abused former partners
- Threatens violence.

Warning signs for teens

- Physical signs of injury
- Truancy, dropping out of school
- Failing grades
- Indecision
- Changes in mood or personality
- Use of Alcohol or drugs
- Pregnancy
- Emotional outburst
- Isolation

Warning signs for
adults to watch
for

Legal Implications for School Districts



- Schools force interaction between a batterer and a victim
- Schools have a duty to protect students
- School have an opportunity to address the teen abuser's behavior more than any other setting.
- Schools and school districts are liable for sexual harassment that occurs on school campuses.
- Addressing teen dating violence gives schools a powerful incentive to combat future domestic violence among adults by preventing it in today's adolescents (Carlson, 2003).

Why leaders
should address
dating violence

- A student can claim under Title IX that she suffered a hostile educational environment as a result of the abuser's behavior and the school overlooking the problem.
- A student can bring a constitutional claim under 43 U.S.C. §1983, alleging that the school or district deprived them of their constitutionally protected rights.
- Under tort liability, a student can claim negligent infliction of emotional distress by the school district or can allege third party tort liability.
- State law

Legal Liability

- Title IX requires the school to take immediate action to stop the harassment, prevent its reoccurrence and address the damage that it has done.
- Schools have an obligation to respond to student on student sexual harassment that initially occurred off school grounds, outside a school's education program or activity that creates a hostile environment at school.
- If a student files a complaint with the school, the school must process the complaint according to their established procedures.

Title IX: Respond
immediately

- Sexual harassment interferes with the students' right to receive an education free from discrimination and in the case of sexual violence is a crime.

Sexual
harassment
includes sexual
violence

- Actual knowledge
- Deliberate indifference
- Misconduct was so severe, pervasive and objectionably offensive that it barred the victim's access to educational opportunity (Carlson, 2003).

Demonstrating a Title IX Claim

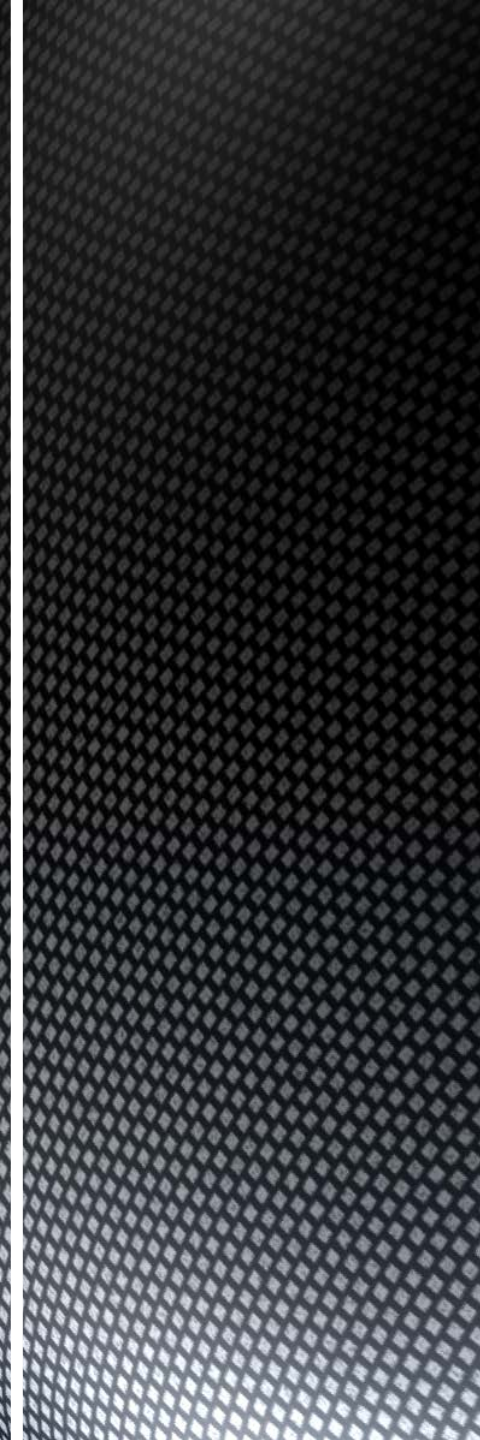
- Two elements:
 - Custodial duty- a student must first show that she had a special relationship with the school or school district, and then must demonstrate that the school exhibited deliberate indifference to her plight as a victim.
 - Special danger theory- does not require evidence of custodial duty imposed on the school; rather, this theory is usually invoked when a school affirmatively created the victims' peril, increased the risk of harm or acted to render the victim more vulnerable to harm. The plaintiff must also show that harm was foreseeable. Dating violence is a **pattern** control involving violence and other forms of abuse, not just a series of isolated incidents--- therefore, foreseeability might be fairly easy to prove.

Demonstrating a 42 U.S.C § 1983

- A court may impose liability if a plaintiff shows either that school was aware of the violence or abuse, or that conduct resulting in injury was foreseeable but the school did nothing or very little to control the conduct. Stems from *In Loco Parentis*

Tort liability

State Laws to develop
curriculum on teen
dating violence



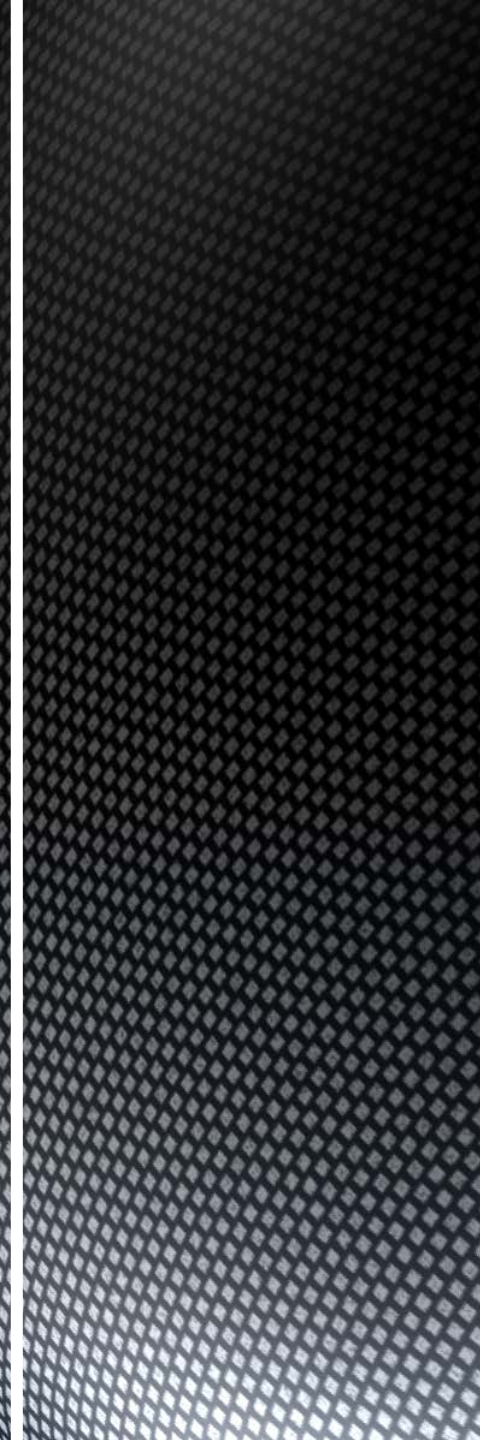
- Following the horrific murder of Lindsay Ann Burke, Rhode Island Attorney General and Nebraska Attorney General, Jon Bruning, proposed a resolution to combat teen dating violence that became law in both states.

Lindsay Ann Burke Act

- Connecticut
- Florida
- Georgia
- Illinois
- Massachusetts
- New Jersey
- Ohio
- Pennsylvania
- Tennessee
- Texas
- Virginia
- Washington

Other states

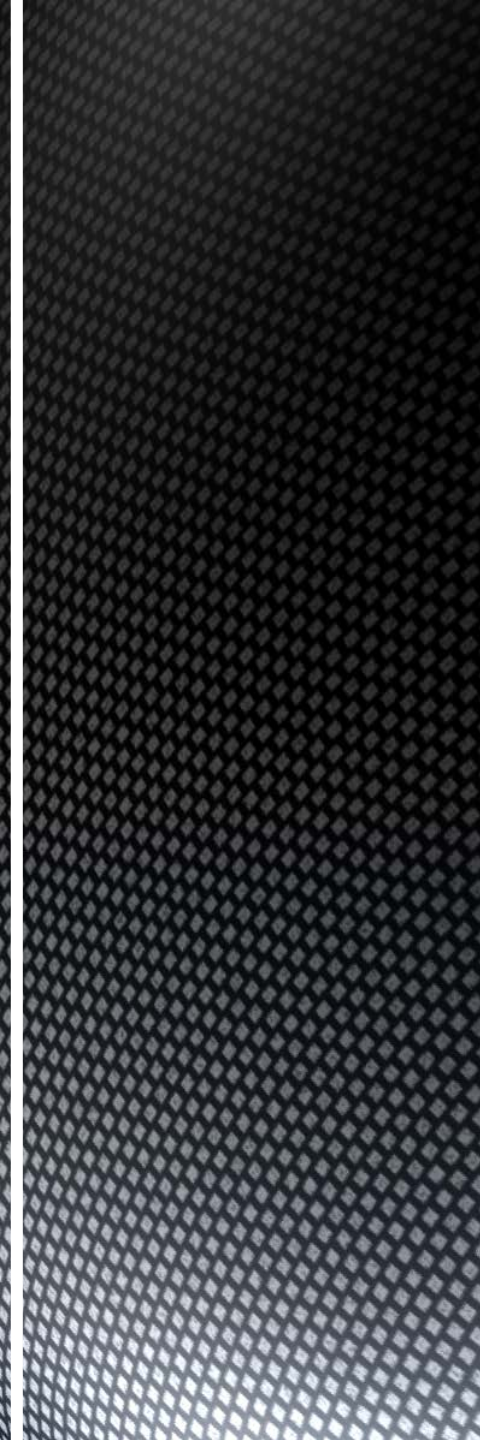
Protecting the
school district



- Coaches and athletes are role models. Education and action by them will have a significant effect on the school.
- Coaches can set clear expectations to refuse to engage in any sort of disrespectful behavior.

Engage coaches
and athletes

Engaging Bystanders



- Passive- innocent bystander
- Active- Witness to a car accident that calls for help. Or someone who stands by a friend.

What is a
bystander?

- Highlight stories of hope, responsibility and change for survivors and make sure those at risk to abuse know that they can get help.
- Leaders should model engagement so that others will become engaged.
- Knowledge skills and training so that others understand when they should intervene.

What works to
engage
bystanders?

School District Policy

- Disseminate a notice of nondiscrimination
- Designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under Title IX
- Adopt and publish grievance procedures providing for prompt and equitable resolution of student and employee sex discrimination complaints.

Procedural requirements of Title IX

- Notice of where complaints may be filed.
- Application of the procedures to complaints alleging harassment carried out by employees, other students, or third parties.
- Adequate, reliable and impartial investigations of complaints
- Notice to parties of the outcome of the complaint
- An assurance that the school is taking steps to prevent recurrence of any harassment and to correct its discriminatory effects.

Elements of the school's grievance procedures