



Washington Office of Superintendent of  
**PUBLIC INSTRUCTION**

REPORT TO THE LEGISLATURE

# Supporting Survivors of Sexual Assault in K–12 Schools

*2023*

**Authorizing Legislation: Senate Bill 5693 Sec.  
501(4)(ee)(i)**

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# EXECUTIVE SUMMARY

Engrossed Substitute Senate Bill 5693 Sec. 501(4)(ee)(i) (“Proviso”) required the Office of Superintendent of Public Instruction (OSPI) to promote survivor-centered and trauma-informed responses to sexual assault and to support survivors of sexual assault in Washington’s K–12 public schools. In support of this work, the Proviso required OSPI to complete research on best practices, review mandatory reporting laws, conduct listening sessions, update model protocols, and develop a training plan for schools to be better prepared to respond to sexual assault and to support survivors in schools.

To complete this work, OSPI partnered with Do Big Good LLC (“Contractor”), a human-centered design firm based in Washington. Between September 8, 2022, and March 17, 2023, the Contractor consulted with OSPI to complete the tasks outlined in the Proviso and submitted a report to OSPI that included key learnings and recommendations on each of the Proviso tasks.

Overall, the tasks outlined in the Proviso proved to be meaningful in understanding both the experiences of student survivors of sexual assault and the need for change in how schools respond to sexual assault. Undoubtedly, the most powerful learnings stemmed from the student listening sessions: Washington students expressed clear and specific sentiments regarding the need for improvement on the part of schools to provide more survivor-centered responses to disclosures of sexual assault. Additionally, information from best practice research and consultation with experts suggests improvements are needed in professional development, policies and procedures, and mandatory reporting laws and processes.

After consideration of the deliverables from the Contractor, OSPI was able to identify several immediately actionable recommendations. OSPI also identified several recommendations or next steps that, although not immediately actionable by OSPI, emerged as important and could be completed with future work on the part of OSPI or by organizations and agencies with more direct involvement or oversight in the areas of sexual assault and mandatory reporting.

This report outlines the work that was completed, key learnings, and recommendations for future work.

# INTRODUCTION

Engrossed Substitute Senate Bill [5693 Sec. 501\(4\)\(ee\)\(i\)](#) (“Proviso”) required the Office of Superintendent of Public Instruction (OSPI) to promote survivor-centered<sup>1</sup> and trauma-informed responses to sexual assault and to support survivors of sexual assault in Washington’s K–12 public schools. In support of this work, the Proviso required OSPI to complete the following activities:

- Research best practices for a survivor-centered, trauma-informed approach to responding to sexual assault and supporting survivors in schools.
- Conduct listening sessions across the state for the purpose of assessing challenges with responding to sexual assault and supporting survivors in schools.
- Update model protocols for responding to sexual assault and supporting survivors in schools.
- Develop a training plan for deploying survivor-centered, trauma-informed training for school administrators and counselors, based on best practices for responding to sexual assault and supporting survivors in schools and informed by the requirements of Title IX of the Education Amendments of 1972.
- Review current requirements mandating that educators and staff report suspected sexual assault and assess whether changes to those requirements should be made to align them with best practices for responding to sexual assault and supporting survivors in schools.
- Consult with the Department of Children, Youth, and Families (DCYF); law enforcement professionals; national and state organizations supporting the interests of sexual assault survivors; survivors' advocates; educators; WEA; school administrators; school counselors; and sexual assault survivors.

To complete this work, OSPI partnered with Do Big Good LLC (“Contractor”), a human-centered design firm based in Washington. OSPI’s contract with the Contractor began on September 8, 2022, and was completed on March 17, 2023.

OSPI submitted a [preliminary report](#) to the Legislature in December 2022 that outlined the work OSPI had planned with the Contractor. The Proviso noted the legislature’s intent to provide additional funding for OSPI to submit a final report to the legislature with findings and recommendations; however, no additional funding was provided. While OSPI could not complete formal findings and recommendations to the Legislature without this funding, OSPI submits this

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<sup>1</sup> While the Proviso referenced “victim-centered” responses to sexual assault, OSPI instead adopted the term “survivor-centered” during this project. To be survivor-centered means to empower the survivor by prioritizing their rights, needs, and wishes. Though the term victim-centered is sometimes used, since the 1980s, the term survivor-centered has become more popular because it focuses on the strength and resilience of the person who has lived through the harmful event. Reference: Hunter, S. (2010). “Evolving Narratives About Childhood Sexual Abuse: Challenging the Dominance of the Victim and Survivor Paradigm.” *Australian and New Zealand Journal of Family Therapy*, 31(2), 176-190. doi:10.1375/anft.31.2.176.

report to the legislature to present the completed tasks and to summarize the key learnings from the project and recommend future work.

## Background

Title IX of the Education Amendments of 1972 (“Title IX”) prohibits discrimination on the basis of sex—including sexual assault and harassment—in education programs and activities that receive federal financial assistance.<sup>2</sup> In 2020, the U.S. Department of Education (“Department”) published new regulations implementing Title IX and establishing standards for how schools—including K–12 public schools—respond to sexual assault and harassment. In June 2022, the Department published a Notice of Proposed Rulemaking with additional proposed revisions to the regulations.<sup>3</sup>

Washington law, in Revised Code of Washington (RCW) 28A.640 and Washington Administrative Code (WAC) 392-190, also prohibits sex discrimination in schools and requires OSPI to promulgate rules and guidelines to eliminate sex discrimination in public schools. Since the 1970s, OSPI has regulated school districts in Washington to ensure their compliance with Title IX and state sex discrimination laws. In 2012, OSPI released guidelines to school districts that, in part, spell out the steps districts must take under state and federal law to prevent sexual harassment in schools. The OSPI guidelines largely align with the Department’s Revised Sexual Harassment Guidance issued in 2001.

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<sup>2</sup> 20 U.S.C. 1681 (“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance . . .”).

<sup>3</sup> As of the publication of this report, the Department’s final regulations are expected to be published in October 2023.

# BEST PRACTICES RESEARCH

The Proviso required OSPI to research best practices for survivor-centered, trauma-informed school responses to sexual assault and supporting survivors in K–12 public schools. While conducting this research, OSPI and the Contractor intended their approach to be a thorough review of evidence-based research from multiple credible sources.

However, in the preliminary review of available literature, the Contractor noted that research and best practices regarding survivor-centered, trauma-informed response to sexual assault in K–12 schools appeared to be a new field of practice. For example, results of a 2020 UNICEF report on child sexual abuse revealed “a crucial gap in the literature regarding the role of education in this area” and found no studies for effective strategies in schools.<sup>4</sup>

With the understanding that available literature regarding survivor-centered, trauma-informed response to sexual assault in K–12 schools is limited, the Contractor completed a thorough assessment of research on the following topics:

- Defining student sexual assault
- Impacts of student sexual assault
- The role of schools in sexual assault responses
- Trauma-informed responses to sexual assault
- Survivor-centered responses to sexual assault
- Limitation of research in a new field of practice
- Obstacles to effective responses to student sexual assault
- Effective responses to student sexual assault and disclosures
- Tiered strategies for response

The Contractor summarized the research and their key learnings in a report to OSPI (See Appendix A) and included research-based recommendations of best practices for trauma-informed, survivor-centered responses to sexual assault in schools. For example:

- Enablers of effective school responses to assault include a whole-school approach based on tiered supports, caring adults, cross-sector partnerships, and clear, well-implemented behavior codes.
- A critical factor in trauma-informed and survivor-centered response is that student survivors have a caring adult at school whom they can disclose to with the assurance that their

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<sup>4</sup> United Nations Children’s Fund (2020) Action to end child sexual abuse and exploitation: A review of the evidence, UNICEF, New York.

wellbeing will be safeguarded from the perspective of safety, confidentiality, self-determination, and protection from bias.

- Lack of staff training is a key barrier to an effective response, as are minimization, harmful gender norms, and working in silos. In contrast, successful responses include robust and clear policy frameworks that protect all young people from harm and offer students consistent and ongoing support by dedicated teams. Support from members of school staff is particularly important to student experience and students' willingness to seek support from the school in the case of future incidents.

Overall, the review of research supports a conclusion that best practices for trauma-informed, survivor-focused responses to sexual assault in schools include a Multi-Tiered System of Support (MTSS) framework that is grounded in compassion for survivors, well-trained staff, clear and well-enforced policies, prompt intervention for students enacting problematic sexual behavior, and removal of employees committing sexual abuse and misconduct.

## **Additional Research Needed**

OSPI intends to consider how best practices for survivor-centered and trauma-informed responses included in the research report can be incorporated into OSPI's technical assistance and training activities. However, additional study into how these practices should be implemented in schools may be needed, as it was clear from this review of literature that peer-reviewed research on survivor-centered and trauma-informed practices in schools is limited.

# LISTENING SESSIONS

A central part of this Proviso was to conduct survivor-centered, trauma-informed listening sessions across the state to assess challenges students face regarding schools' response to sexual assault reports and schools' level of support of sexual assault survivors.

## Preparation

In preparation for the listening sessions, the Contractor developed a protocol (See Appendix B) to address how the listening sessions would be designed and publicized. The sessions needed to encourage participation reflective of Washington's diverse student population, such as students from various geographic regions, racial backgrounds, native languages, sexual orientations, gender identities, abilities, and grade levels. While the Contractor planned to use conventional avenues of publicity (including social media, listservs, and paper flyers), the Contractor focused primarily on identifying prospective participants through outreach to adults who have existing relationships with students and are more likely to succeed in recruiting participants and supporting them after the listening session. For example, these trusted adults include school administrators and counselors, parents/caregivers, survivors' advocates, and nonprofit service providers working with youth who have experienced sexual assault.

The listening session protocol also addressed how the Contractor planned to record student perspectives and experiences, including detailed notetaking to capture the information shared and group posterboard activities, while taking all precautions necessary to protect current and former students' privacy.

## Participants

Between November 2022 and March 2023, the Contractor conducted eight group sessions, as well as 10 one-on-one interviews, with current and former students. Of the group sessions, seven were in person and one was virtual.

A total of 70 current and former Washington public school students participated. Their ages ranged from 11 to 20, with an average age of 15. Of the participants, 29% identified as survivors, 34% identified as peers, and 37% chose not to disclose their status.

The current students (96%) and former students (4%) were from Eastern and Western Washington and included students who live in rural areas, are identified as low-income, have a disability, and identify as LGBTQ+. Across the sessions, 56% of participants were Black, Indigenous, and people of color, including Asian and Pacific Islanders and Latinx and Hispanic.

## During the Listening Sessions

The listening session questions and discussion topics varied depending on the audience, including the age of students involved, but aimed to gather student survivor input on three topics:

1. The facilitators asked questions to understand the student survivors' experience reporting their assault to their school. This included what actions the student survivors took, who was involved, whether the experiences were good or bad, and what happened after they reported.
2. The facilitators invited the student survivors to reflect on their experience, including best and worst moments, what could have made the process smoother, and what expectations of support they had.
3. The facilitators asked the student survivors for ideas on what they think could change about the process and the school's response.

## Following the Listening Sessions

The Contractor provided a report to OSPI (See Appendix C) summarizing what was learned through the sessions, including the following major themes:

- After disclosing a sexual assault, students want compassion, protection, privacy, and choice.
- Students want emotional support. They want that support to come from a "team of helpful people," including peers, who believe them, will not judge them, and whose response to a disclosure is compassionate, rather than procedural.
- When students disclosed, they experienced victim-blaming, denial, and minimization from school staff. Students do not feel schools are meeting their needs as survivors.
- Not a single student wanted their case reported to social services, though reporting is currently mandatory for all professional school personnel. Likewise, no student expressed a preference for their case to enter a criminal process.
- Students expressed an intense need for confidentiality, both from peers and school staff as well as from parents/caregivers and family. In many cases, this need for privacy from a student's family was driven by concerns about their own safety.
- Students often do not trust school counselors to receive their disclosures. This gap in trust is based on the lack of confidentiality due to mandatory reporting as well as a perceived lack of competence and availability. Without these protections, students are choosing not to seek help.
- Students know little about the response procedures in place to protect them. They want to know more about the reporting process including who to report to, who and where they can get support, and the effect of their report on the perpetrator they are reporting about.
- Students want to be informed about their options for reporting and support. The most common request was for an annual assembly. They also asked for information to be shared in class by teachers, on pamphlets available in administrative and counseling offices, on posters or take-away cards in bathrooms, and on the school or district website. They also

want to be educated about healthy and unhealthy relationships as part of sex education curricula.

## **Recommendations for Future Work**

OSPI intends to incorporate these learnings into technical assistance and training to widely share the student perspectives with school districts. As giving students a voice in this work was a critical part of this project, OSPI recommends the Legislature consider additional areas where student listening sessions or co-design can inform policymaking. Additionally, it could be beneficial to learn more about elementary students' experiences with their school's response to sexual assault given the Contractor's findings that more attention is needed on elementary schools.<sup>5</sup> However, potential listening sessions with younger students would likely require additional research into age-appropriate and trauma-informed methods for gathering this sensitive information.

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<sup>5</sup> See the Research Report in Appendix A.

# MODEL PROTOCOLS

The Proviso required OSPI to review and update model protocols for responding to sexual assault and supporting survivors in schools.

As background, state and federal law require each school district to adopt a protocol, or grievance procedure, to address sexual harassment in schools and, more narrowly, sexual assault. At the federal level, this requirement exists in Title IX of the Education Amendments of 1972 (Title IX), which prohibits sex-based discrimination in any program or activity receiving federal funding or assistance.<sup>6</sup> In Washington, RCW 28A.640.020 requires OSPI to promulgate regulations and guidelines to eliminate sex discrimination and harassment, and requires OSPI to “develop criteria for use by school districts in developing sexual harassment policies as required.” OSPI’s regulations, at WAC 392-190-057, require school districts to adopt and implement a sexual harassment policy that applies to all district employees, volunteers, parents/caregivers, and students.

The policy must incorporate the following criteria:

1. Definitions consistent with WAC 392-190-056
2. Responsibilities of employees and volunteers
3. Investigative and complaint procedures consistent with WAC 392-190-065 and 392-190-075
4. Remedies available to targets of sexual harassment
5. Disciplinary actions for perpetrators
6. Prohibition of reprisal, retaliation, and false accusations
7. Dissemination and implementation of the policy
8. Internal review of the policy

OSPI identified the primary model protocol for review as the Washington School Directors’ Association (WSSDA) model sexual harassment policy (3205) and procedure (3205P)<sup>7</sup> because a majority of Washington school districts adopt this model policy and procedure.

At the conclusion of this project, the Contractor provided OSPI a summary report (See Appendix D) that highlighted areas in the model policy and procedure that could be revised to reflect learnings from consultations with adult allies, listening sessions with students, and evidence-based best practices identified in the literature review. In addition, the Contractor provided a detailed mark-up of the model policy and procedure that student participants in the listening sessions co-designed.

Based on the student co-design activities, learnings from consultations, and best practices research, the Contractor identified several key learnings and opportunities for improvements to how sexual

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<sup>6</sup> [34 CFR § 106.8\(c\)](#).

<sup>7</sup> WSSDA’s model sexual harassment policy and procedure are currently available as “Featured Policies and Procedures” at <https://wssda.org/policy-legal/featured-policies/>.

assault protocols are communicated to students. For example, the Contractor identified that plain-text explanations of the policy, procedure, and school district process for responding to sexual assault should be available; while precise legal language creates accountability for school districts, the policies and procedures are not written in language that is accessible to students who are directly impacted by them.

## **Recommendations for Future Work**

Considering students' request more accessible information about sexual assault complaints and processes, OSPI intends to review its existing resources for students and families to ensure they use plain language and provide clear information. However, future work could include OSPI and partners developing a version of the model sexual harassment policy and procedure that is specifically written for students, which could also include information about sexual assault resources.

# TRAINING PLAN

The Proviso required OSPI to develop a training plan for deploying survivor-centered, trauma-informed training for school administrators and counselors, based on best practices for responding to sexual assault and supporting survivors in schools and informed by the requirements of Title IX.

While state and federal law include various training requirements for school district employees related to nondiscrimination and sexual assault and harassment prevention and response, these laws do not currently prescribe any specific training plan to ensure districts are meeting these training requirements.

Acknowledging the roles that many school district employees have in preventing and responding to sexual assault, OSPI and the Contractor broadened the intended audience to include not only school administrators and counselors, but also other school employees such as school nurses, social workers, and school psychologists.

After conducting consultations with students, adult practitioners, and Title IX experts, the Contractor developed a training plan (See Appendix E and the list below) that includes tiers of priority, recommended, and optional trainings on topics related to trauma-informed and survivor centered responses to sexual assault.

For each training, the plan includes the following:

- A defined training scope, including an outline of recommended topics and learning outcomes;
- Which types of school and school district employees should receive the training; and
- Recommendations on the frequency of the training, length of the training, mode of the training (as in, virtual or in-person, and live or recorded), and qualifications of the trainers.

## Recommended Trainings

### Priority Trainings

- **Receiving a Student Disclosure of Sex-Based Violence (All Staff):** the highest priority recommendation because students in the listening sessions expressed a deep need for a more compassionate and choiceful response when they disclose an assault to school staff. In addition, the academic literature recommends a whole-school approach in which any staff member can respond compassionately to a student disclosure. This training builds on the current “interrupt” model by supporting, rather than stopping, a student from disclosing.
- **Bystander Intervention Into Employee Sexual Abuse (Elementary School Staff):** According to 2022 data from Washington Schools Risk Management Pool, 67% of

employee-student sex abuse occurs in elementary schools. To prevent and intervene into this harm, this bystander training aims to help staff identify when a colleague may be harming a student.

## Recommended Trainings

- **Administrators Supporting Survivors: Decision-Making, Bias, and Resources (Administrators):** Designed for decision-makers involved in sexual assault investigations, this training aims to counter and prevent the most egregious cases of mishandled reports, as described by students in the listening sessions.
- **Being a Support Person (Counselors, Community Members, and Others):** Critical to student wellbeing, this training covers the role of Support Person in a formal or informal sexual assault reporting process.
- **Technology-Assisted Sexual Violence (Counselors and Others):** This training covers the emerging threat of online grooming, extortion, and solicitation, which may occur between peers or between students and adults.
- **State/Circuit Court Specific Requirements (All Staff):** This training covers age of consent, romantic relationships between employees and graduated students, criminal penalties generally, and state Equal Employment Opportunity (EEO) laws.
- **FERPA and Title IX (Administrators, Investigators, and Others):** This training covers how the Family Educational Rights and Privacy Act (FERPA) applies to Title IX cases.

## Optional Trainings

- **Informal Resolution Procedure (Title IX Coordinator and Facilitator):** If a school uses informal resolutions, which is optional, they must designate and train a facilitator.

## Recommendations for Future Work

OSPI intends to consider how the recommended training plan may be incorporated into its current technical assistance and training activities regarding state and federal antidiscrimination requirements. Additionally, future work could include exploring options for how the training plan could be effectively implemented across the state, including options at the state level for providing model training materials or annual training opportunities for school districts or partnering with Educational Service Districts (ESDs) for regional training opportunities.

# MANDATORY REPORTING REQUIREMENTS

The Proviso required OSPI to review any current requirements that mandate that educators and staff report suspected sexual assault, as well as assess whether changes should be made to those requirements to align them with best practices for responding to sexual assault and supporting survivors in schools.

For this review, the Contractor conducted a thorough assessment of the mandatory reporting requirements per federal and state law, as well as current practice in Washington. The Contractor also consulted with adult experts and practitioners on mandatory reporting law, policy, and implementation, as well as with student participants in listening sessions. Incorporating this assessment and the learnings from consultations, as well as the evidence-based best practices identified in the literature review, the Contractor provided a report (See Appendix F) to OSPI that includes a thorough summary of mandatory reporting requirements in Washington and recommendations for changes to align mandatory reporting laws with best practices.

Overall, feedback from student listening sessions, best practices research, and expert consultations reflected major concerns with the current mandatory reporting laws and suggested that changes should be made to the current mandatory requirements to align them with best practices for responding to sexual assault and supporting survivors in schools.

## Student Listening Sessions

The student listening sessions revealed that students' fears about the repercussions of mandatory reporting (such as having their disclosure shared with other school staff and the involvement of social services or law enforcement without their consent) are likely preventing students from approaching an adult at school to receive needed medical, academic, or mental health support.

When asked for ideas for suggested changes, students expressed a desire for consent-based reporting as a solution to the barriers they experience in approaching an adult at school for support. More specifically, students indicated they want to be able to disclose sexual assault to a school employee to receive support and have a choice about whether any reporting to Child Protective Services (CPS) or law enforcement occurs. Students also expressed a desire for more transparency in mandatory reporting practices at school.

In short, students want to know more about the mandatory process, including before they are faced with making a report. Students shared that their fear and distrust about reporting partially stems from a lack of information and sense of control about what happens to their story after they share it with an adult at school. The Contractor's more specific suggested changes based on the students' input are available in Appendix C.

## Best Practices Research

The Contractor's best practices research (See Appendix A) echoed many of the themes heard in the student listening sessions. The research indicates that for the mandatory reporting process to be survivor-centered, the process should allow the survivor, even when they are a minor, to retain

more control over the process than the current law provides. The best practice research informed the Contractor's suggested changes to mandatory reporting laws and processes in Appendix F.

## **Expert Consultations**

Experts involved in law enforcement and youth-centered social services acknowledged the shortcomings of the process but also expressed that they feel mandatory reporting is necessary for the protection of children. The expert consultations informed the Contractor's suggested changes to mandatory reporting laws and processes in Appendix F.

## **Recommendations for Future Work**

Two clear takeaways from this project regarding mandatory reporting were that (1) additional study or policymaking on this complex and important topic is needed and (2) OSPI's jurisdiction on this topic is very limited, and the most impactful work that can be done will likely need to be completed by agencies with jurisdiction over this issue or through changes in the law.

However, understanding the current impacts on school employees (reporters) and students (survivors), with additional funding and support, OSPI could:

- Identify strategies to maximize student choice and transparency within the constraints of the current laws;
- Develop or share student-focused information to better inform students about mandatory reporting; and
- Develop or share training materials for mandatory reporters in schools on trauma-informed, survivor centered strategies for receiving sexual assault disclosures.

# CONSULTATIONS

The Proviso required OSPI to consult with multiple, specific interested parties and groups:

- The Department of Children, Youth, and Families (DCYF)
- Law enforcement professionals
- National and state organizations supporting the interests of sexual assault survivors
- Survivors' advocates
- Educators
- School administrators
- School counselors
- Sexual assault survivors

In preparing for consultations, OSPI and the Contractor identified multiple organizations and points of contact for each of the above-named interested parties and groups. The Contractor approached the consultations with three goals:

1. To learn about that individual's experience of sexual assault response in Washington's K–12 school system;
2. To elicit their observations on the shortcomings of that response, as well as what is working; and
3. To ask their opinions on how those shortcomings can be remedied so school response can be more survivor-centered and trauma-informed.

When relevant to the consultant's expertise, the Contractor also asked about other proviso tasks, such as training and mandatory reporting, as well as advice on conducting student listening sessions.

By the conclusion of this project, the Contractor conducted 48 consultant interviews with individuals in the above-mentioned roles. While each consultant had their own experiences, expertise, and perspectives to share, the Contractor identified that across roles, most adult stakeholders agreed with students that change in schools' sexual assault response is needed. Further, many expressed frustrations that schools are not better integrated into work that survivor-focused organizations and local and state agencies are doing to support young survivors.

# CONCLUSION

OSPI is appreciative of the Legislature's focus on trauma-informed, survivor-centered responses to sexual assault in K–12 schools, and this project was successful in identifying specific areas of need for additional work, including the following:

- Training and professional development for educators, school counselors, school nurses, and administrators to facilitate a shift to trauma-informed, survivor-centered responses to disclosures of sexual assault.
- Accessible information and support resources for students, incorporated into school assemblies, sexual health education, and publications available to students.
- School–Community collaboration and networking to coordinate professional development and resources for supporting survivors between schools and community-based organizations, such as mental health, counseling, and sexual assault resource centers.
- Additional study and discussion on mandatory reporting laws in public schools, especially regarding student consent and the reporting of peer sexual assault to social services and law enforcement.

Recognizing that additional funding and legislative action may be needed to address the concerns raised during this project, OSPI will continue to consider ways best practices and other learnings from students and consultants can be incorporated into its existing technical assistance and training for schools, as well as into new and revised informational resources for students.

# APPENDICES

## Appendix A: Final Research Report

### Supporting Survivors Best Practices Research

Deliverable 9a: Final Research Report  
March 7, 2023

This final report summarizes peer reviewed research, quantitative data, and grey literature on best practices for survivor-centered and trauma-informed responses to sexual assault in K-12 public schools, as required by Proviso [ESSB 5693 § 501\(4\)\(ee\)\(i\)](#).

Our conclusion is that a multi-tiered system of support, grounded in compassion for survivors, well-trained staff, clear and well-enforced policies, prompt intervention for students enacting problematic sexual behavior, and removal of employees committing sexual abuse and misconduct is the best path forward.

#### Executive Summary

The extent of sexual assault in Washington public schools is poorly documented, but troubling. Insurance data from 125 districts reveals sexual abuse claims have decreased over the past five years, but are the highest of any errors and omissions claim category.

More attention is needed on elementary schools. More than in middle or high schools, employee sexual abuse is highest at the elementary level.

There are many terms used to describe sexual assault in schools. We define student sexual assault as nonconsensual intimate physical contact on a person enrolled in school.

Some student groups are more likely to be assaulted. Teens aged 16-19, LGBTQ+ students, and students with cognitive disabilities are more likely to be victimized.

Schools have a critical role in responding to assault. Educators are the third most likely professional group in Washington to report a child's abuse or neglect to social services.

But ineffective responses increase survivor suffering. Staff lack proper training and school responses that are careless, minimizing, or retaliatory can re-traumatize survivors.

"Trauma-informed" and "survivor-centered" are nested terms. Trauma-informed is a broad term for all enduring experiences of harm. Survivor-centered is a narrower term for the enduring harm of sexual violence specifically, including sexual assault.

Trauma-informed care recognizes the social, emotional, and physical impact of past harm on individuals and groups. It is safe, trustworthy and transparent, peer-supportive, collaborative, empowering and choiceful, and sensitive to culture, history, and gender.

Survivor-centered care empowers the person who has survived the past harm of sexual violence by prioritizing their rights, needs, and wishes. It is safe, confidential, self-determined, and non-discriminatory.

Evidence for best practice in schools is thin. These approaches are new and both educators and researchers tend to focus on prevention over response. That said...

Lack of staff training is a key factor in preventing effective responses. Other barriers include minimization, harmful social norms, and working in silos.

A whole-school approach, cross-sector partnerships, and clear codes, well-implemented are enablers of effective school responses to assault. A caring adult for students to safely disclose to is also crucial.

A tiered response is best, both in responding to individual students and in guiding policy. In dealing with individual incidents, response strength should increase as harm intensifies, beginning with the simple BASER protocol for disclosures.

In terms of statewide tiered policy, the HEARTS program follows the multi-tiered system of support (MTSS) approach used by OSPI and could be adapted to respond to the specific trauma of sexual assault.

## Context

### Sexual Assault in Washington Public Schools

Many Washingtonians became aware of the problem of sexual assault in our state’s public schools because of the high school walkouts that occurred in 2022 (Krieg). Students were frustrated with the “hand-waving’, ‘gaslighting’, and overall ‘failing’ survivors of sexual assault” by school administrators, yet evidence for the scale of the problem remained anecdotal. Even the geographic scope of the protests beyond the Seattle metro area was unclear.

Part of this lack of clarity is due to the fact that there are **no public statistics** on the prevalence of sexual assault in Washington public schools. In an attempt to address this problem for the purposes of this report, we were able to work in collaboration with the Washington Schools Risk Management Pool (WSRMP), one of two risk pools serving public school districts in Washington, mostly in the Western region of the state.

WSRMP was kind enough to provide us with the following statistics about the prevalence of sexual abuse claims compared with other errors and omissions (E&O) insurance claims made in the 125 school districts they serve.

According to WSRMP’s most recently tabulated data from November 2022, the total inventory of open claims for **sexual abuse has decreased** over the last five years (WSRMP, 2023).

Figure 1: Sexual Abuse Inventory  
Open Claims from February 28, 2018 to November 30, 2022

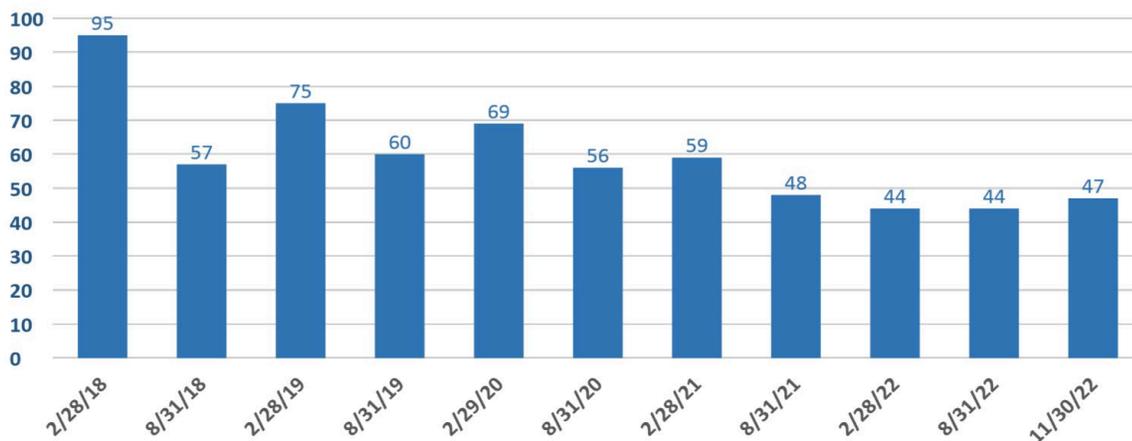


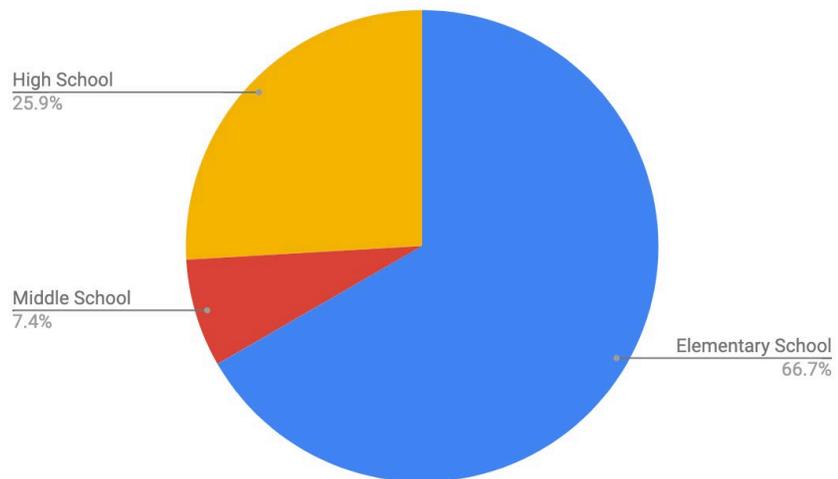
Image Source: Washington Schools Risk Management Pool (WSRMP)

Unfortunately, sexual abuse accounts for the plurality of E&O claims. Of the 105 open E&O claims at the end of 2022, 42% are sexual abuse claims.

Regarding the alleged perpetrators (also called the respondent), their data also reveals that employees are committing acts of sexual abuse against students, particularly in elementary schools (WSRMP, 2022). The most recent date for this data is August, 2022. At that time, there were seven open employee-student claims at the high school level, two at the middle school level, but eighteen at the elementary school level. Some of these claims are cases in which former students (now adults) came forward to disclose that they were molested during their time as a Washington student.

Figure 2:  
Employee Sexual Abuse  
Claims  
Open Claims as of  
August 31, 2022

Data source: Washington Schools Risk  
Management Pool (WSRMP)



## Defining Student Sexual Assault

It is worth noting that there is not perfect alignment between Proviso ESSB 5693 § 501(4)(ee)(i), which mandated this report, and the WSRMP data. The Proviso is interested in assisting student survivors of sexual assault, while the WSRMP data refers to sexual abuse and sexual harassment, but not sexual assault. In the diagrams above, sexual abuse may be understood to be a wrongful touch of a sexual nature and sexual harassment as a wrongful act of a sexual nature that does not include touch.

Student sexual assault may be defined as nonconsensual intimate physical contact, up to and including an attempted or actual penetrative act, committed upon a person enrolled in school (Bailey et al., 2021). For the purposes of this report, which focuses on improving responses to sexual assault in K-12 public schools in Washington, we are further assuming that the person is a minor, meaning they are under 18.

In model protocol 3205P, the response procedure for sexual harassment of students created by the Washington State School Directors' Association (WSSDA), used in about 90% of Washington public school districts, sexual assault is defined more narrowly by using Federal Code 20 U.S.C. 1092(f)(6)(A)(v). According to this definition, sexual assault is limited to six specific criminal sex offenses that are forcible (forcible rape, forcible sodomy, sexual assault with an object, forcible fondling) or nonforcible (incest and statutory rape).

Another relevant term that is often described in the literature is sexual violence, a broad category of actions, including sexual assault, in which a person exerts their power and control over another person through unwanted or harmful sexual actions (Center for Survivors, 2022).

Finally, regarding the specific problem of sexual harm perpetrated upon students by school employees, the term school employee sexual misconduct is useful. This term includes both sexual abuse as previously defined and sexual misconduct (non-contact or ethical violations) by any K–12 school employee, such as a teacher, coach, administrator, volunteer, or staff member (Grant and Heinecke, 2019).

### The Impact of Student Sexual Assault

Operating within the gender binary, Bailey, Shaw, and Harris (2021) find that one in three females and one in six males are sexually assaulted during their lifetime, with most assaults occurring during childhood or adolescence (Finkelhor et al., 2014; Tomlinson et al., 2018).

The older teenage years, when students are in high school, are particularly fraught. Bailey, Shaw, and Harris further find that adolescents aged 16 to 19 are four times more likely to be assaulted compared to other age groups and experience the highest rates of sexual victimization of all age groups (Campbell et al., 2013; Crawford-Jakubiak et al., 2017; Giroux et al., 2018; Martsolf et al., 2010; Trotman et al., 2016).

School-age children and youth are affected by sexual violence beyond assault. Statistics find that an average of 63,000 children experience sexual violence in the United States each year (United States Department of Health and Human Services et al., 2014) and one in four girls and one in six boys are sexually abused by the time they turn 18 (Black et al., 2011).

Furthermore, gay, lesbian, bisexual, transgender and gender-nonconforming youth are victimized at a higher rate compared to heterosexual and cisgender youth (Walters, Chen, and Breiding, 2013), with 12% of transgender youth reporting experiencing sexual assault in K-12 settings (Office of Justice Programs, Office for Victims of Crime, 2014).

Similarly, children who are neurodivergent (with developmental and/or intellectual disability) experience sexual assault at a higher rate compared to their neurotypical peers (Reese, S. & Deutsch, S., 2020). WSRMP reported to us that sexual abuse of students with cognitive disabilities is also a problem in Washington state (Grandey, 2023).

Youth sexual violence has long-term detrimental effects on survivors and society at large. Projected calculations by the Centers for Disease and Control (CDC) estimate the health and legal costs of sexual violence is in the trillions (Peterson, C., et al. 2017). Moreover, 70% of child survivors suffer psychological impacts such as post-traumatic stress disorder (PTSD), anxiety, depression, and self-harm, while 33% contemplate suicide. Survivors of child sexual abuse are also more likely to struggle in educational attainment, to maintain employment, to develop relationships with others, and are ten times more likely to use drugs (Basile, K., and Smith, S., 2011).

### The Role of Schools in Sexual Assault Response

The role of schools in sexual assault response is critical. As caring adults that see children for hours each weekday, both educators and school staff have the unique ability to respond to sexual assault and other forms of sexual harm.

According to 2021 statistics collected by the Washington State Department of Children, Youth, and Families (DCYF), Washington educators are the third most likely professional group to report a young person's abuse or neglect, coming after only social service and mental health professionals (Copeland, 2023). Washington educators are also more likely than law enforcement and are twice as likely as medical professionals to report abuse or neglect towards a young person.

Unfortunately, given this critical role, there is also a history of educators not receiving appropriate training in preventing, recognizing, or responding to child sexual abuse in either their college coursework or as part of their professional development (Kenny, M.C., 2004). As recently as 2010, 24% of school personnel had never received any oral or written guidelines on the mandated reporting requirements of their state (Sedlak et al. 2010).

At the federal level, Title IX of the Education Amendments of 1972 requires schools to prevent sexual harassment, of which sexual assault is a particularly egregious example. The law recognizes the sexual harassment of school-age children as a form of prohibited sex discrimination and requires all federally funded education institutions and programs to respond to and protect students from such discrimination.

As evidenced by the student experiences that inspired the 2022 walkouts and the stories collected in the Supporting Survivors listening sessions, schools also increase the suffering of survivors, a phenomenon called re-traumatization (SAMHSA, 2017). Schools have a responsibility to protect survivors and can harm them when they fail to respond or respond carelessly or unskillfully.

## Principles

### What it Means to be Trauma-Informed

As the Proviso requires that this report “research best practices for a victim-centered, trauma-informed approach to responding to sexual assault and supporting survivors in schools,” we will define the terms victim-centered and trauma-informed next.

These terms are closely connected. Victim-centered is a narrower and more specific concept within the broader concept trauma-informed. Trauma-informed refers to responses to all enduring experiences of harm. Survivor-centered is a narrow term for responses to the enduring harm of sexual violence specifically, including sexual assault.

Turning to the broader term first, trauma-informed means recognizing the social, emotional, and physical impact of past harm on individuals and the groups they belong to, including a threat or realized harm, that was not sufficiently processed at the time it occurred. This experience of unprocessed harm is called a trauma.

Trauma can emerge from a broad array of external harms, from such as a car crash to military combat to domestic violence to sexual assault (Payne, Levine, and Crane-Godreau, 2015). The most important factor is not what the external harm was, but that the individual’s psychobiological capacity was overwhelmed by it. Dr. Gabor Maté, a public educator on trauma, describes this when he says “Trauma is not what happens to you. Trauma is what happens inside you as a result of what happened to you” (CBC Radio, 2022).

The result of feeling overwhelmed and being unable to process a harm when it occurred is that the individual may feel like the initial harm never ended. This is why Payne, Levine, and Crane-Godreau (2015) describe being traumatized as feeling “frozen in time”. In the case of sexual assault, the survivor may feel powerless and vulnerable in the present even though the assault happened in the past. The experience of loss of agency and safety during an assault may also remain with the survivor into the present (Boals, 2017; Perrotta, 2020).

By implication, there is not a one-to-one relationship between harm and trauma. One could be massively traumatized by an external event others perceive as minimal or not traumatized at all by an external event, including a sexual assault, that others view as horrendous.

With proper care, the survivor’s response to threat is not frozen, but is processed, stored, and fully integrated into their life story. They are able to move beyond the event and regain a sense of safety. With appropriate care, the survivor is harmed, but not traumatized. Because schools come in contact with young survivors in the days, even hours, of an assault, school responses have the ability to prevent survivors from becoming traumatized.

According to the Substance Abuse and Mental Health Services Administration (SAMHSA) this trauma-informed response should recognize that the effects of trauma are far-reaching, including vast social, emotional, psychological, and physical effects on an individual and the groups they belong to (2014).

As a result, a trauma-informed response to an assault is a social action between the survivor and people who surround them, in this context, the people who surround them at school. Trauma-informed care after an assault, including a school’s response, means creating an environment of healing and recovery as defined by the choices of the person who was assaulted and that aims to reduce re-traumatization for the person assaulted as well as any provider of care. SAMHSA (2014) defines trauma-informed care as the following six principles written in Figure 3. We place these principles into school context to identify ways to best support student survivors of sexual assault using trauma-informed care.

Figure 3: The Six Principles of Trauma-Informed Care

<p>1. Safety: Throughout the school, staff and students feel physically and psychologically safe. The physical setting is safe and interpersonal interactions promote a sense of safety. Understanding safety as defined by the people served (students) is a high priority.</p>
<p>2. Trustworthiness and Transparency: School operations and decisions are conducted with transparency with the goal of building and maintaining trust with students and family members, staff, and others in the school community.</p>
<p>3. Peer Support: Peer support and mutual self-help are key for establishing safety, hope, trust, collaboration, and building stories that promote healing. The term peer refers to another trauma survivor, an individual with lived experience of trauma. In the case of children, these may be family members who experienced the traumatic events and are caregivers in recovery.</p>
<p>4. Collaboration and Mutuality: Importance is placed on partnering and leveling power differences between staff and students and between educators, administrators, and clerical and janitorial personnel, demonstrating that healing happens in relationships with meaningful sharing of power and decision-making.</p>
<p>5. Empowerment, Voice and Choice: The school understands that power differences among students and between students and staff have diminished voice and choice and are part of how sexual violence is perpetuated. To counter this, students' strengths are recognized and built upon. The school recognizes the ability of students, staff, schools, and communities to heal.</p>
<p>6. Cultural, Historical, and Gender Issues: The school actively moves past cultural stereotypes and biases, offers access to gender responsive services, leverages the healing value of Native and other traditional cultural connections, incorporates policies and protocols that are responsive to the racial, ethnic, and cultural needs of individuals served, and addresses historical trauma.</p>

Adapted from SAMHSA, 2014

## What it Means to be Survivor-Centered

Survivor-centered care is a type of trauma-informed care for people who have survived sexual violence. To be survivor-centered means to empower the person who has survived sexual violence by prioritizing their rights, needs, and wishes.

Though the term “victim-centered” is sometimes used in this context, since the 1980s survivor-centered has become the preferred term. This is because survivor-centered focuses attention on the strength and resilience of the person who lived through the harmful event, rather than on the fact that they were harmed (Hunter, 2010).

In 2014, the United Nations International Children's Emergency Fund (UNICEF) created a suite

violence. Though the survivors of focus in this program are women and girls, we find that the

Communities Care defines a survivor-centered approach using four principles, which overlap substantially with SAMHSA's six trauma-informed principles listed above. This is because both sets of principles provide guidance for trauma response that centers the healing of the person harmed. These principles are placed into a school context on the next page.

In reviewing UNICEF's survivor-centered principles, it is worth noting that, in Washington, there is a tension between the rights of confidentiality and self-determination for the survivor and the mandatory reporting law. Values of self-determination and confidentiality assert the primacy of survivor choice in whether, when, and how information about their assault is shared. Mandatory reporting laws, by contrast, require that this information be shared with child protective services (CPS), regardless of the wishes of the minor survivor. This tension between mandatory reporting, confidentiality, and self-determination is also recognized in the literature (Bailey, Shaw, and Harris, 2021).

The issue of mandatory reporting is dealt with in depth in the Supporting Survivors deliverables on mandatory reporting and the student listening sessions. Both deliverables affirm and problematize this tension and urge legal and policy reform in Washington's mandatory reporting such that the survivor-centered values of self-determination and confidentiality, according to survivors needs, are prioritized and maintained.

Figure 4: The Four Principles of Survivor-Centered Care

1. Right to Safety: Safety refers to both physical safety and security as well as to psychological and emotional safety for people who are highly distressed. Every student has the right to be protected from further violence.
2. Right to Confidentiality: Maintaining confidentiality means not disclosing any information at any time to any party without the informed consent of the person concerned: the student survivor. Breaching confidentiality can put the survivor and others at risk of further harm. If school staff do not respect confidentiality, others will be discouraged from coming forward for help. Conversely, maintaining confidentiality promotes safety, trust and empowerment and reflects the belief that people have the right to choose to whom they will, or will not, tell their story. In cases of sexual abuse of children, there are exceptions to confidentiality. It is very important that children/young people and their caregivers are not led to believe that nothing they say will be shared.
3. Dignity and Self-Determination: Sexual violence is an assault on the dignity and rights of the student, and all those who come into contact with survivors have a role to play in helping to restore the dignity and self-determination survivors. For example, student survivors have the right to choose whether or not they would like to access legal services and other support services. Failing to respect the dignity, wishes and rights of survivors can increase their feelings of helplessness and shame, reduce the effectiveness of interventions, and cause re-victimization and further harm.
4. Non-Discrimination: All students have the right to the best possible assistance without unfair discrimination on the basis of gender, age, disability, race, ethnicity, language, religious or political beliefs, sexual orientation, status or social class.

Adapted from UNICEF, 2014

## Practices

### Limitations of Research in a New Field

Despite clear principles for trauma-informed and survivor-centered responses to sexual assault, implementing these practices in schools is new and the public evidence base on best practice is thin. This means that defining best practice through the results of rigorous peer-reviewed evaluation is difficult.

A 2019 literature review that sought to identify and synthesize all known academic literature on trauma-informed care in schools found that, of the 9,000-plus articles initially identified, none met the criteria of rigorous experimental design, PreK-12 school context, and student level outcomes data (Maynard et al., 2019). Results of a 2020 UNICEF report on child sexual abuse revealed a

“crucial gap in the literature regarding the role of education” and found no test effective studies for strategies in schools.

There is another body of literature that describes school responses to problematic sexual behavior (PSB). Acts related to PSB are defined as intimate physical contact expressed by children and young people under the age of 18 that are developmentally inappropriate and may be harmful towards the self or others. In a recent literature review on PSB, of the 948 initially identified articles, only 25 were relevant articles, while none focused on sexual assault specifically (Kor, Simpson, and Fabrianesi, 2022).

In an email to our team, Professor Debra Patterson, an expert in sexual assault and trauma-informed services, said she was “unaware of anyone who has conducted research or evaluation of a K-12 sexual assault response” (Patterson, 2022). She surmised that the reason was that both academic research and school programming **focus on prevention, rather than response**.

Bearing this in mind, we will piece together the literature as it exists to the best of our ability to identify best practices that would be of use in Washington state public schools.

### Lack of Staff Training is a Key Obstacle to Effective Response

In the limited research evaluating school responses to assault and related sexual harms, lack of staff training emerges as a key obstacle to survivor-centered and trauma-informed care.

An international review by UNICEF found that factors contributing to ineffective responses include poor cross-sector coordination, lack of information sharing, inadequate training, limited resources, poor evaluation of needs and risks, and failure to focus on the child (2020).

Another study by Lloyd (2019), based in the United Kingdom (UK), calls attention to the issue of poorly-informed staff. This study found that **policy guidance to staff was insufficient** in that it did not support intervention for harms caused by harmful sexual behavior (term for problematic sexual behavior used in the UK). Lloyd found that violent and abusive incidents of PSB received inconsistent responses across staff and schools. She also found that differences in incident response based on the gender of the student served to normalize that harm.

By contrast, Lloyd found that successful responses were characterized by “robust and clear policy frameworks” that protected all young people from harm and... offered [students] consistent and ongoing support” by “dedicated teams”. Support from members of school staff were particularly important to student experience and students’ willingness to seek support from the school in the case of future incidents.

Working in the US, Grant and Heinecke (2019) also cite insufficient staff training as a factor in school harm committed by school employees. The authors conducted a qualitative study in Virginia in which they interviewed employees at the district, county, state and federal level within three school districts on sexual misconduct by school employees. They also thoroughly examined school policies, local laws, and court documents.

The analysis showed a lack of awareness and understanding of policies by employees around sexual misconduct, which led to underreporting and ineffective data collection that contributed to continuing sexual misconduct in schools.

Figure 5: Barriers and Enablers of Effective School Responses to Problematic Sexual Behavior (PSB)	
Barriers	Enablers
Undermine effective responses to PSB.	Facilitate effective responses to PSB.
1. Minimization: Teachers, students, and administrators normalize PSB, facilitating its continuation and expansion.	1. Whole-School Approach: PSB viewed as a problem affecting the entire school, not just survivors. Policy, curriculum, and targeted interventions are implemented in coordination to stop it.**
2. Harmful Social Norms: Gender norm of “boys will be boys” reinforces impunity and facilitates predation, while a “code of silence” makes both disclosure and bystander intervention less likely.	2. Partnerships: Cross-sector partnerships with government and non-government organizations provide regular resource exchange for survivors, parents, and students displaying PSB.
3. Working in Silos: Lack of internal leadership for teachers and little, if any, external support for school administrators responding to PSB.	3. Clear Codes, Well-Implemented: Timely support in which students feel heard and empowered, computerized system to monitor incidents, specific codes of conduct for healthy relationships.

Adapted from Kor, Simpson, and Fabrianesi, 2022; \*\* Firmin, Lloyd, and Walker, 2019; \*called harmful sexual behavior in these articles.

A scoping review of relevant literature by Kor, Simpson, and Fabrianesi (2022), summarized the effective and ineffective strategies as follows. In conversations with students and adult stakeholders as part of the Supporting Survivors project, we found the above barriers present and enablers lacking in Washington schools.

### The Importance of Safe Disclosure to a Caring Adult

Another critical factor in trauma-informed and survivor-centered response is that student survivors have a caring adult at school whom they can disclose to with the assurance that their wellbeing will be safeguarded from the perspective of safety, confidentiality, self-determination, and protection from bias.

In their recent study, Kirkner and Ullman (2021) underline the importance of safe and supportive disclosure, ideally to someone able to empathize based on their own lived experience. In their survey of 1,863 sexual assault survivors and 45 informal support dyads of survivors and support providers, participants highlighted the importance of telling a safe and supportive person about their assault, rather than keeping the assault secret or self-isolating.

Disclosure was viewed as particularly beneficial by survivors if the support person had professional training or lived experience of trauma. Lived experience was valued by survivors because they thought that would make the support person able to “understand and not blame them”.

Even in the case where empathy based on lived experience is valued, staff knowledge and training is a priority for students. When possible, survivors prefer the support person to have specialized knowledge in the treatment of sexual assault in addition to lived experience, a finding that may limit the role of peers, who may have lived experience, but not professional training.

The importance of a trusted support person with training and lived experience is an extension of the findings of Ramchandani and Jones (2003) which offers that the strongest predictor of good outcomes for sexually abused young children is parental support.

Extending this finding beyond to older survivors, Melville and his colleagues (2014) note that a “safe carer” model is being increasingly adopted in therapeutic settings. In a school context, it may be possible to designate existing members of the school staff to this support role, much as a Title IX Coordinator is designated a legal role within the school.

## Tiered Response: A Model for School and State Policy

These are helpful insights, but what about overarching strategies to sexual assault response? Here, the UK seems to be the leader. Following a 2015 BBC report on sexual assault in schools, the country launched a massive effort to develop, pilot, and implement school-based approaches to PSB at the national level. This type of national reckoning with sexual harm in schools has not yet happened in the US.

The foremost among these UK strategies, in terms of thoroughness of the evidence base and breadth and accessibility of operational materials are the [Harmful Sexual Behavior Framework](#) (Hackett, Branigan, and Holmes, 2019; [PDF](#)) and the [Beyond Referrals Toolkit](#) (Lloyd, Walker, and Bradbury, 2018; [PDF](#)), which is part of the [Contextual Safeguarding](#) project ([video](#)).

Of the two, Hackett’s 2019 framework has more implementation resources, while Lloyd’s 2018 toolkit is more of a school assessment guide. Both agree that non-consensual sex acts between minors requires a **tiered approach in which response strength increases as harm intensifies**. Hackett and his colleagues begin by presenting a continuum of child sexual behaviors ranging from normal to violent:

Figure 6: Hackett’s Continuum of Harmful Sexual Behavior Between Minors

	Normal	Inappropriate	Problematic	Abusive	Violent
Key behavioural elements	<ul style="list-style-type: none"> <li>• Developmentally accepted</li> <li>• Consensual</li> </ul>	<ul style="list-style-type: none"> <li>• Consensual and reciprocal</li> <li>• Accepted in peer group</li> <li>• Context may be inappropriate</li> </ul>	<ul style="list-style-type: none"> <li>• Developmentally unusual and socially unexpected</li> <li>• No overt elements of victimisation.</li> <li>• Consent may be unclear</li> </ul>	<ul style="list-style-type: none"> <li>• Victimising intent or outcome. Misuse of power</li> <li>• Lack of consent</li> </ul>	<ul style="list-style-type: none"> <li>• Highly intrusive</li> <li>• Physically violent sexual abuse</li> </ul>
Assessment levels indicated	<ul style="list-style-type: none"> <li>• Screening</li> </ul>	<ul style="list-style-type: none"> <li>• Screening</li> <li>• Brief assessment.</li> <li>• NICE Early help assessment</li> </ul>	<ul style="list-style-type: none"> <li>• NICE Early help assessment</li> <li>• Brief/ comprehensive assessment</li> </ul>	<ul style="list-style-type: none"> <li>• Comprehensive assessment</li> <li>• HSB focused risk assessment</li> </ul>	<ul style="list-style-type: none"> <li>• HSB focused risk assessment. Specialist assessment</li> </ul>
Possible frameworks and tools	<ul style="list-style-type: none"> <li>• Sexual behaviours are normative, therefore HSB assessment is not appropriate</li> </ul>	<ul style="list-style-type: none"> <li>• NICE guidance.</li> <li>• Brook traffic light tool</li> <li>• Child Sexual Behavior Checklist (Friedrich)</li> </ul>	<ul style="list-style-type: none"> <li>• NICE guidance.</li> <li>• Brook traffic light tool</li> <li>• DH Assessment Framework</li> </ul>	<ul style="list-style-type: none"> <li>• DH Assessment Framework</li> <li>• AIM2</li> <li>• J-SOAP</li> <li>• ERASOR</li> </ul>	<ul style="list-style-type: none"> <li>• AIM2</li> <li>• J-SOAP</li> <li>• ERASOR</li> <li>• SAVRY</li> </ul>
Likely intervention focus	<ul style="list-style-type: none"> <li>• Parent education and support (for example on appropriateness of child’s behaviours)</li> </ul>	<ul style="list-style-type: none"> <li>• Boundary setting.</li> <li>• Support</li> <li>• Low key behaviour management</li> </ul>	<ul style="list-style-type: none"> <li>• Behaviour management.</li> <li>• Socio-educative work with the child/ family</li> <li>• System/ context change</li> </ul>	<ul style="list-style-type: none"> <li>• Protection of actual and likely victims</li> <li>• Risk management and relapse prevention</li> <li>• Supporting prosocial behaviour</li> </ul>	<ul style="list-style-type: none"> <li>• Protection of victims and public</li> <li>• Violence prevention</li> <li>• Risk management and relapse prevention</li> <li>• High level of management and supervision</li> </ul>

Source: Hackett in Hackett, Branigan, and Holmes, 2019

On this continuum, a sexual assault would fall in the red “violent” category at the far right, as non-consensual physical contact is “highly intrusive.” Though Hackett and his colleagues do propose interventions in the final row, they are presented in general terms, providing frustratingly little actionable details for schools and broad leeway for interpretation.

For responding to survivors, King County Sexual Assault Resource Center’s (KCSARC) believe, affirm, support, empower, refer (BASER) model on the next page provides a sound and trainable protocol for receiving student disclosures.

Figure 7: BASER Disclosure Protocol

**how to: respond to a disclosure**

It's not always easy to know what to say when someone tells you that they've experienced sexual assault. It's important to remember that it can be difficult for a survivor to share their experience. Overall, the best thing that you can do is simply be a supportive, non-judgmental listener. Here are some tips to help you respond to a disclosure of sexual assault:

**BELIEVE**  
When a survivor is believed, they are much more likely to continue seeking the support they need to heal.

**AFFIRM**  
It's important to counter any internalized self-doubt and let the survivor know that telling you was a good choice.

**SUPPORT**  
Avoid questions or comments that may be perceived as victim blaming. Let the survivor share what they choose to, and offer non-judgmental support.

**EMPOWER**  
Survivors often feel like they have no control over their situation. Depending on your role and relationship to the survivor, you should follow their lead on what, if any, actions they'd like to take. Note that even if you are a mandated reporter working with a minor, it can be empowering to provide age-appropriate choices, as possible.

**REFER**  
You are not expected to have all of the answers or solutions for the survivor. Point the survivor to resources such as KCSARC, or offer to find resources together.

Example phrases in speech bubbles:

- I believe you.
- Thank you for telling me.
- It's my job to help keep you safe, so I need to talk to someone about this. Would you like to be here while I make this phone call?
- I'm sorry this happened to you.
- How can I best support you?
- There are resources available.

Remember to take care of yourself: it's normal for feelings to come up after hearing a disclosure.

King County Sexual Assault Resource Center  
Have any questions or need support?  
Call our 24-hour Resource Line: 888-99-VOICE (888-998-6423)  
kcsarc.org

In terms of a policy framework, the University of California San Francisco (UCSF) has created the [Healthy Environments and Response to Trauma in Schools \(HEARTS\)](#) program, which uses a whole-school approach and multi-tiered framework to prevent and respond to student trauma. (See following page.)

While this program responds to all kinds of trauma, not sexual assault specifically, it follows the standard tier structure for multi-tiered systems of support (MTSS), which is in use in Washington state public schools and is both survivor-centered and trauma-informed. As such, HEARTS might serve a model for a statewide approach to school sexual assault response.

An initial evaluation of the program found a significant drop in disciplinary referrals, incidents involving physical aggression, and out-of-school suspensions in the school where it had been implemented longest (Dorado, 2016). It does not appear that students were asked for their perspectives as part of the evaluation, which is a shortcoming of the study.

Figure 8: Healthy Environments and Response to Trauma in Schools (HEARTS)

Figure 8: Healthy Environments and Response to Trauma in Schools (HEARTS)	
<b>Tier 3</b>	<b>Tertiary Intervention - Intensive Supports for Traumatized Students</b>
Students	School-based, trauma-specific individual, group, and family therapy services for students with trauma-related mental health difficulties that include intensive collateral work with students' teachers, as well as consultation around Individualized Education Program (IEP) assessment and plans.
Staff	Brief crisis support for trauma-impacted school staff and referral for more intensive services, if needed.
Parents	Engaging and supporting parents/guardians as part of a child's psychotherapy
System	Consultation around central district office personnel efforts to improve the district-wide Educationally Related Mental Health Services (ERMHS) process
<b>Tier 2</b>	<b>Secondary Intervention - Selected Supports for At-Risk Students</b>
Students	Psychoeducational skill-building interventions for at-risk students
Staff	Wellness (non-treatment) support for school staff that addresses stress, burnout, and secondary trauma (e.g., teacher wellness groups)
Parents	Participating in Coordinated Care Team meetings that address the needs of at-risk students and coordinate integrated responses
System	Consultation to school or district efforts to re-examine and revise discipline policies so they are trauma-informed, including alternatives to suspension
<b>Tier 1</b>	<b>Primary Prevention - Universal Supports for All Students</b>
Students	Classroom training for students on coping with stress
Staff	Training and consultation for all school staff (e.g., teachers, administrators, support staff, paraprofessionals, medical and mental health staff) around (a) trauma-informed practices, (b) addressing stress, burnout, secondary trauma.
Parents	Psychoeducation and skill-building workshops for parents/guardians/caregivers on coping with stress.
System	Providing a trauma-informed lens to school staff in their implementation of school-wide supports and interventions (e.g., Positive Behavioral Interventions and Supports, Restorative Justice/Practices, social emotional learning).

Source: adapted from Dorado, 2016

While there is a need for new policy in this area, models and principles exist to guide that work. Our conclusion is that a multi-tiered system of support, grounded in compassion for survivors, well-

trained staff, clear and well-enforced policies, prompt intervention for students enacting problematic sexual behavior, and removal of employees committing sexual abuse and misconduct is the best path forward.

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# Appendix B: Listening Session Protocol

OSPI + Do Big Good

## Supporting Survivors

### Listening Session Protocol

by Mey Espinoza and Mer Joyce  
last updated: Dec. 9, 2022

#### Contents:

#### Purpose

#### Publicity Strategy

#### Data Storage and Privacy

#### 1:1 SESSION PROTOCOL

##### 1:1 Interview with a Reporting Survivor

1. Introduction (20 min)
2. Experience (30 minutes)
3. Reflection (5 minutes)
4. Closing (5 minutes)

##### Additional Questions

##### 1:1 Interview with a Non-Reporting Survivor

##### 1:1 Interview with Non-Survivor/Other Experience

#### GROUP SESSION PROTOCOL

##### Enter Room

##### Introduction

- Orientation to Project and Co-Participants
- About Trauma
- About Confidentiality
- Community Guidelines

##### Policy Co-Design

- Policy Mark-up
- Plenary Review and Discussion

##### Closing

- Desired Next Steps
- Re-Grounding

## Purpose

A central part of the Supporting Survivors project is to conduct survivor-centered, trauma-informed group and one-on-one listening sessions across the state for the purpose of assessing challenges students face regarding school districts' response to sexual assault reports and school districts' level of support of sexual assault survivors. This document describes key elements of listening session implementation, including:

1. Our publicity strategy for engaging student stakeholders,
2. A description of how we will store listening session data and protect student privacy across a range of listening session formats, an
3. A detailed script of questions for a one-on-one listening session with a survivor who has gone through the reporting process at their school.

## Publicity Strategy

Trauma is a particularly tender topic for a listening session. It requires trust to participate. While conventional avenues of publicity – social media, listservs, and paper flyers – can be used, it is our experiences that relationships with trusted adults are most likely to succeed in recruiting participants and supporting them after the session.

We propose that “publicity” (we prefer the terms “outreach” or “engagement”) be to these trusted adults. They would include school administrators and counselors, parents, victims' advocates, and nonprofit service providers working with youth who had experience sexual assault. Though these individuals can be reached through professional listservs, probably it is also most effective to reach out to these intermediaries relationally via email, as Laurie has begun to do. Kayla, Do Big Good's Outreach Coordinator on this project, will then follow-up on these initial outreach emails.

The RFP and contract also address the importance of encouraging “participation that reflects Washington's diverse student population, such as students from various geographic regions, racial backgrounds, native languages, sexual orientations, gender identities, abilities, and grade levels.” Given the short time-frame of the project, we cannot represent the full diversity of Washington' student population, but we can target our listening sessions strategically to try to engage multiple marginalized groups.

Though this plan will certainly change according to response to the outreach just described, we would like to target our six (6) listening sessions in the following way:

- At least 1 listening session (or 10 interviews) in Eastern Washington
- At least 1 listening session in Western Washington
- At least 1 listening session on a reservation or for an indigenous youth organization
- At least 1 listening session with middle and/or elementary school students
- Outreach for all sessions that focuses on recruiting Black, Indigenous, and other youth of color, and disabled, LGBTQ+, rural, low income, and undocumented youth in the language describing the project

To hold ourselves accountable for these engagement goals, we will ask participants to anonymously share demographic data related to these identities.

## Data Storage and Privacy

Because privacy is a central concern of this trauma-informed project, our expectations is that most listening sessions with student survivors will occur as one-on-one phone interviews. We also expect to conduct some in-person group sessions and may conduct virtual group sessions and in-person one-on-ones. The data storage and reporting procedure will be different for each.

**Virtual 1:1's:** We would conduct those one-on-one sessions using phone or Zoom. We will also use a software called AudioNote that allows for voice recording and time-stamped written notes in the same interface. To protect current and former students' privacy in these cases, we would ask for their permission before recording and would not store these recordings in the cloud.

**Virtual Groups:** We do not expect to conduct group listening sessions over Zoom, because there has been low interest in that method during our current youth listening project. If there is interest in a virtual listening session for a group, we would use Zoom's built-in recording feature. To protect participant privacy in these cases, we would ask for their permission before recording, would again not store these recordings in the cloud, and would offer that students could turn off their video, so that their faces would not be recorded.

**In-Person 1:1's:** The data storage and privacy procedure for in-person listening sessions would be different. For one-on-one sessions we would use AudioNote from a laptop computer or a phone-based voice recorder with paper notes.

**In-Person Groups:** For an in-person group session, we would not create an audio recording, as it is hard to pick up sound accurately with in a room. Instead, we would rely on paper notes taken by facilitators and by the students themselves, in the form of post-its created by students during interactive exercises.

For all contexts, we ask students to select a name, preferably a pseudonym, that they would like to use to refer to their contributions in our final report. At multiple points in the sessions (see Questions), we also reinforce that a student can ask us to redact or not share information they have previously disclosed and that they can opt not to answer any question by saying "pass."

Any personally identifiable information that we do collect, such as phone number or email addresses used to contact students, or mailing addresses used to send stipends will be kept on password protected spreadsheets during the project and will be removed from the cloud and retained only as local copies after the project concludes.

## 1:1 SESSION PROTOCOL

### 1:1 Interview with a Reporting Survivor

(age 13 and up)

This set of questions is designed as a high-privacy one-on-one interview with a high school student who is a survivor of sexual assault *and* has gone through their school's reporting procedure.

For other types of listening sessions (with younger students, with survivors who did not report, with peers and friends of survivors, with groups, etc.) we would create alternate versions of this protocol.

#### 1. Introduction (20 min)

Purpose: Make sure participant knows what is expected of them and what we are trying to accomplish, and how we are going to use the information they share.

- **Welcome:** Thanks for taking the time to give me feedback on your school's response to disclosures of sexual assault.. I'll start by introducing myself, my organization, and the project.
  - Do you have any questions before we start?
  - [If participant appears to have questions, but does not verbalize them...] For example, people have asked us questions like:
    - "What will this accomplish?"
    - "Who will know what I said?"
    - "Will I have to talk about my assault specifically?"
    - "Will I get in trouble for anything I say?"
- **Personal and Organizational Intros:** Introduce yourself + Do Big Good
  - Mey: Social worker for 7 years, manages the youth department of DV agency in Boston focusing in education and prevention.
  - Do Big Good: a co-design firm based in Seattle which helps clients create transformative resources, policies, and strategies with their stakeholders.
  - We are **not** part of the Washington state school system, and we have been contracted by the state in this matter specifically because we are independent.
  - **Project Description and Outcomes:** We are engaged in a project to help the Washington state department of education, called OSPI, promote survivor-centered and trauma-informed responses to sexual assault and to support survivors of sexual assault in Washington's K-12 public schools.
  - In this part of the project we will conduct listening sessions to know what students think of the current response procedure and how it can be improved.
  - What you tell us will inform practical changes, such as new training for school staff as well as the possibility of changing response procedures themselves.
  - We are interested in your past experience and suggestions to how we can make this process better for anybody who will need to tap into those resources.
- **Time:** I expect this session will take about one (1) hour.
  - Does that still work for you?

- **Compensation:** Just wanted to confirm that you are getting a \$100 stipend for taking the time to talk to me today.
  - The payment methods available are CashApp, PayPal, or a mailed gift card or check. I'll take that information from you now.
    - INTERVIEWER NOTE: Take down their information in the student participant spreadsheet as follows:
      - CashApp: collect \$Cashtag
      - PayPal: collect PayPal email address
      - Mailed gift card or check: collect name and address
- **Pseudonym:** To maintain your confidentiality, we would like you to select a pseudonym (false name) for us to use to refer to you during this project. To protect your privacy, we are unable to use your real name as part of this project.
  - The name will be used for external-facing products, like our final report, to quote any of the insights you share here today.
  - You can even just select a word, like "Fox" or "Rainbow."
  - With what pseudonym would you like to be referred to during this project?
    - INTERVIEWER NOTE: Note name in spreadsheet
- **Data Collection**
  - **Note-Taking:** A couple more things before we get started: I'm going to be taking some written notes. Is that okay with you? (yes / no)
  - **Audio Recording:** I'd also like to record the audio from this session, so I get any quotes exactly right. Any quotes we do use will be attached to your pseudonym. You can also ask me at any point in the session not to share something you previously said. Would you be okay with your voice being recorded? (yes / no)
  - **Transcription:** I'd also like to save a text version of the audio, called a transcript. (Think of it like saving the closed captions of our conversation). Would you be okay with a text version of the audio being recorded? (yes / no)
  - **Control Over Sharing and Data:** You are in control of what you share. At any time you can say "pass" to not answer a question or ask me to not use or share someone you said previously.
  - **Use of Video and Chat:** If we are on Zoom, you can turn your video off at any time. You can also use the chat at any time to respond to a question, instead of speaking it out loud.
  - INTERVIEWER NOTE: Turn on AudioNote recording
- **Mandated Reporter:** Finally, I'm a mandated reporter, which means that if you share with me anything that indicates a current or future threats of harm to you or to others, I will need to report it. Please confirm that you understand this. (yes / no)
  - INTERVIEWER NOTE: If the above occurs, you will call DCYF Child Protective Services at 866-363-4276 (toll-free, 24/7, 866-END-HARM)
- **Pause for Questions:** Do you have any questions or want me to repeat anything?"

## 2. Experience (30 minutes)

Purpose: Now try to get an overview of this person's end to end experience reporting their assault to their school. Ask probing questions about actions, who and who organizations were involved, what experiences were good/bad, helpful/unhelpful. Ask what happened next until you reach what they think of as the end of their journey or present situation. It's natural to jump around when sharing your experiences so expect that this won't be 100% linear.

- **Experience Introduction**

- **Restate Purpose:** As I mentioned earlier, I'll be asking you for your feedback on your school's sexual assault response procedure.
- **Bio Break:** Would you like to take a great to stretch or get a glass of tea or use the rest room before we begin? This section will take about a half hour.
- **Rapport Building:** I'd love to get to know each other a little before we get started, I have a quick ice breaker question for us. What has been the highlight of your week so far? I can start, (INTERVIEWER STARTS)
- **Experiential and Demographic Data:** Now I'm going to ask you a few yes/no questions about how you interacted with the school system and about your identities.
  - You can stop or say "pass" at any time.
  - Do you have any questions before we begin?
  - Have you reported a sexual assault to your Washington public school within the last 5 years.
    - If yes, continue with full protocol
    - If no, continue with general questions to seek the narrative of their experience and their feedback, but skip procedure feedback questions.
  - Ask questions from Demographics section of the spreadsheet and note the answers in the spreadsheet.
    - Demographics questions
      - What is your age?
        - May I use your age if I quote anything you say in this interview? Again, I will not use your real name, but rather the pseudonym you selected.
      - How do you identify your gender?
      - Do you identify as Black?
      - Do you identify as Indigenous? (Modify language based on age as needed, to assure clarity.)
      - Do you identify as a person of color other than Black or Indigenous?
      - Do you identify as LGBTQ+?
      - Do you identify as differently abled?

- Do you identify as living in a rural community?
- Do you identify as low income? (INTERVIEWER NOTE: This means their household makes less than 80% of the median income in their community. Feel free to use a question like “Do you feel like most of your peers have more money than you, less money, or about the same as you?”)
- Are there any other identities you’d like to share with me today?
  - INTERVIEWER NOTE: enter responses in this spreadsheet
- **Sharing Parameters:** So today, I’d like to hear from you about what it was like for you to seek support from your school after the assault. I would also love to hear any ideas and recommendations you have about what would have made it a better experience.
  - **You are in control of what you share:** I will not ask you any questions about the assault itself, only about the school response. Still, you don't have to share anything you don't feel comfortable with.
    - If you share something and later realize that you don't want me to share with my colleagues, that's fine. Just let me know and I will strike it from my notes.
    - If at any time you feel done talking, that's fine we can stop.
    - I appreciate whatever you are able to share.
  - **Confirm Pseudonym:** We’ll be using the name \_\_\_\_ (pseudonym) that will be associated with this information. Does that still work for you?
- **Student Experience**
  - **Beginning:** This interview is about the school’s response to your assault report, not the assault itself, so let’s start with the decision to report.
    - Is there anything you wanted to share with me about your experience first before I ask any of my questions?
    - What made you first consider getting support from your school? What grade were you in?
    - How did you know you could get support from your school?
    - Was there a “most helpful” resource, place, or thing when deciding to report?
      - INTERVIEWER NOTE: Information about the school’s procedure is required to be “conspicuously posted throughout each school building” and “reproduced in each student, staff, volunteer, and parent handbook” but that doesn’t mean it is. (source)
    - What caused you to decide to report? What were arguments for or against reporting that you considered?
    - What, if anything, was a barrier for you to report?

- What, if anything, would have made it easier for you to report?
- Did you have a supporting adult that helped you navigate this process?
  - If so, who?
  - If not, what kind of support would you have liked?
- Once you did decide to report, what's the first thing you remember about that interaction with your school?
- Important info to note: date. (if after August 2020, ask follow up questions if admin followed standard procedure. ([Compliance Procedure](#)))
- Describe your first interaction with the school.
  - What worked well?
  - What felt caring, supportive, or helpful?
  - Did anything about that experience feel hurtful? If so, what?
- Who were the people who supported you after that first interaction? How did they support you? What happened next?
- **Middle:** Now we move into the phases of the official procedure to see if that procedure was followed by the school and to ask for feedback on each part of it.
  - Reporting should begin with a written complaint.
    - How was the writing process for the complaint? Did a parent help you with this task?
    - There is a reporting deadline of one year from the incident. Did anyone tell you there was a deadline? If so, how did you hear about it?
    - There are options on how to receive the report. Were you given options? (submitted by mail, fax, electronic mail, or hand delivery)
    - Did you receive a copy?
  - After the report, an investigation should begin.
    - How did the investigation start?
    - How do you feel like you were treated by the investigators?
    - Did the district offer you mediation? If so, did you accept and how did it go? If you refused, why?
    - What do you think could have been done differently / better about the investigation?
    - Did you receive a response within 30 days?
    - Was the investigation report clear and in language you understood? Did anyone help you work through the investigation report?
    - Were you satisfied with the findings?
  - Appeal
    - Did you appeal the decision?
    - If not, did you know appealing is an option?
  - Option Follow-up Questions

- What mediums were used by the school to communicate with the student about the report: email, phone, proprietary software, in-person meetings?
  - How much time did it take you (or you and your parents) to draft a report and identify how to submit that report?
  - Was it/Is it possible for you to report during the school day, or did you have to wait until school ends?
  - How did you know your report has been received? Were you ever be called to the principal?
- **End:** The end of the response procedure may not be the end of the story for the student. Here, we probe that.
- That's the end of the official procedure. Was that actually the end of the process for you?
  - If not, where did reporting to your school actually end? Has it ended for you?
- **Bio Break:** I have a few reflection questions for you, but would you like to take a stretch break first. I know that was a lot to go through.

### 3. Reflection (5 minutes)

Purpose: The goal here is to get the student to draw conclusions from their own experience, rather than us inserting our own analysis. If the student is tired, this is also a place where you can shorten the interview by picking and choosing among the questions below.

- **Best and Worst Moments:** Now we're going to look back at the whole experience and see if we can draw some additional insights. Let's start by looking back at the best and worst moments of the reporting process
  - What were things that went well? Was there any particular thing that you think should NOT be changed? (Because it was useful, helpful, etc.)? Why?
  - What are things that didn't go well? What do you wish could be improved? Why?
- **Synthesis:** Now I'm going to ask you some other questions, reflecting back on your entire experience.
  - What would have made this a smoother process for you? How can it be better?
  - What was your expectation of the school's response to your report? Specifically, I'd like to get your thoughts on BOTH expectations for the investigation AND expectations for support provided to you not related to the investigation.
  - What was the reality? Where did this expectation come from? Other friends?
  - Do you think there are any factors that may have impacted the way your report was treated? There may be other discriminations hand in hand of others like (sexism, LGBTQ+ identity, etc.)
    - If you've witnessed others go through this experience, were they treated similarly or differently than you?
    - Do you feel you were impacted by any other form of discrimination before, during, or after this process?

- **Requests for Change:** Now I'm going to ask you about any overarching suggestions you have improving the process. If you don't have any, that's also okay.
  - What would you like to change about the way sexual assault complaints are handled in schools?
  - What would it mean to make the system more survivor-centered? (*a survivor-centered approach will give the survivor control over the decision-making process. This serves to provide space and time for the survivor to express their needs and for the organization to arrange for the relevant support.*)
  - What would it mean to make the system more trauma-informed?
- **Magic Wand:** If you sense that the student only has energy for one synthesis question, this is a good one.
  - If you had a magic wand and there was one thing you could change about your school's response, what would it be?
- Alternate closing question:
  - Is there anything that you expected me to ask that I have not asked?
  - Is there a question that you think it's important for me to ask of other students in the future?

#### 4. Closing (5 minutes)

- **Thank you:** Thank you for taking the time to share your experience.
- **Consent:** I wanted to double check that I have your consent to share this with my colleagues so that we can understand what experiences are like for you and others who have gone through this experience.
  - Is there anything you want to make sure I highlight?
  - Is there anything you don't want me to share?
- **Emotional Support:** If any painful emotions come up for you as a result of this interview, you have access for the next two (2) weeks to a social worker, Sheena Brown, who can provide you with a one-time support session to discuss those feelings. You can reach her directly at [email or through our Project Manager, Mer, at [email] or [phone].
- **Do you have any questions for me?**
- **Next Stage:** As we continue this process, we'll be listening to other students that have had similar experiences, as well as their peers, and adults who work in the system. We'll also be reviewing policies from other states and looking at what research says about how to improve school response to sexual assault. At the beginning of November, we'll submit a report with all our findings.
  - Would you like a copy of the report? (If yes, take down email)
  - Is there any other way you would like to be involved or informed in the future?
- **Recruitment:** If you know of other students who sought school support after a sexual assault, please email [email].

## Additional Questions

### 1:1 Interview with a Non-Reporting Survivor (age 13 and up)

- **Student Experience**

- **Beginning:** This interview is about school responses to assault reports, not the assault itself, so let's start with the decision to report.
  - Is there anything you wanted to share with me about your experience first before I ask any of my questions?
  - What prevented you from reporting to the school?
  - If you had decided to report to the school, what do you think the process would be like? How clear was that process to you?
  - Who did you get this knowledge from?
  - Did you have an adult you felt comfortable asking questions to? Was there anyone inside or outside the school who you felt comfortable asking questions of?
  - What support from the school would have been helpful to make it come comfortable for you to report?
  - What would have been the most helpful thing, place, person in your school that would have supported you through this?
    - INTERVIEWER NOTE: Information about the school's procedure is required to be "conspicuously posted throughout each school building" and "reproduced in each student, staff, volunteer, and parent handbook" but that doesn't mean it is. (source)
  - What was your expectation of the support you wanted to get from the school?
  - Do you think there are any factors that may have impacted your decision to not make an official report? There may be other discriminations hand in hand of others in terms of how your identities were received?
    - INTERVIEWER NOTE: If the question is not clear, you can add the following examples: "for example, your race, gender, or LGBTQ+ identity, or others"
  - If you've witnessed others go through this experience, how were they treated?

- **Requests for Change:** Now I'm going to ask you about any overarching suggestions you have improving the process. If you don't have any, that's also okay.

- What would you like to change about the way sexual assault complaints are handled in schools?
- What would it mean to make the system more survivor-centered?
- What would it mean to make the system more trauma-informed?

- **Magic Wand:** If you sense that the student only has energy for one synthesis question, this is a good one.
  - If you had a magic wand and there was one thing you could change about your school's response, what would it be?
- Alternate closing question:
  - Is there anything that you expected me to ask that I have not asked?
  - Is there a question that you think it's important for me to ask of other students in the future?

1:1 Interview with Non-Survivor/Other Experience  
(age 13 and up)

- **Student Experience**

- **Beginning:** This interview is about the school responses to assault reports, not the assault itself,
  - Is there anything you wanted to share with me about your experience first before I ask any of my questions?
  - How did the issue of sexual assault impact you during your time as a student?
  - Are you aware of the process for disclosing sexual assault?
  - What, if anything, do you see as a barrier for anyone to report?
  - What, if anything, would have made it easier for anyone to report?
  - Do you know who you would turn to if you needed support reporting SA?
    - If so, who?
    - If not, what kind of support would you have liked?
  - If you've witnessed others go through this experience, were they treated similarly or differently than you?
- **Requests for Change:** Now I'm going to ask you about any overarching suggestions you have improving the process. If you don't have any, that's also okay.
  - What would you like to change about the way sexual assault complaints are handled in schools?
  - What would it mean to make the system more survivor-centered?
  - What would it mean to make the system more trauma-informed?
- **Magic Wand:** If you sense that the student only has energy for one synthesis question, this is a good one.
  - If you had a magic wand and there was one thing you could change about your school's response, what would it be?
- Alternate closing question:
  - Is there anything that you expected me to ask that I have not asked?
  - Is there a question that you think it's important for me to ask of other students in the future?

## GROUP SESSION PROTOCOL

(age 13 and up)

Appropriate for reporting and non-reporting survivors and students with other experiences.

### *Enter Room*

(10 mins)

- Sign consent + survey form

### *Introduction*

(30 mins)

- Orientation to Project and Co-Participants
  - About Supporting Survivors (Mer)
    - Purpose of project, reporting your needs,
    - Words and priorities to the state legislature
  - Go Round (Sheena)
    - Pseudonyms
    - Pronouns
    - Favorite superhero or character
  - Grounding (Sheena)
    - Body in space
    - Breathwork
- About Trauma
  - Many people have lived experience of sexual assault
  - You know your own bodies, what being triggered looks and feels like, you know what feels okay or what doesn't
  - At any time, if you're not feeling okay, tell us or tell [group leader], you can pass or step out at any time (use cards with words "pass" "triggered" "step out" as desired)
  - Support person outside the room (if you invited one), Sheena's info is on the consent form for follow-up support
- About Confidentiality
  - We will share what you say in our report, but only with pseudonyms, if someone asks that something not be shared at all, respect that
  - Mandatory reporting responsibilities as facilitators
  - Reminder that the session is being recorded from now
- Community Guidelines
  - Write on butcher paper with group input
    - One Mic, One Speaker
    - Brave Space
    - Confidentiality
    - Take Space, Make Space
    - What Else?

## *Policy Co-Design*

(1 hour)

- Policy Mark-up
  - Example of using post-it to comment on policy
  - Post-it prompts
    - Works
      - good ideas
      - seen it work in the past
    - Problematic
      - bad idea
      - seen this cause harm in the past, missing
    - Missing or Unclear
      - Something needs to be added to make it work
      - Doesn't make sense
  - Using post-its, participants break into groups and make comments on topics in the 3205P sexual harassment policy:
    - Topic 1: Initial Response (Mer - verbal description)
    - Topic 2: Supportive Measures (Sheena)
    - Topic 3: Investigation (Mer)
    - Topic 4: Defining Terms (Mer)
    - Topic 5: Mandatory Reporting (Sheena)
- Plenary Review and Discussion
  - Each group reports back on their comments
  - Group discussion of key themes
  - Questions about requests made by previous groups

## *Closing*

(10 mins)

- Desired Next Steps
  - What do you want from us as a next step?
  - What information do you want us to share back with you?
- Re-Grounding

Taking care of self, working toward change

# Appendix C: Final Listening Session Summary

## Supporting Survivors Student Listening Sessions

Deliverable 3B: Preliminary Written Summary  
of Listening Sessions Data

March 13, 2023 (v. 4)

### Context

Proviso [ESSB 5693 § 501\(4\)\(ee\)\(i\)](#) asked Supporting Survivors to conduct listening sessions across the state for the purpose of assessing challenges with responding to sexual assault and supporting survivors in schools. This report summarizes all nine (9) listening sessions<sup>8</sup>, which were conducted by Do Big Good between October of 2022 and March of 2023.

### Executive Summary

After a sexual assault students want compassion, protection, privacy, and choice.

Students experience victim-blaming and denial from staff when they disclose at school. They do not feel schools are meeting their needs as survivors.

They want emotional support above all else. They want that support to come from a “team of helpful people,” including peers, who believe them, who will not judge them, and whose response to a disclosure is compassionate, rather than procedural.

Not a single student wanted their case reported to social services, even though such reporting is now mandatory for all professional school personnel. Rather, students wanted emotional support and protection first and information on how to report second. Likewise, no student expressed a preference for their case to enter a criminal process.

Lack of confidentiality drives distrust in counselors, both from members of the school community and from their parents. The need was often driven by safety concerns. Because mandatory

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<sup>8</sup> Of the nine (9) sessions, eight (8) were group sessions and one (1) was a compilation of one-on-one interviews. Through the sessions we talked to 70 current and former Washington public school students. Their ages were between 11 to 20, inclusive, with an average age of 15. Of the participants, 29% are survivors, 34% peers, and 37% chose not to disclose their status. The students (96%) and former students (4%) were from Eastern and Western Washington and represent identities that are rural, low-income, disabled, LGBTQ+, Black, Indigenous, and other students of color, including Asian and Pacific Islanders and Latinx and Hispanic identities. Across the sessions, 56% of participants were Black, Indigenous, and people of color.

reporting breaches confidentiality, students often do not trust school counselors to receive their disclosures.

Sexual assault occurs in middle and elementary schools as well as high schools. The weekly middle schools sexual assault practice of Slap Ass Friday was mentioned by multiple students and Touch Titty Tuesday by one. All students who shared an incident of sexual harassment in elementary school described an assault (unwanted sexual contact).

Students know little about response procedures in place to protect them. They want to know the reporting process, who to report to, who and where they can get support, and the effect of their report on the person they are reporting. They also want to be educated about healthy and unhealthy relationships as part of sex education curricula.

They want to be informed about their options. Their first choice is an annual assembly. They also asked for information to be shared in class by teachers, on pamphlets available in administrative and counseling offices, on posters or take-away cards in bathrooms, and on the school or district website.

They want policy change. They want reporting to be by choice, rather than mandatory, and to change the age limit and time constraints. They want to replace the term “complainant” with “reporter” in policy documents. They want to shorten the time administrators are given to respond to their reports.

## Student Voices

The remainder of this report is composed of the student quotes used to create the summary. This quote data, pseudonymized by students and shared with their consent, is annotated in the following ways:

- Highlight = main idea identified by Do Big Good
  - Purple = December 2022 deliverable and update (v. 1 and v. 2)
  - Green = January 2023 update (v. 3)
  - Blue = Final Report including February and March 2023 (v. 4)
- [Bracket] = piece of clarifying text added by Do Big Good

Filler words, such as “like” and “um,” were in most cases removed from quotes to increase clarity and brevity. An ellipses (... or ...) indicates some part of the quote was removed, usually for the same reason. In no case was text removed to change the meaning of a student statement. All quotes in this report are arranged by theme and outlined below. Quotes that touch on multiple themes may appear in multiple sections.

## SUPPORT

- Students Want Support From

- “A Team of Helpful People”
  - Including Peers
  - Who Are Trained in Sexual Assault Response
  - Who Believe Them
  - Who Will Coordinate the Response with Them
  - Who Will Not Judge Them
  - Whose Response Is Compassionate, Not Procedural
  - Who Can Provide Emotional Support First, Info on How to Report Second
  - Who May Not Be School Counselors
  - Who Respect Their Privacy
  - Toward Parents and Guardians
  - And Toward Classmates and Teachers
- After a Disclosure, Support Looks Like
    - Respect For a Student’s Choice to Report
    - Sharing Other Options for Safety and Healing
    - Including Supportive Measures and Accommodations
    - Talking Without the Risk of a Report
    - Without Which, Students Will Simply Not Seek Help
- Students Want Administrators’ Response
    - To Be Substantive
    - So Students Don’t Feel They Need to Seek Justice Themselves
    - With Prompt and Transparent Investigations
    - That Do Not Involve Victim-Blaming
    - Or Intimidation, Retaliation, or Punishment of Survivors and Their Allies
- Students Want Protection from Sexual Assault
    - In High School
    - In Middle School
    - In Elementary School
    - And from Respondents Employed by the School
    - Including Through the Use of Security Cameras

## INFORMATION

- Students Want to Know
  - The Reporting Process
  - Who and Where They Can Get Support

- Who to Report to
  - The Effect of Their Report on the Person They Are Reporting
  - When An Incident Has Occurred
  - What Healthy and Unhealthy Relationships Look Like
- Students Want to Receive This Information
    - At an Annual Assembly
    - In Class
    - In Administrative and Counseling Offices
    - In Bathrooms
    - By Email and on the School Website
- Students Want to Understand
    - The Policy Documents That Affect Them
    - ...Achieved with Brevity, Specificity, Examples, and Conversational Tone
    - What Supportive Measures Mean
    - What a Title IX Coordinator is
    - Differences Between Student-Student and Student-Adult Incidents

## POLICY

- Students Want to
  - Change the Age Limit for Mandatory Reporting
  - Make Reporting Not Mandatory, but by Choice
  - Replace the Term “Complainant” with “Reporter”
  - Change How Sexual Assault and Harassment Are Defined
  - Shorten the Time Administrators Have to Respond to a Report
  - Lengthen the Time Students Have to Make a Report
  - Lengthen the Time Mandated Reporters Have to Make a Report
  - Have School-Based No Contact Orders Apply to Entire Districts

## SUPPORT

### Students Want Support From:

#### “A Team of Helpful People”

“It can be **lonely trying to get help**, especially if the people trying to help you, you don’t know” - Pink, 16

“I just want to know and be fully aware that I have **people I can talk to** about what has happened and support me in the choices that I do make, eventually.” - Sage, 12

“Definitely a trusted adult talking to me. I think **I didn’t have a trusted adult** to talk to about my experience... I had friends who also went through the experience that I went through and they said.. I mean **we only had each other**.” - Cherry Blossom, 18

“More people like mental health counselors or community engagement staff or people who aren’t direct administration, or **trusted people** that they [students] have relationships with” - Crispy, 17

“Maybe a team of those people... to decide what happens or what doesn’t happen. More community-based, a **team of helpful people**.” - Cody the Penguin, 17

“**Teachers**, they’re our guardians. It’s their job to keep us safe to know what they’re talking about and prevent us from harm, not cause us harm.” - Blue, 16

“**Some teachers do support** the kids, let them back into the school [when they were locked out for protesting], show them that they were listening.” - Nikki, 14

“I went to a **coach** here, who’s very supportive. I had talked to him about previous issues I’ve had. Definitely a good support. And he said ‘We need to talk to the office about this.’ So he took me to the office....” - Green, 15

“The one **administrator** in the room, who’s always been a big support for me, so just having a trusted adult there, was really nice so I didn’t feel all alone, and maybe if that adult would have told me, just kind of looped me in more, just being a part of what was going on, is something I really wish had happened.” - Pink, 16

“I should have had the opportunity to be educated by someone more on it. And I did end up having my **counselor**, who I have a good relationship with come in the room after he [the vice principal] denied my friend coming.” - Green, 15

“I wish I had someone to lean on, you know? **I felt like I didn't have no one**, 'cause you know, 'cause everybody was just telling me to move on and stop rereading this chapter,

and everyone was just making a little seed when it feels like big watermelon, you know, so I just felt like nobody really cared, and I was really alone” - Me, 19

“Honestly, this is not very possible at all, but who kind of have empathy or informed experiences about it so they’re able to provide more genuine support for people who have trauma from these types of experiences.” - Cody the Penguin, 17

“The Title IX coordinator, I think he handles all the cases in the district and he’s an old white man, which, for a lot of people, is not going to be the most comfortable or immediate response to go speak to him.... We were talking about him being able to work through a lot of the cases that he sees with staff that has more diverse experiences or backgrounds.” - Crispy, 17

“I know a lot of people have certain triggers, where they don’t want to talk to older men about it... younger men about it. ‘Cause I have a lot of that stuff too.” - Green, 15

“Somebody that you know is just more welcoming. In the school that we have around here it’s very conservative and so there’s certain staff that I do not feel comfortable talking to and there’s other staff members.... I trust.... But I know that there’s other students that I know don’t feel comfortable talking to that staff member, but would prefer to talk to somebody else. So there’s maybe a board of people we could go to who have training in that area so that way they could help those students....” - Bob, 17

“There are specific teachers in the school that students know are more safer people to go and talk to.” - Crispy, 17

“I would have just wanted time, and maybe processing time and to maybe have someone I could talk to at this school, who I felt comfortable talking to, and who had known what had happened. And someone I could lean on but I understand how that’s kind of unrealistic.” - Poppy, 14

“They would rather police their schools and keep these power systems of police vs. students.... It’s so easy to be incriminated, especially if you’re a student of color. There’s been so many students saying that they want more mental health counselors, that we don’t want police back in the schools...They’re brushing us off, saying they don’t have money for mental health counselors.” - Crispy, 17

“They don’t want to invest in community wellness and well-being. They want to police the outcomes of that. And the second thing is that they don’t really listen to student voice. They’re not listening to what we say. They’re reimposing something that students say they don’t want.” - Robert, 17

Including Peers

"Giving someone a support person, someone they've worked well within the school district, someone they have a connection with.... It could be a staff member, a student." - Jamarcus, 15

"Talking about them [sexual assaults] to other [survivors] was definitely like the biggest comfort cause like I mean I couldn't really lean on anyone." - Cherry Blossom, 18

"I think it would also be cool, like how ASPEN's a peer teaching class about sexual education, maybe there could be really trusted students, or just younger adults, who are given the ability to also be there as a resource.... You're talking to someone who's near your age more and they can more help the fact that you might not want to talk to someone who might only be there to find the facts of the situation and solve it, instead be there as someone listening and help you get through it." - Purple, 16

"Kinda of like group therapy that is accessible to everyone.... I think free group therapy like maybe an after school program or a course." - Cherry Blossom, 18

"We [vice principals and I] were talking and I was getting very triggered by the whole thing and I ended up having a panic attack. And I was asking him if I could call my friend. I was, like, 'Can I call my friend? Because I'm freaking out and I can't be alone right now.' And I had gone with other friends when they had reported, so I knew it was something that could come. And they were, like, 'You can't disturb them during class.' And I was, like, 'I need someone here. I can't do this.' - Green, 15

"Knowing you're not alone and there's other students going through the same thing you are." - Blair, 16

"I feel like more opportunities would be good, just more open to more people to talk to, just someone more comforting to you. Maybe some people want an older person to talk to that makes them more comfortable, you know? Maybe someone their age, so they can feel understood. Maybe just more people of different ages, you know, to be able to talk to.... I probably wouldn't feel comfortable talking to someone who's so much older, that was raised in a different time than I was. [I would want] someone who's more my age, because they could understand me more.... And then the same thing with the suggestions, to just add more people to be able to talk to about any type of thing. That's what I want." - Mai, 16

### Who Are Trained in Sexual Assault Response

"I think there definitely needs to be more mental health professionals, people who are actually qualified and know the rules about it, not teachers who took a 12-week training course on it." - Green, 15

“I would be in class and there was a particular group of boys that would always touch me and make me very uncomfortable and I am pretty sure **the teacher would notice and he didn't do anything**. And the only time he did... he just told the boy to stop.... He didn't do anything much after that.” - Blue 2.0, 17

“People that are in charge or responding to these reports, I guess I would want them to be really **well-trained** and knowledgeable about a lot of these subjects.”  
- Cody the Penguin, 17

“Students choose a teacher to go to. They probably trust that teacher, but they might not. It's important for all teachers, regardless, to **know how to support their students**, what terminology that they can use or how to make them feel safer, to know, to offer to talk to administration with them. Make offers to make students feel safer.” - Robert, 17

“Right now the most important thing to me, if an assembly were to happen, the **most important thing is that it's on the teachers' minds**.” - Pink, 16

“I think, like you said, **teachers should get proper training** on these kinds of things. And, this isn't like a rule that can be enforced, but it should be mandatory, it should be required that a teacher have **empathy** for these students.... They need to understand that these things are not right.” - Tae, [age withheld by student request]

“We need a lot more trainings and a lot of things that can be implemented at [redacted high school] or district-wide. I feel like **that would be the first step**. There's a lot of stuff where it needs policies and lawyers, but you **don't need that** for a PowerPoint. This is a change we can do now.” - Green, 15

“Having people who haven't gone through assault, but have been the type of person **to aid someone who is a survivor**. Having people like that who are actually part of the administration... If we had a person or people who were in that superiority [sic.] rank that were working with us, I would feel more comfortable.” - Pink, 16

“Having one [assembly] every year or, honestly, every semester. Bringing in educators and teaching them **how to look for this** and **how to act on it** and **how to build a rapport** with a student so they feel safe with you. And that, I think, would make the world of a difference for the students — especially the women —feeling safe at school....” - Blue, 16

“I think it's...one of those issues that doesn't come up until **they're in a defensive position** where they need to take action. So I feel like we need more—teachers specifically, but also more generally—conversations where it's offensive instead of defensive. **We need to take proactive action** before stuff happens. It should be in the front of people's minds. We need self-reflection.” - Green, 15

“A big thing I think the assembly would benefit too—yeah, it's for us, but we're not the ones learning something from it. The **teachers that have caused us stress and harm**,

they're learning something too. They're learning how to accommodate these people who have gone through these things. They're learning about how assault affects people, how it affects things that have nothing to do with assault, [such as] their learning. And people can be, like, "Oh, I didn't even know what coercion was." Obviously, we have a lot to take away from it, but it's not directed towards us. It's directed toward the people that need the education." - Pink, 16

"I think a lot of these teachers don't mean harm. In reality, I don't think most teachers go into teaching to do harm to kids.... Especially since there's been such a cultural shift from when they were growing up to now.... I feel like a lot of teachers just don't know that it's wrong." - Green, 15

"[M]aybe a board of people we could go to who have training in that area so that way they could help those students instead of just having the counselor... [and] I think it would be cool... if the students were able to vote on the faculty members who would be appointed to be somebody they could go to, instead of the counselor." - Bob, 17

"That is a big issue, is training them how to respond, really, to people coming to them.... Immediately it should have been 'I'm proud that you could talk to me about that and I'm sorry that that happened to you.' How could I support you — because, obviously, they're mandated reporters, so — How can I help you getting this past administrators to legal action?' That would have been the most supportive option." - Blue, 16

"You want people to see things so bad, because they're happening to you. If they're not thinking about it, it's not obvious to them. With middle school administrators... in my experience, they would see something and just be like 'Are you okay? How are you doing?' and that's okay. But if you're going through a manipulative abusive [unintelligible], you go 'I'm great! I'm fabulous. I love my boyfriend.'... I think the manipulation made it really hard for me to know I'm being abused, I need help, a lot of help.... After my Mom knew, she contacted this one teacher who was particularly worried about me during this time period and told him what was going on — after I told her she could, of course.... I was so petrified.... That really put a wedge between me getting the help I needed. The fact that I told one person [my Mom] and then they told the teacher, that made me feel more comfortable with that school's ability to help. If they had straight-up asked, 'Are you being abused?' 'Is someone hurting you?' I would have said 'No, I have a boyfriend.' 'No, I'm in love.' It's a really tricky situation because there are so many factors... If the school doesn't know about it, they can't help you, but if I don't know [either], that really messed stuff up." - Pink, 16

#### Who Believe Them

"For me, a lot of the issues I've had with reporting things to school... the administrators don't always handle it properly. I was with someone who was reporting an assault to one of the coaches and their response was, 'Well, we know him. He would never do that. That's not the boy we know.'" - Blue, 16

“Vocabulary that affirms the experiences of students.” - Robert, 17

“[E]ven if the person isn’t able to automatically take the measures against the alleged harasser it still feels nice to be believed and understood...” - Purple, 16

“Let’s say someone were to be sexually assaulted, you know, but it was while they were under the influence.... They probably don’t believe them. And they’re like, ‘Oh, you chose that. ’That happens a lot.” - Mai, 16

“What is helpful is that the districts actually try to fix the problem instead of just... making it out to where the victim is a liar.” - Charles, 13

### Who Will Coordinate the Response with Them

“I had an experience during school.... I told my acquaintance about it and he was like ‘You need to tell someone about this’ and I was like ‘It’s not a big deal.’ Because of the circumstances of my experience I felt as though a person could be excused from their behavior. And so, when I went into the main office, I was like ‘Oh, and by the way, this just happened. Just to let you know.’ I was still, like, no biggy. And so they were like ‘Thank you for telling us. We appreciate that.’ And I described the situation and the person. And then, like a week later, out of nowhere, I just kind of got called into the main office, into the principal’s office, and everyone was sitting down and my Mom was on the phone... and I was, like, what is going on?! And they were, like, ‘We have this video of it happening. We saw it on the security cameras and we just want to make sure you’re okay. They were being very pro-active about it, very ‘Let’s solve this problem!’ But I had no idea that was happening. It was very overwhelming.... Everyone was, like, ‘How can we help you? How can we support you? What do you need?’ I have no idea what I need. I didn’t even realize the situation was that serious. You go through something and you tell someone and you can see on their face, like, ‘Oh my god,’ but you’re still in a place of ‘It’s no biggy.’ So just, including the people who’ve had these experiences in... what to do about it and seeing where they’re at. Because I wasn’t in a space of ‘Let’s get this kid!’ Like, I wasn’t in that space yet. And so, although I really did appreciate them making time for me. I wasn’t part of it, but they were still focusing on me and trying to help me. And that’s very much appreciated.... So just, grouping me in more, grouping everyone who goes through these experiences in more. Making them making us part of the solution. They did a lot and they also didn’t really do what I needed.” - Pink, 16

“For reporting it, I didn’t have the school involved for part of that. I had the police involved. But we had to get information from the school on the police report, so my Mom contacted the principal... to figure out what happened and confirm the address and he kept on asking, ‘Why do you need to know this stuff?’ ‘Cause my Mom knew I didn’t want to have a full conversation, because I was already going through this so fast. And, instead, he ignored my Mom’s wishes and my wish and went to the police and asked again what happened. ‘Cause the police told me Mom that that happened. And then my Mom went to

the guy again and told him that was not cool and then he said it didn't happen.... And it hurt a lot because I was going through a lot." - Asunshine, 15

### Who Will Not Judge Them

"I feel like it really depends on the person you are, as well. I don't want to be weird, but if you seem like you're on something like it seems like you're on drugs they're probably not gonna... or if you tend to be a bad student, they're probably not gonna be as concerned about you. You know what I'm saying? They probably won't watch you as much."- Mai, 16

"I don't feel safe around them [students who have committed assault] because I don't think educators have my back." - Blue, 16

"I would at least have one person to talk to who wouldn't judge or speculate. Being able to talk about it with someone and trying to reduce the amount of shame at a school. In my personal experience where I live it feels like any discussion is very shameful and I just would want to know that, there wouldn't be judgment." - Poppy, 14

### Whose Response Is Compassionate, Not Procedural

"Having someone there, being able to be part of the solution, and being the one that's helped, instead of.... I felt like they were just trying to not bring the school down, in a sense. Because it was just, like, 'Oh, this happened to one of our students and now this person's here and we've got to make sure it's okay so the school doesn't get a bad rep" instead of helping the student who went through the experience. So, it didn't feel like it was about me, which felt like a problem.... I don't really remember much from the ambush [by the administrators]." - Pink, 16

"Take the time to connect and get to know their students... they care about students more than just their grade." - Blue 2.0, 17

"Does the person who receives that complaint need to remain completely neutral or is not allowed to share an emotion? .... I feel like maybe some people who report might feel like they are talking to a robot, like they're just being issued the information and resources, which is something they could have done maybe by themselves even, just by looking it up. I feel like the main thing is, when they go to the person for help, they want that actual person-to-person communication, where they feel like they're being advocated and cared for. And even if the person isn't able to automatically take the measures against the alleged harasser it still feels nice to be believed and understood, rather than, like, a fact." - Purple, 16

"I feel like it's hard because when you tell your counselor anything, they're just there taking notes about it, worried more about what happened than how you feel about it." - Mai, 16

"I just hope that they do that for everyone, be, like 'We know that this happened and we are so sorry' instead of asking questions, like, 'Tell me every single little thing that happened so I know exactly how to help you. I want you to go through the start and the end, every single thing that happened to you.' Because that's just reliving it. That's just going through it all over again. And, although sometimes that [forensic interviewing] is necessary to get the help that you need, I wish that there was a better way to go about it"

- Pink, 16

"[Y]ou want someone who's not gonna support the law, but support you. You would want someone who would put you and your priorities and what you need to be done over what the law requires you to do." - Jamarcus, 15

"It's not just say[ing] 'This is how you do it' and then let[ting] them loose. People aren't always able to do that. So, having actually assistance would be helpful."

- Anna, 16

"[T]hat is not as hard as going through it, but it's really hard to relive that experience again and again and again. Because everyone is, like, 'What happened?' 'What happened?' 'What happened?' And then, every time you hear that question, you think about what happened." - Pink, 16

"I feel like they should be more worried about your own feelings first. I mean, yeah, write that down, but say I was abused by someone that I live with, and they're gonna be more worried about that, saying 'Oh, I need to report this,' rather than how you feel, which is why you went there in the first place. Else you would have just called the cops. Obviously, you needed some support. But they're gonna be more worried about the issue in general, and not even about the issue, just about reporting it. You know? So, that's what I think is hard as well." - Mai, 16

"So I really like this, but I think the responsibility should go beyond just informing them [to] providing assistance.... This one [policy about follow-up inquiries] is mostly positive. It shows support." - Anna, 16

#### Who Can Provide Emotional Support First, Info on How to Report Second

"Sometimes it's more important having emotional and mental help than actually getting help-help." - Oliver, 16

"'Where are you right now in this situation?' 'Are you comfortable talking about it yet?' If I were to have been asked where I was and how I was doing. It just, it really didn't feel about me. It didn't feel about me. If it had I would have felt more comfortable in the situation." - Pink, 16

“I think that they should focus more on being supportive than going straight to the issue. Worry more about how the youth is feeling about the subject rather than trying to take action.” - Billy, 16

“There’s a certain comfort that someone needs to take action for something that’s happened to them. And, first off, you need to go through the emotional processing and the mental processing of what happened to you, before you just have someone else take control over what just happened to you.” - Oliver, 16

“If you were to go to someone, maybe about a friend that’s experiencing something, and you just wanted to talk to an adult about it, instead of giving resources, just being there firsthand for comfort.” - Blair, 16

“They need to support the emotions, be basically like a mom or a supporting grandma to you instead of ‘...Okay, I need to report this. ’I’m thinking that’s the thing that would be the most helpful.” - Mai, 16

“If the student goes, ‘I need to be talking to someone right.’ Student goes in and talks to the teacher or whoever is appointed to help and they just take that time to talk about it, about how that person’s feeling. So then, ‘In a week from now, ’[the support person says], ‘I need you to come back in so I can file a report for this.’ It gives the student more time to reflect on it and feel more comfortable filing a report.” - Bob, 17

#### Who May Not Be School Counselors

“If someone’s afraid to go to the counselor for a problem, then maybe someone [else] could.... Some people are too afraid to stick up for themselves.” - Snow, 14

“I would go with my older cousin [if I was assaulted]. She knows how to comfort me and help me. I wouldn’t tell my school or my counselor. They try to show remorse, but really they don’t care.... Some of the things they say, you know, [it’s just] slick words.” - Pinky, 15

“The other thing is with counselors and therapists it’s very hard to come back and get that support after something like that [mandatory reporting] has happened to you because you kind of lose that trust. Oh, you know, I don’t think I can talk to people like that ever again, ‘cause you don’t have that trust there. That trust has just been lost....” - Daveie, 17

“[T]hey’re not [as] supportive as they say they are ‘cause they don’t even make space for us to talk about our mental health [with] our social worker. He goes and tells other students what students tell them.” - Me, 19

“One problem might be, with the school counselor, or really any counselor in general, there wouldn’t be very much confidentiality because, say you weren’t feeling comfortable

to report things yet, they would have to report for you because that's their job." - Charles, 13

"I don't know where, when I was in high school. I don't know where I would have gone... especially with my counselor being a guy." - Charlie, 19

"She [school counselor] reacted not in a way that I felt comfortable with, and she continuously pushed boundaries and ignored what I said. I didn't feel comfortable talking to her about anything." - Poppy, 14

"[T]hey don't feel comfortable going to their counselor, because their counselor barely helps them with their schedules so why would they help them with something like this?" - Charlie, 19

"So there were three counselors in the entirety of the school and then we didn't just go to them or anything. It wasn't something that you could take time on your day to just go see them. It was your senior year the first time I ever even knew they were there, or they were the ones that you went to right when you signed up, but they didn't have a time like a drop-in or anything like appointments, any sort of stuff, so it was mostly they were there." - Rain, 20

"I know personally I found out later that the guy I talked to at my school had no knowledge of trauma or anything like that. So having to go through a class or something so that they know not to tell kids not to spread rumors when they are trying to report sexual assault to make them less ignorant." - Jade, 17

"Having people you can trust today is tricky, especially if you've gone through these types of experiences." - Pink, 16

### Who Respect Their Privacy

"It should be 100% confidential no matter what... If you're in a certain position, where you're handling that response and that intake... you shouldn't be telling anybody else." - Charlie, 19

"I didn't want to speak up because [at] my school they don't keep nothing confidential." - Me, 19

"Just having someone hear you talk, really, and not, if you say something wrong we're gonna report you." - Blue 2.0, 17

"I'm not going to the school [to report an assault]. It's gonna just start rumors. 'Oooh, is that the girl who was assaulted?'" - Nikki, 14

“What is not very helpful is that they say that it can be confidential, but most of the time it really isn’t... [T]here would be a feeling of anxiety or just stress that your story is gonna get out without your permission.” - Charles, 13

“And I wouldn't be surprised if there was also a lot of inspection about the people. I was with, and hanging out with and why this happened and I don't think I was ready to have this whole incident scrutinized.” - Poppy, 14

## Toward Parents and Guardians

“I don't know if it's been anyone else's experience, but I have been reported for something without them telling me that they were going to report me. They don't work at the school system anymore, but they also personally called my Dad, which I know is not something that they should have done at all. So I think people should definitely tell them if they're going to get reported.” - Saoirse, 17

“[If I was assaulted I would] go to my older sister or cousin. I feel like schools can go a bit too far to the point that it's uncomfortable. Some people don't want their parents to find out. They would tell their parents or even get the police involved.” - May, 14

“God forbid that happen, the first people I could tell would not be my Mom. I think the person I would tell is my older sister. You can really talk to her about things.... She's a Caribbean Mom. She would overreact. She would tell me to forget it even happened.” - Nikki, 14

“I would tell my older cousins. Parents can overreact in ways you don't want them to. You don't want that, especially after what you've been through.” - Meya, 15

“I ended up confiding a neighbor about it, that I was close with at the time. She's an adult also. And she was, like, 'You need to tell your parents about this.' So I went to my house and I was very stressed out, very anxious about it, and I wanted to do it on my own terms.... My Mom was in the shower and I saw her phone on the kitchen table and it was [redacted middle school] calling. And I was, like, 'uh-oh.' I kind of already knew. And they left a voicemail about it.... I was very distraught because that put a crunch on me because I wanted to tell her before she heard the voicemail.... They didn't know my home life. They didn't know my situation.... I thought it was a very questionable call to leave a voicemail about it. I think there should be policies about where people get told. I think it should have been an in-person meeting so there was a mediator.... And, thankfully, I have supportive parents, but they couldn't have known that.” - Green, 15

“[A] lot of the families and everything get more information than is needed.”  
- Charles, 13

"My Mom, she knew about it, but she also knew I wasn't in a space to talk about it. I don't really remember much from the ambush [meeting with administrators], but I do remember my Mom calling me after and asking, 'Did you know this was going to happen?' Because she was confused as well." - Pink, 16

"In my opinion, absolutely, there should be boundaries... if it's unsafe at home... and by telling them something it puts me at risk. I think... assessing whether it should go home or not [is important]. But, if they're young, it's unfortunate, because they can't even make their own decisions completely.... You don't know what's going on in someone's personal life. You could think that you're helping, but actually put them in a much worse situation." - Purple, 16

"Being forced to simmer through that experience in silence because you're afraid of your home situation. It's a domino effect when you report. It's just very difficult." - Biscuit, 17

"I think, with my middle school... when they saw the [threatening] post, I think the best course of action would have been for a teacher to notify me first. To be, like 'We've seen this. We do need to bring this to the attention of your parents. And at least give me the opportunity to tell them.'" - Green, 15

"They're talking about confidentiality, but it's kinda...hypocritical. They haven't really said anything about parent or guardian. And they're talking about confidentiality but, with the investigation, if it's important for them to notify law enforcement, that's not really confidential. So you can say confidentiality, but it should be specified with exceptions, at least. And get the parent/guardian thing sorted out too because I think that's a pretty big one." - Purple, 16

#### And Toward Classmates and Teachers.

"I was worried that it would get around to everyone... So, I was worried that it would set me up for not being able to take the classes I wanted in the future, or having those people be angry at me." - Poppy, 14

"It ended up getting out... somebody had told somebody else and it got spread throughout the school and it was very hard for them... um... they [the survivor] only told people umm... who worked in the schools like the teachers and the counselor and somehow it got to other students and they [the survivor] didn't tell anyone else so they had a lot of issues where people were saying things, posting things, like bringing it up to them... It was something they didn't want spread and if they did they would have done it themselves... It shouldn't have been exposed in the first place." - Charlie,19

"A little more discreetness in the process would be kinda cool as well. I know personally my situation was told to every teacher and every staff member and then later was given to every student, whether that was because they were pulling me directly out of class for the

sexual assault conversations or what but some kind of more discreetness in all of that. It's not cool to be completely outed when you're not ready." - Jade, 17

"When there's [the supportive measure of] a general public statement people sometimes try to interpret it as it's not towards anyone, but it could be.... How do I phrase this? Even if they're not using the person's name... if you say it right after.... In high school, news travels around very quickly and can be shaped and shifted into something completely different than what it actually is... It just goes into being empathetic to the person's situation to think about the timing and how to say it, to not out someone and make it seem completely targeted towards one person. It should be completely generalized." - Purple, 16

After a Disclosure, Support Looks Like:

Respect For a Student's Choice to Report

"It's just another person taking control over your life." - Oliver, 16

"I have friends who have been hurt by mandatory reporting... a couple of experiences where people were kind of burned by a mandatory reporter. Not that the mandatory reporter was trying to do something bad, but that's how it worked out. Just, at that time, they did not need someone to report. That was not the thing that was going to help them. They got the negative end of that. But I do understand, I guess, why those procedures are in place." - Cody the Penguin, 17

"[N]ot bringing up reporting right away. That makes you feel uncomfortable. Because obviously, you didn't call the cops or something." - Mai, 16

"I feel like they should report only if you feel safe." - Snow, 14

"In a perfect world, maybe pre-teen to when you're a legal adult you could have a little more of a conversation with whoever you reported to of, like, I don't want to go to the police quite yet, until I'm in a different housing situation or, you know, something along those lines." - Jimmy, 18

"Being looped in is just something I really wish had happened, especially by someone I knew." - Pink, 16

"My feelings are basically the same [as other students in the session]. Asking how you feel about it and what you want to do instead of going off and just reporting it and making sure that you're stable and you're okay and you're not freaking out." - Jones, 13

"It happened during the COVID-19 pandemic, so that was already a really hard time for reporting abuse.... I posted about it on social media.... And I thought 'It's out of school. I'm

telling people out of school.... So, at the time, I thought I was just sharing information about these two boys, my peers, and I thought it was more of a public service announcement... I even put in the post 'I don't think I want this shared right now' because, you know, I don't really want to get police involved.... And then it ended up going kinda viral.... It was kind of a big thing. There was a lot of re-posting going on. And then the school found out." - Green, 15

"Sometimes confiding in your friends is not enough. You need that help to know – these are the steps you can take if you're ready, not 'I'm gonna make you take all these steps.'" - Dave, 16

"After something's been reported, [to] come back to a counselor if a counselor has kind of betrayed you, in a way... in a situation you didn't feel needed to be reported." - Daveie, 17

"I just wish it felt like there's someone I could go to who would walk me through the process instead of making me go through the process without myself being ready." - Poppy, 14

"I think it [mandatory reporting] makes sense, just for safety, but I think if I were in that position it might not feel great, just because I would just want someone to just be there to listen. But it does make sense that it would be that way." - Blair, 16

### Sharing Other Options for Safety and Healing

"[L]et's say it happened in your house.... [I]f you just want to leave your house and don't want to get the other person in trouble for it... I feel like just speaking through the options you have and just supporting you, helping you get what you want instead of just making the decision for you, that you have to report it." - Mai, 16

"I wish that I didn't have to find myself a therapist, you know? I wish they helped me through that process of finding it there. I wish I had support over the summer." - Me, 19

"That [referral to a trauma center] was totally my Mom [not the school]. I got admitted to the ER and that's how I ended up finding out about the program."  
- Green, 15

"My school didn't really show support to anybody with sexual assault issues or domestic violence issues.... They never said anything about any kind of provided support. There wasn't any mention of our domestic abuse shelter here in my town there was never any kind of resources offered publicly without you having to ask for it" - Jade, 17

### Including Supportive Measures and Accommodations

"I wanted to go to a homecoming football game, but I didn't feel safe, because I saw the person that assaulted me at the football game last time. And so they made it so that the

person that assaulted me couldn't go to the game and that **made me feel safe**. I appreciated that." - Asunshine, 15

"I started freshman year and I requested for them **not to be in my classes... and that went fine**." - Green, 15

"We liked this [supportive measure]. We liked that it gave the defendant an opportunity to choose whether face-to-face or in writing to confront their aggressor. **We just like the flexibility** it gives for people." - Jamarcus, 15

"I remember [a teacher] saying a **mental break** should take ten minutes and I was sitting there and trying to advocate for myself and saying 'My mental break needs to be as long as it needs to be.'... and I just sat there and let her talk to me like an object.... I lost all respect for her after that." - Pink, 16

"There was a lot last year that the school did that I thought was helpful. I had to go to CBT therapy at [redacted hospital], which is a trauma program for assault, mostly, and I was missing a lot of school because of it and it was in my 504 that I could miss school. There were a lot of teachers that were very accommodating of that and then there were teachers who were not accommodating... [of] you know, alternative assignments... and it was making me fail my class and it was very stressful.... A lot of assault victims have mental health problems after and **a lot of us have 504s** because of that." - Green, 15 (*original emphasis*)

"I like the opportunity [to explain to the harasser as a supportive measure] because it is **implying some sort of choice**. I feel like in some cases it's necessary, but it still gives the person... to think what they want to do." - Purple, 16

"There's a lot of hassle in finding a way to **prevent contact**. And just, making it easier to, you know, get out of class. Immediately removing people from your classes, if not the school premises. And obviously, I know they need evidence to suspend people, but it does really put a lot of pressure on victims to not have immediate action that pushes it through." - Green, 15 (*original emphasis*)

"I went to my administrator and I had a class with him and I was, like, [unintelligible] because even seeing him was re-traumatizing. So that was really helpful, that they immediately moved my class and put all this work in so I wouldn't have to see him... but **they didn't enforce it**, so I would see him and it would be re-traumatizing.... I ended up having to go to court to get a no-contact order. I don't know if any of you have done that, but it takes months.... And each time it's re-traumatizing because you have to go over and over what happened with the judge, in front of other people.... The school should have been able to enforce the one thing I needed, instead of having me go through all of that." - Lake, 15 (*original emphasis*)

"I have a **safety plan**, so I have safe spaces I can go to in school.... It ties into my IEP. I'm not sure if it's a real thing or if it's just a label.... I don't know exactly what it is, but there's

a document that I have to sign and my Mom has to sign and it's just places I can go if I feel under duress.... It's really good and there's an advisor that's signed onto it, the trusted adult I had in that earlier meeting/ambush thing because an administrator needed to sign it, but I wanted someone I could actually trust with this safety plan, that would actually provide safety.... But also, having this plan of 'They can't do this. They can't do that.' And then they do it. So I wanted someone I could actually trust with that... because I am almost constantly going into that safe space." - Pink, 16

#### And Talking Without the Risk of a Report

"You're not ready to report it. You needed someone to talk to about it." - Mai, 16

"A place where you could talk anonymously about your trauma, and have a support system without having to report and maybe incorporate into that, explaining what it would be to report and what would happen, but not forcing it. And just... having that option to talk without forcing yourself to do the whole thing." - Poppy, 14

"I feel like at the beginning of the school year if they had teachers say this information.... 'If you are experiencing this you can tell one of us and like we won't report it.' I feel like that would make a lot more students feel a lot more comfortable." - Blue 2.0, 17

"Looking back, telling those people would have really helped. But, you know, I would never have done that because, you know, I don't want stuff to change. I don't want any of those consequences. Having someone to talk to about that would have been really valuable." - Anna, 16

"...I know people. They need a safe space to talk to. They don't want to risk having something they said end up criminalizing someone." - Crispy, 17

"Maybe, get advice first on how to deal with it, but they're not even getting that because they're also afraid of the mandated reporting part." - Raven, 17

"You reach a level of maturity where you realize this is not safe for me to report. I don't feel like I am able to deal with those consequences yet. But I want to share." - Dave, 16

"If I were in that position...I would just want someone to just be there to listen."  
- Blair, 16

"I would have loved to have it be more accessible and feel like there was someone I could talk to because it felt like my teachers do not want to have to report things in case the student didn't want to report it." - Poppy, 14

Without Which, Students Will Simply Not Seek Help.

“Being forced to simmer through that experience in silence because you’re afraid of your home situation. It’s a domino effect when you report. It’s just very difficult.” - Biscuit, 17

“In the past there definitely have been things that I’ve not told people, told mandated reporters, because I was afraid of what would happen.” - Anna, 16

“Also, with mandated reporting I feel like it definitely drives some people away because they don’t want it to be reported or people knowing about that... but they still need help.” - Raven, 17

“Even with counselors or therapists, a lot of them are mandated reporters.... I definitely agree. It definitely drives people away from getting support because, one, it can be about something that happened a really long time ago and maybe it is a very bad idea to bring that to light, authority-wise. Even if it happened when you were very young, you know, it had to be reported. [Group leader whispers: ‘It doesn’t.’] Oh, it doesn’t?” - Jimmy, 18

“Just not feeling like she wanted to go back to the school for help because they had already broken that trust.” - Charlie, 19

“To add on to that, it might make people not want to speak up even more because of that risk.” - Blair, 16

“I thought me speaking up was going to get me the support that I needed, but it didn’t. I was just right the whole time... not speaking...” - Me, 19

### Students Want Administrators’ Response

#### To Be Substantive

“[T]his is a very well-known rape school. Like, that’s actually what everyone calls it. [Other participants agree.] We’re the rape school. It’s a well-known thing. There’s, like, 100 fish in the sea and 20 of them are rapists. You can walk through the halls and name them, like, him and him and him and him and him.” - Green, 15

“Schools should have more groups to show awareness. Once it does come out, schools don’t know what to do.” - Kae, 15

“I haven’t been to schools in three weeks, dealing with these principals. They’re sugar-coaters. If you’ve got [unintelligible], weed, mace, contraband, oh, you’re sent out of school. You’re gone. But when it comes to the real shit... to our mental health and us reporting stuff, they’re not gonna do nothing.” - Barbie, 18

“Some of the staff don’t make too much about it.” - Kiwi, 13

“Staff should be more caring and stop disregarding it.” - Flynn, [age withheld by student request]

“I think it should be taken seriously, and I mean, personally, I don't have an experience of making a report or complaint about sexual assault, but I do think that sexual assault complaints don't get taken as seriously as other complaints.”  
- Cherry Blossom, 18

“We took it [prior sexual harassment] up to the principal, the vice principal, and we were trying to have it handled and nothing came of it and it felt like all of the staff members avoided me from there on out.” - Poppy, 14

“Taking students more seriously when we talk about this. Some people might not feel comfortable sharing at home. They might feel better sharing at school.”  
- Ari, 15

“I think it was because there were no consequences for what was happening so it kept going.” - Cherry Blossom, 18

“The school was putting it on the students to handle. Suspensions for students who were defending. No one was supporting the students.” - Kae, 15

“He [the respondent] only got a slap on the wrist, just don't do it again. He's still going to the school.” - Tiana, [age withheld by student request]

“Everyone at [redacted high school] has been or know's someone who has been assaulted. Out of 2,000 students, I guarantee you every girl has one friend who's been assaulted.” - Green, 15

“[A student] got sexually assault by two people. They were still walking around the school. They ended up just closing school for two days.” - Kae, 15

“So, I ended up receiving my legal no-contact order... I cried of joy.... Breaking a no-contact order is breaking the law and my assaulter was breaking my no-contact order while we were in school. And so I was informing school, like, ‘He's breaking the law.’... and they didn't ever do anything, so I had to continually go to the police, over and over again, making reports that didn't go anywhere. So, it's frustrating. So, since they weren't doing anything, I filed a Title IX complaint, but they didn't go anywhere either. It's so frustrating when you keep on running into wall after wall after wall after wall after wall. And you just look hope, kinda. And you just give up. Thank god, I eventually got him expelled from the school.... I feel so lucky that I had so much support in my family and my friends, because I definitely would have given up. But Title IX, I feel like the offices are so overworked.... I would make it so the court process is easier where you don't feel this pressure to talk. I didn't want to speak in my court hearings, but I had to. It was really traumatic, like, more traumatic than my actual assault. And also, have help from [redacted police department],

where they actually take the case and look at it.... I probably would not have gone to [redacted police department] if the school actually enforced the no-contact order.” - Lake, 15

“He posted a threat, like, ‘I’m gonna hurt everyone that hurt me. You guys have done nothing to make my life hell.’ I was a very threatening message and it was very clearly directed at me and other people that had addressed it [the assault]. So I saw it over the weekend and... [A coach] took me to office and I was talking to one of the vice principals and they were interviewing me about it and... they were like, ‘This isn’t really enough that we can go off and do anything about....’ And I was like, ‘Okay, well, I mean I feel threatened by this. Other people feel threatened about it.’ It was right around the Ingraham shooting that happened, so we were all kind of on edge.....” - Green, 15

“Making the process... it’s so convoluted. I know a lot of it is for legal reasons, but a lot of it ends up in no repercussions for the abuser, whoever was doing the harm to the person. There’s a lot of directions where nothing can really happen. Knowing, in the end, you will never be in a classroom with this person ever again. There’s a lot of directions it can take. It’s a choose-your-own-adventure kind of thing. But a lot of the endings are ‘This thing has been reported and we can’t really do anything.’” - Crispy, 17

“I know a lot of people have reported stuff and it’s basically been brushed under the rug, like, ‘Eh, no, that’s not a problem. ’or they’ll say ‘We’re doing something about that. We’re looking into that. ’And nothing ever happens.” - Bob, 17

“Seeing other people report things as little as bullying and still... like not getting taken seriously.” - Charlie, 19

### So Students Don’t Feel They Need to Seek Justice Themselves

“Them supporting the kids instead of... it wouldn’t have been a protest, things wouldn’t have gone that far. Instead of locking them out and all of that. [Support looks like] hearing them out, being there for them, sharing their story, [but] not putting their name out there.” - Pinky, 15

“There’s even a Google doc filled with names of people who are known sexual assaulters and rapists at my school that sometimes people get sent just because they need to avoid these people, and sometimes it has like screenshots or anything just cause we need to be...as students we inform each other, because the school itself does literally nothing. That’s why I’m talking.” - Tarot, 17

“Last year there was a protest at this [high] school. I went to [redacted middle school]. We could see from down there. We wanted to engage. We’re two different districts. We

talked to one of the school boards. They said they couldn't do anything about that. We left it at that.... They said they couldn't talk about it." - Kae, 15

"Victims and survivors and allies and such were writing names of rapists on a list and posting them all over school and it was getting longer and longer.... And Mr [deliberately garbled] was tearing them down.... So then they went to posting them in the bathrooms, in the women's bathrooms, inside the stalls... just trying to get these names out here so they could be held accountable...." - Pink, 16

"This was our first school year after the pandemic, so it basically two, three years of abuse that no one had talked about." - Green, 15

"A middle schooler held a protest at the field. The school district forgot about it and haven't talked about it since." - Tina, [age withheld by student request]

"I feel like they didn't hear the voice we were throwing out. It seemed like they didn't know what to do about it. They were just kind of quiet." - Meya, 15

"Having these survivors seeing the names of people who... had taken so much from them, seeing that name on a list, knowing that other people would see that name on a list... was so validating, like, now everyone knows what he did." - Pink, 16

"And there was so much outrage, like, 'What if there's false accusation?' 'What if it's not true?' We could ruin their lives—after they ruined ours." - Blue, 16

"Someone I know said someone did something to her sexually. It got said on the microphone thing. I can't remember if they were throwing things at him. [interjection: "I think he got jumped."] It was a lot. The girl was just shouting his name. I guess it ended up not being true." - Tina, [age withheld by student request]

"[I wish schools would] take action and take responsibility." - Anonymous teenage student

"This is all very productive. I'm glad we're here [in the listening session] but, in reality, this should not be our responsibility." - Green, 15

"It is our responsibility, and that sucks." - Pink, 16

#### With Prompt and Transparent Investigations

"Maybe saying they'll investigate as soon as possible and saying something specific on what would make that [prompt investigation] not possible." - Anna, 16

"If you're postponing it for 3 months because you're trying to hire a teacher. That's not the priority. The priority is making sure that people feel safe."

- Anna, 16

"We just said, shouldn't it be sooner? Like, priorities... this piece of paperwork or this person who's actively looking for help?" - Purple, 16

"I told my parent, and that was very traumatic, and then the police get called and they were supposed to interview me. And then I never heard any follow-up from them again. So it's on record, but I don't know if it was reported. I don't even know the specifics of it because I never got any more information about it.... It was my case, but they couldn't give me information. I would want more transparency through the whole thing." - Green, 15

### That Do Not Involve Victim-Blaming

"They're going to a teacher for support, just being denied or victim-blamed."  
- Robert, 17

"[I would tell someone at the school] if I knew they'd take action about it, instead of just saying, 'Oh, you'll be fine, it's because of what you're wearing' or 'cause of your body or something. [They should] take more time to acknowledge that what happened did happen and it was most definitely not the victim's fault." - Sage, 12

"I remember an incident happened when I was younger and I just told myself, 'Why was I wearing a shirt so short?' 'Why was I wearing pants so tight?' I didn't tell anyone about that, but now, thinking back on that, why was I blaming myself?" - Gardenia, [age withheld by student request]

"It's just extreme where everyone's bullying the rapist or everyone's supporting the rapist. And then the victims get caught in the middle, where it's like if they get bullied, [the] people that aren't bullying them, they're blaming you, saying you ruined their lives, saying you're ruining their high school experience. 'How are they ever going to college?' 'How are they gonna get jobs?' 'You know, that's gonna be on their record.' And then, on the flip side, if everyone's supporting them, you're a lying whore." - Green, 15

"Someone that I know had reported being sexually assaulted and the school wanted to punish the person that was assaulted and remove them from the class, basically remove them from the situation instead of the person who actually did it. And it was really upsetting because the person that it happened to is someone that I know very well. And the kid that did the assaulting, nothing happened. And the school even threatened to call the cops on the person who made the report for reacting to the person who assaulted them.... Instead of punishing him, punishing the student who was doing it.... Should I give more detail?... So, there was somebody [that] everyone in the class was harassing, would play with his chest and stuff, and was making him super uncomfortable and they just wouldn't stop and the person kept saying 'Hey, stop it. Knock it off.' And the parents kept saying, 'Hey, you need to remove this student or something is going to happen. It's not gonna be good.' The student continued to push and the kid that was being assaulted

turned around and kicked the kid in the balls. He went home with an ice pack between his legs, after throwing up on the floor, and the school wanted to punish the other student for it.... They called the cops and everything. He ended up just leaving the class because it was better for him just to leave it, but I don't think anything actually happened to the student [who committed the initial assault]." - Bob, 17

"He [the vice principal] said 'It happened years ago. I think it's time for both of you to put it behind you. This has been hard on both of you.' A lot of language where it was a mutual harm thing." - Green, 15

"Green was talking about how they [administrators] were protecting the person that was harming them and that happened a lot with me too. One of the administrators told me that I was attacking my assaulter by creating a no-contact order and that they were the actual victim in the situation because now they couldn't have a social life and they couldn't have friends." - Lake, 15

"Let's say someone were to be sexually assaulted, you know, but it was while they were under the influence.... They probably don't believe them. And they're like, 'Oh, you chose that.' That happens a lot." - Mai, 16

"What is helpful is that the districts actually try to fix the problem instead of just... making it out to where the victim is a liar." - Charles, 13

### Or Intimidation, Retaliation, or Punishment of Survivors and Their Allies

"I felt very attacked by the entire situation [with the vice principals]. There was a lot of... victim-blame language. It's not just straight-out victim-blaming, but there are so many phrases that have been used to silence victims that it felt very pushy. You know? And then I feel like he was trying to coerce me into signing a no-contact agreement.... It was basically words, like, I wouldn't be able to talk about my abuse at all or post about it or anything. Otherwise I could be in trouble or be suspended.... And I was talking about it and I was asking more questions and I was, like, 'What if I don't sign this?' And he was, like, 'That would reflect badly on you because it makes you look like you would want harm to come to them.' And I was like 'I just don't want to be silenced. I was quiet for so long about it. I don't really have any protection from police or anything like that. My voice is my only protection from them.'... And I ended up not signing it.... It's definitely a slap in the face for them to be, like, 'Okay, well, for us to help you, you need to shut the hell up.'" - Green, 15

"Last year there was a protest at this school.... It seemed this school didn't do much. It seemed mostly they were getting mad at people who were protesting."  
- Kae, 15

"The principal told them it was their fault. Having that kind of experience and being expelled afterwards, that shows there's a problem." - Crispy, 17

“[T]hey did make me sign a no-contact order for the school where I wasn’t allowed to talk about it, so when I did tell my friends... I got in trouble.” - Lake, 15

“[During the protest] they were locking students out because it was lunch time. ‘You’re absent for a class, you’re absent for a whole day.’ Something about attendance.” - Tiana, [age withheld by student request]

“I remember defending some girls that went through some sexual violence. I remember sharing their experiences, because they didn’t want to. The school marked me absent and I wasn’t able to play my baseball game. I remember calling out this dude who slept with a sixth grader. They liked my boldness, so they asked me to share for them too. I’m pretty sure they [the administration] heard because I was pretty loud on the microphone. I went up multiple times.” - Nikki, 14

“It’s about the protest too. I remember there were some kids who were getting suspended or getting detention or expelled because of that. My friend’s brother sexually assaulted her. I went to tell the counselor because she was scared to. She didn’t do anything about it. She didn’t even tell her Mom about it. She wanted to counselor to be there for her and comfort her.” - Pinky, 15

## Students Want Protection from Sexual Assault

### In High School

“I still ended up going to school with them [the two respondents].... I saw them at school, and everything. I didn’t have any classes with them at that point, but still, they were there. And there was talk of them wanting to jump me, kill me, go to my house....” - Green, 15

“Apparently, they [the vice principals] had a meeting with the kid that reposted [a separate threat]... and he walked into the office in the middle of that, like into the room. He knocked on the door. I heard his voice and — panic attack. Like, they knew he was coming.” - Green, 15

“Sad room” or “safe room” with “a couch” “bean bags” “LED lights” “puppies” “a diffuser with scents... so many scents...your choice” “blankets” - Multiple teenage students

“Having the negative feelings, I had felt after that [sexual assault], being more widely accepted. There had been a lot of, well... one main instance of having this really awful view of feeling depressed projected onto me in a classroom full of students. I just... I would change how the school viewed negative thoughts.”  
- Poppy, 14

### In Middle School

“When I went to [redacted middle school]... remember when they used to do the Slap Ass Friday thing and the other thing, Touch Titty Tuesdays?... I did [seek support from the school.] They said it was only one day out of the week. But it was two days out of the week, Tuesdays and Fridays, so every other day.” - Lisa, 18

“I do think sexual assault awareness is very important for kids especially for adolescents and kids in middle school... For my middle school, personally I had like a lot awareness assemblies and sex ed but it was never about sexual assault.”  
- Cherry Blossom, 18

“I think middle school is especially bad because they [administrators] don’t think about it. They don’t think their students are going to be super sexually active. In high school there’s condoms everywhere. They know. They know what’s happening. But in middle school they’re not thinking about it. When they see it they’re like, whatever. They’re just kids.” - Blue, 16

“I have also heard of people taking photos of people’s genitals as well. That recently happened and there was a rule installed, you know, put in place for it. So now students are not allowed to take any devices they have to the bathroom.”  
- Tae, [age withheld by student request]

“I just don’t think that administrators — in middle school, especially — they’re not trained to think about it. Because, it’s middle school. They’re tweens. They would never....” - Blue, 16

“In middle school and stuff it was just so normalized to see those kind of things or have it happen.” Blue 2.0, 17

“Last year there was a substitute and everyone in the class, almost all the girls, had a crush on him and they were all stalking and then they would find out when he was coming back to the school and they would find his social media and I heard that he was messaging some of the people on Discord.” - Unicorn, [age withheld by student request]

“I think, with my middle school... when they saw the [threatening] post, I think the best course of action would have been for a teacher to notify me first. To be, like ‘We’ve seen this. We do need to bring this to the attention of your parents. And at least give me the opportunity to tell them. Then organizing an in-person meeting to talk about the issue” - Green, 15

“Going back to [redacted school] and middle schools in general, there way this thing called Slap Ass Friday and no teacher ever said anything about it. Did that happened in [other redacted middle school]?” - Blue, 16

“Yes, it did.” - possibly Lake, 15

“Administration was so the opposite of proactive and at least some administrators saw it. There were plenty of cases in [redacted elementary and middle school] too. Plenty of staircases. So you were completely exposed unless your backpack went all the way down. I know it happened to me. It happened to every girl that I know and, literally every administrator, no one ever said anything about it.” - Blue, 16

“I remember one time, on a Friday... we had four staircases and there would be administrators at each staircase during school just to kind of keep kids in class. And there was one incident that I was in where the doors, they would be open. So, you know, when a door's open, usually it's on a wall, so there's lot of space behind the door if it can't open all the way. And so that space behind the door became terrifying to walk past because of the fact that teachers couldn't see you in that space. And I had a many year long manipulative abusive thing with a fellow student and he loved to take advantage of those spaces behind the doors because, although people could see feet, it would just be, like 'Get back to class. Get back to class.' But then it wasn't about getting back to class. Class was a safe space. Because he wasn't in my class. He as far away from my class. But that manipulation led to me missing class. And the fact that they seemed blind to it because obviously it was happening.” - Pink, 16

“I remember, an administrator was walking by me and so was the boy and it was a Friday and I think we can all understand what happened. Nothing. Not a word. Not an 'Are you okay?' Not a 'Hey, don't do that!' It was just, like, walking past.” - Blue, 16

“One time a teacher was out for a while, so we had this permanent sub and the guy that I was in this three year thing with was in this substitute's class... and sometimes I would peak in so I could talk to my friends and one day I went into school and my turtle neck wasn't turtle-necking enough and so the teacher was like 'Oooh, had some fun didn't we?' And it was just, like, 'No, I did not have fun, actually. I had the opposite of fun. It was not fun for me and I was really scared.'... And just like, oh teenagers like to be sexually active. It's so fun. Teenagers are only ever thinking about sex. And it's all we want. And I ended up failing two years of middle school because... I was so afraid to go to school because he was inescapable. There was no way for me to avoid him. When you see an eleven year old with bruises everywhere and it looks like they've been in some serious physical shit and you're like 'Oooh, had some fun?' No, I'm a child. I'm not having fun.” - Pink, 16

## In Elementary School

“I remember in elementary school I had a friend and there was this one guy bothering her and he we touch her waist and thighs, all without her consent, and that was during recess and there was a teacher right there staring at them but the teacher didn't even do anything. The teacher just stood there. And once she tried to tell the teacher. They just said, 'Oh, I'm sorry that happened to you.' And they never do anything. They never do anything to solve it. [The teacher should have] stood up, tried to prevent him, said 'Don't do that! Don't touch her.' But they aren't stopping anyone. Also, I remember, there was a tree that me and my friend would often climb and that teacher would yell at us for

climbing the tree, but he wouldn't do anything when there was a guy literally touching a girl without her consent." - Gardenia [age withheld by student request]

"No, but in elementary school boys would grab girls' bra straps and there was nothing done." - possibly Pink, 16

"Mind you, I'm just moving from [redacted state] to Seattle, so I don't know anybody, and we're in fifth grade and he always used to touch me. And I'm like, 'Bro, I'm brand new. Can you let me breathe the Seattle air for two seconds? And he was just trying to put his hands in my shirt and pants and stuff like that.'" - Lisa, 18

"I was in elementary school. I'm not sure what grade, maybe third or fourth grade. I had been walking through the library and there was this guy behind me and he smacked my butt and it made me very uncomfortable. I think the teacher saw it. I still know them to this day. I would like them to ask forgiveness or teach them not to do that." - Violet [age withheld by student request]

"Hearing everyone share their story has made me kind of confident about sharing mine. Last year I was in a relationship. Ace knows about this. I was in a relationship that I really regret and he would always touch me in places I did not give him consent to and it made me really uncomfortable. He'd always try to do things to me. So, I did end up breaking up with him." - Sage, 12

#### And from Respondents Employed by the School

"And even, oh my God, just reminded [me], even a teacher, even a teacher had, I think, between 12 and 24 allegations against him. For actively, sexually assaulting students, and they let him off instead of like punishing him. They let him off on quote-unquote early retirement" - Tarot, 17

"I know that there are staff members who students feel really uncomfortable with and they feel like aren't a good person. And I know that several students have reported a teacher and nothing happens and then they get a higher position, which is even worse. But if a majority of students make a report on a staff member, if there's a concern, if the staff member actually got removed.... I feel like there's a lot of staff members that get away with a lot 'cause of the position that they hold." - Bob, 17

#### Including Through the Use of Security Cameras

"Cameras and all of that. We like that one.... That should be everywhere."  
- Jamarcus, 15

"I think schools should start putting security cameras in the hallways so they can record if something bad happens and they can bring it to court." - Poo poo shat shat, [age withheld by student request]

“I do know that there are cameras in hallways [and] I do think there **should be cameras in the classrooms**. Security isn’t really on it most of the time. Security, like security guards, are only used when there’s a lot of people moving around, like during lunch time and, I believe in the beginning and after school as well, but not just in general.” - Tae, [age withheld by student request]

“One thing I want to say, that was actually helpful of [redacted high school] to do, because they had that video of me and my [unintelligible], they had that video on a school security camera of outside. I mean — they saw it! They knew. And the fact that they didn’t show me... that they didn’t bring me back to that place, was really helpful. Because, if I had seen that again, it would have been like going through it all over again.... So it was very affirming that they were, like, ‘We know that this happened. We believe you.’ And **it also sucks that they need to see it happen to know it happened.**” - Pink, 16

“What could be helpful, I thought was **increased security** and monitoring.” - Snow, 14

## INFORMATION

### Students Want to Know:

#### The Reporting Process

“Yeah, it's not clear at all. Yeah, there's no set plan. I think the best that they would probably tell you to do is go file a report with your counselor. But there's no set process. If I wanted to make a report I would have **no clue where to go.**”  
- Jaanya, 15

“I think it’s just that **I never was taught on any procedure** on how to report sexual assault... I just thought it was just normal. Like it’s just how everything is and I was just a little girl.” - Cherry Blossom, 18

“I also think there’s a really **big gap in educating kids on the [mandatory] reporting** process and what leads to reporting. That is what leads to a lot of kids feeling ambushed... because they just don’t know how it happens and what those triggers for reporting are.” - Green, 15

“I feel like if the school had... **outlined the steps** and what happens when you are **reporting sexual assault** and made it really clear I think I would have been a lot more open to talk....”  
- Poppy, 14

“The process and knowing what is going to happen beforehand. So like the person who reports knows the process and knows what’s going to happen so there is no like surprises or questions.... It’s just not a subject that is talked about much.... **Students just want to**

know the process and want to be informed. And it's not too much for us to handle, we want to know... like how we can report." – Charlie, 19

"I think it needs to be a lot clearer to people what happens, what is to be reported and what isn't. Until recently, I didn't even know at all that.... It's just unclear what needs to be reported and what isn't, especially to a lot of younger people." - Saoirse, 17

"I wish there was more knowledge around how to report it and what the process looks like, and what happens next, would be great along with being really open and transparent about what the school can do and what support measures are in place." -Poppy, 14

"There was no kind of steps or anything, just kind of nowhere that we were educated on, where to start or who to talk to." - Rain, 20

"I think that students should know the process and they should be aware of... what happens next and what happens if they do report and where they can report..." - Charlie, 19

#### Who and Where They Can Get Support

"If that mandated reporter [needs to make a report], they should say, 'This is who you need to go to in order to have that support and know your rights. 'Have that person who reported it tell you where to go for support. Because then... I had no idea who to go and talk to. Or, how do I get the support that I need?'" - Daveie, 17

"There are crisis response phone numbers on the back on our schools IDs, but they don't verbally talk about it." - Kianna, 15

"Oh, I would love to have...I wish that I didn't have to find myself a therapist, you know? I wish they helped me through that process of finding it there. I wish I had support over the summer." - Me, 19

"I feel like supported would probably be like, let's say it happened in your house, like 'Okay, do you need a place to live?' 'Do you need a place to be?' 'You know? They could help you with that. Maybe ask you what you want to do about it. Like if you just want to leave your house and don't want to get the other person in trouble for it. Or at school, 'Do you feel safe here?' 'Because you can't stop going to school.'" - Mai, 16

"My school didn't really show support to anybody with sexual assault issues or domestic violence issues.... They never said anything about any kind of provided support. There wasn't any mention of our domestic abuse shelter here in my town there was never any kind of resources offered publicly without you having to ask for it" - Jade, 17

"[The 3205P procedure] doesn't explain what that means [to have an advisor]. I can kind of guess, but it's not really obvious." - Anna, 16

## Who to Report to

"We didn't actually have any knowledge... if there was anyone to report to."  
- Rain, 20

"I think that students should know... that counselors are not just for mental health concerns or bullying concerns, that... you can also go to them for different subjects, such as sexual assault. So just more informative to the students, so that they know their options." - Charlie, 19

"I feel like if the school had outlined that it is okay to talk to teachers about this... I would have been a lot more open to talk...." - Poppy, 14

## The Effect of Their Report on the Person They Are Reporting

"I wanted to get official writing. I wanted to get official sheets and stuff. I wanted to get very...just... I wanted to know exactly what would happen to this person. I wanted them to put it in official writing and send it to me, so I would know exactly what would happen. I want to know exactly. How is this going to affect him in the future? And how... what [is] the school is gonna do about this problem in the first place and what the school will do to prevent it in the future?" - Tarot, 17

"I don't want anything to happen to the other person, I just want someone to confide to and it just seemed like most of the time if you tell someone they are just going to automatically report like what happened." - Blue 2.0, 17

"The intent behind mandated reporting makes a lot of sense. But I know people. They need a safe space to talk to. They don't want to risk having something they said end up criminalizing someone." - Crispy, 17

"So just, including the people who've had these experiences in... what to do about it and seeing where they're at. Because I wasn't in a space of 'Let's get this kid!' Like, I wasn't in that space yet." - Pink, 16

## When An Incident Has Occurred

"Make it known. I understand the need for confidentiality, but make the situation known — 'This is how we handled it.' Show they actually care about their students. Also just to raise awareness about it, you know?" - Jude, 16

"Yeah. Why am finding out from a friend instead of the higher-ups?" - Mohamed, 16

## What Healthy and Unhealthy Relationships Look Like

“Supporting survivors after abuse happens, but also addressing it before it happens as people, children, students go through sex ed... that they are learning about consent, the importance of it, partner violence – earlier, especially – addressing the root causes.... Part of that is that students are part of making the curriculum.” - Robert, 17

“We talk about consent in health class and how consent works. For example, if you are drinking or drugged your consent doesn’t matter. Even if you say yes, it doesn’t really work that way. That’s all that I’ve known in school.” - February, 14

“Sexual assault games that young kids play nowadays... Everybody that I associated myself with kinda was a victim of those games” - Cherry Blossom, 18

“The girls who have had things happen to them, and they’re sitting here like, ‘That’s a real thing...’ ‘Oh, now I know what coercion is.’ ‘This actually happened to me.’ ‘Now I know how manipulation can effect—even if I said ‘yes,’ maybe I didn’t [mean to.]’ ‘Oh, this isn’t something normal.’” - Blue, 16

“The topic of sexual assault awareness I think if it was taught more I think it would definitely have made me more aware and more courageous to report.” - Cherry Blossom, 18

“I don’t think [redacted school district] and this country, in general, they don’t realize how much the building blocks of education and learning social stuff works because — elementary school teachers, middle school teachers, especially — they are setting the building blocks for what, I’m gonna say young men.... they don’t account for the fact that [they’re] the ones teaching them consent. It’s not a huge conversation at home yet, certainly not with boys. With girl’s it’s becoming a conversation.... [But even] I had no idea this stuff was wrong.... I think we need a lot more education in schools, especially middle schools, about assault and abuse and teen relationships. When you hear about abusive relationships, you think, ‘Oh, a wife and the husband beats her,’ but in reality it can be two thirteen-year-olds.... I feel like the only conversations that happen about it are after the fact, are reactions, instead of prevention.... And the media really hyper-sexualizes teens, so like a lot of women I feel like have sex and stuff in unhealthy circumstances because they feel like that makes them an adult.... [W]hen you’re traumatized, you’re trying to make yourself feel older....” - Green, 15

“These very rudimentary things, which is important, but... it didn’t touch on sexual violence or in relationships at all. There was nothing about that.” - Crispy, 17

“Our demand was that students, especially [school name redacted] high school students, would collaborate with curriculum-makers on better curriculum on consent, grooming, partner violence, terminology.” - Robert, 17

## Students Want to Receive This Information:

### At an Annual Assembly

"Something like an assembly or something, letting students know ahead of time. Because when you're actually in that situation you get just bombarded with all this information, like here's your [unintelligible]. These are your rights. And I'm like, 'Woh.' So it's good to... if there's an assembly at the beginning of the year that's like, 'Hey, if this happens, this is who you should talk to.' Because in the moment when it happens, it's just so much information. You don't know what to do."

- Rickn't, 15

"You know, we usually do homecoming assemblies and dance assemblies.... I feel like there should be an assembly about sexual assault, trans kids, make someone feel some hope." - Barbie, 18

"If there's an assembly, it should be toward the beginning. Because I went into freshman year thinking this school's gonna be safe. I'm gonna make lots of friends. Piece of cake. I went in with a good mind and came out—trauma" - Asunshine, 15

"At least have an assembly about it and bring someone in... just to bring more power to survivors and bring more power to people who have been silenced, like from no-contact orders. Just to have an assembly to bring awareness to the fact that this is a rape school, to bring awareness to the fact that it's not just that one girl in my class that year.... Having an assembly to take away the stigmatism [sic.], an assembly to take away the idea that all of us have that it's rare, because it's the opposite of rare." - Pink, 16

"I feel like all this information should be told to students every single year in an assembly, even [on] the first day or first week, who these people are, where the resources are, people who can help you with different things, where you can find them, all these other things. And, even if your school can't provide that, other resources in your community, even online things that you can access." - Jerry, 14

"It would have to not be situational. 'Cause then it would be, like, 'Oh, it happened once. That was weird. Why did we have that assembly in the middle of the school year?' and, like 'I haven't heard any rumors going around.' Like we had that race assembly after that girl got beat up. Having an assembly as a reaction to something that's happened. I feel like people would be confused. Having them be at the beginning of second semester could be nice." - Pink, 16

"Doing like an assembly where half the assembly is devoted to sharing this information on different topics." - Charlie, 19

"Any sort of visual aid is really important. If they just say their name, if you've never met them, you don't know who that is, you just like, 'Okay' and you forget the name right after. But if you see a picture of them or see them in person at the assembly that can be really helpful, just to be, like, 'Oh, that's the person I go to.' I could strike up a conversation with that person...." - Raven, 17

#### In Class

"Also, we don't want to be throwing all of this into an assembly. 'Hey, if you get sexually assaulted this is what happens and this is what you should do' while a bunch of teenagers are all acting the fool." - Daveie, 17

"Having all the resources and everything be available not just in an assembly, but in the classes that you are required to attend, like in an advisory, definitely." - Anna, 16

"It needs to be a core class, kind of like how we don't learn about our history only during Black History Month because our history wouldn't exist without African-Americans... That's being more spread into the curriculum all year.... [Similarly for] sexual assault, learning in history about women's movements... making it more of a topic that's more regular... rather than, 'Oh, this is something we're going to have to learn about in health class' .... This isn't one thing that should be forgotten. This isn't a one-unit learning." - Pink, 16

"It's more stigmatized if it's select to one area. It adds to the stigma. You're in this class to learn about health. It shouldn't just get grouped in with all the other teen issues" - Green, 15

"Health class, that's one semester. You need a lifetime of learning." - possibly Blue, 16

"Maybe teachers could keep the forms in their classroom. That would help students at least know what's available for them and who the right person to contact is." - Crispy, 17

"The units are less than a week and you do one little worksheet or project on it and it's complete forgotten." - Blue, 16

"There are so many ways for students to hear about it. There are announcements every morning. Teachers could talk about it when going over introductions in the beginning of the school year.... It could be a good opportunity to outline 'Oh, this is what we have in our school.'" - Robert, 17

"This might be outside of the scope, but... sex ed classrooms, having that be part of the curriculum, have a recommendation that this be added to the curriculum... would be really good, really integrating a program like this... would really go a long way." - Anna, 16

“Having the like teachers, like everybody who teaches in the first trimester [sic.] will have a lesson on these certain things or have it available in their classroom or on Canvas.”  
- Charlie, 19

"Empowerment groups ... we talk about ways to empower ourselves, protect ourselves, notice behavior"... "our mental health"... "healthy and unhealthy relationships"... "stress coping." - Multiple teenage students

#### In Administrative and Counseling Offices

“I assume they have forms in the counselor’s office. I haven’t actually checked. They have a lot of forms, so it’s hard to tell. - Cody the Penguin, 17

“Maybe just having a poster or sign about them in the counseling office, but no one really knows where their offices even are.” - Crispy, 17

"Pamphlets in a little basket on a desk in the high school by the counselors' table, so something like that that was available by the front desk [with] a verbally clear title on the front..." - Jimmy, 18

“Like a pamphlet or something... that they could be handed to like once they transfer and let’s them know that these resources are available.” - Blue 2.0, 17

#### In Bathrooms

“Maybe the idea of having posters up around the school, in the hallways and the bathroom. Students see posters in the bathroom and they remember. It’s just a really easy place to get the information.” - Cody the Penguin, 17

“I think having posters in the schools is a good one, just because it's accessible for everybody” - Charlie, 19

“On my campus... they have them in the bathroom... just a little card you can take and it’s in all the stalls and it’s somewhere where potentially someone who did something to you wouldn’t be.... There's one for 911 and there's one specifically for sexual assault, which I think is super awesome.” - Charlie, 19

#### By Email and on the School Website

"Email" - anonymous teenage student

"Google form, email" - anonymous teenage student

"I feel like email's not the best way to communicate with students." - Crispy, 17

"Having it on the website where the parents would be and sometimes the students go through there" - Charlie, 19

"Even a QR code and then - boom! - you're on the website." - anonymous teenage student

"[A] tab on the school district's [web] page" - Jimmy, 18

## Students Want to Understand

### The Policy Documents That Affect Them

"Readability's just a huge issue [for the 3205P]." - Anna, 16

"It's difficult to read and it's not how people talk. That's kind of present throughout all this [3205P]... It's one thing if you mess up on your grammar. It's another if it legitimately hurts someone's ability to read it. Even if it's technically correct, no one's going to understand that." - Anna, 16

"Oh my Lord! If children are going to be reading this and hopefully understanding this, it is not doing its job." - Biscuit, 17

"It took so much time [to read parts of the 3205 and 3205P]. We were unpacking each thing. Someone who's been through that, particularly a younger person, a child younger than us, is not going to be able to want to read these things and get through that. It's going to be really challenging." - Saoirse, 17

"This one [set of 3205 and 3205P definitions] was extremely confusing. We only made it through a couple of them...It just doesn't make sense overall." - Biscuit, 17

"In my group, we were trying to decipher these odd overly-specific texts. And so, because of that, we weren't able to go over the rest." - Biscuit, 17

"That's a lot!" - anonymous teen student

"I read all of that and I was like, 'What?'" - anonymous teen student

### ...Achieved with Brevity, Specificity, Examples, and Conversational Tone

"Seems like it's [3205 and 3205P definitions] trying to skirt around the topic, rather than say it very directly." - Biscuit, 17

"This one's really clear [in describing how to submit a complaint], mostly because it's concise." - Anna, 16

"While it makes sense not to have triggering language, it also needs to be clear about what it's talking about." - Biscuit, 17

"I really like how they stress that it would be prompt. Maybe being a little bit more specific on what 'prompt' actually means." - Anna, 16

"Third parties...What does that mean? What would be an example?" - Raven, 17

"It needs a little more clarity and context ... but, I mean, it tries to get the point across." - Jamarcus, 15

### What Supportive Measures Mean

"Unclear what is the training [supportive measure]. Is it meant to stop it happening to other people? Or help them with recovery?" - Raven, 17

"We thought this [supportive measure of a statement from a staff member] was great. We loved it. We thought it was a great thing to do, but also we were a little confused what was meant by 'staff member'. Do we get to choose the staff member? It is just a person who has this job? What's up with that?" - Jerry, 14

"You know, the sticky note says 'Need more info. I'm confused.'... So, you know, a little bit of context [about safety planning].... That's our overall theme."  
- Jamarcus, 15

"Great. It's clear and I think it's good. Being able to modify the schedules to make people feel more comfortable to be able to do school work...." - Raven, 17

"We said this [mutual restrictions on contact] needs to be more clear. When I read that I think, so [do] they both need to agree on whether they see each other or not? That's what it means to me when I see the word 'mutual'. It just doesn't make sense.... They're giving us all these weird words." - Jerry, 14

"What building [for the general public statement]? Does it need to be a specific building? [laughter]... It's very confusing and we have no idea what it means by 'a building'." - Raven, 17

### What a Title IX Coordinator is

"I mean, the Title IX Coordinator, I didn't know who that was for me. No one ever told me what that was. I had no idea. And if I had known there was a Title IX Coordinator in my school I would have probably told them when I was going through something. But I had no idea." - Daveie, 17

"What's a Title IX Coordinator? Are they like an attorney? Is there a Title IX Coordinator in every school?" - Raven, 17

## Differences Between Student-Student and Student-Adult Incidents

"Also, it's very unclear when it's talking about a student-teacher kind of situation vs. student-to-student vs. student-to-another adult. It's so confusing what it's talking about. And also, it kind of blends those things together and also separates them in a really odd way and I think it should be concise about what types of relationships have what types of consequences." - Oliver, 16

"This [3205P sexual assault definition] is mostly just explaining sexual harassment as almost, like, favors or something, or an adult pressuring a student.... This makes it seem like it's only an adult or teacher. And, honestly, no. Anybody can sexually harass anybody." - Biscuit, 17

## POLICY

### Students Want to:

#### Change the Age Limit for Mandatory Reporting

"This has been a thought for a while, just with mandated reporting. I just feel like there's kind of a gray area for people who are more on the mature side who maybe don't want to be reported safety-wise or don't feel like it's a good idea to report or for personal reasons. In a perfect world, maybe pre-teen to when you're a legal adult you could have a little more of a conversation with whoever you reported to of, like, I don't want to go to the police quite yet, until I'm in a different housing situation or, you know, something along those lines. You know, that has been my one thought with mandated reporting." - Jimmy, 18

"We talked last year, when we first started this group, about mandated reporting. We all came to that conclusion about the age that you should be able to decide. You reach a level of maturity where you realize this is not safe for me to report. I don't feel like I am able to deal with those consequences yet. But I want to share." - Dave, 16

"I think this mandatory reporting would be particularly beneficial for people who are at a young age and may be unable to report it or know there is something wrong actually happening to them.... For people under the age of 13-ish it would be helpful, because under the age of 13, for me personally, I didn't know things related to sex." - Sea Salt, 17

“That sounds a lot better, like a lot of the legal stuff, like mental health counseling. You’re 13 and above, you don’t need to tell your parents [unintelligible]. It’s a good age. It makes sense.” - Cody the Penguin, 17

### Make Reporting Not Mandatory, but by Choice

“I was just gonna say that a little more flexibility with mandated reporting should definitely be introduced.... Because if that’s not safe or if that’s not what you need to happen or that doesn’t work for you, whatever it is, there should be a little bit of flexibility around it.” - Jamarcus, 15

“I don’t know how we can go about fixing that, because the whole point is that there is no subjectivity so it’s always something that’s going to be consistent so you can know that if you do tell your therapist she is going to report it and you are going to be okay. It doesn’t always work out that way and it can be hard.” - Anna, 16

“Also, with mandated reporting I feel like it definitely drives some people away because they don’t want it to be reported or people knowing about that... but they still need help.” - Raven, 17

“But also, I do think it’s important to protect students ’safety. So I don’t know if I have a great alternative for mandated reporting. I think there are definitely scenarios where it can be very important, but it can also be very harmful.” - Crispy, 17

“I think we need to have a standardized questionnaire, almost... I feel like it would be very useful to have a packet. Here’s all the information we need to know for this report. Here’s space to write any extra stuff. And then that way you can do it in a safe space, instead of being in a room with no support. You could do it with your therapist. You could do it with your parents. You could do it with a close friend.... I feel that [now] it’s very on the spot, which leads to a lot of ambushing.... So definitely, a more standardized way to report it.” - Green, 15 (*original emphasis*)

### Replace the Term “Complainant” with “Reporter”

"What word should we use here?" - Facilitator

"Well, not complainant, obviously. It's like, oh, I was just sexually assaulted. Let me complain about it. Maybe, reporter?" - Biscuit, 17

"Tofu had a question about complainant here. She thought it could be replaced with a more formal word, like a report, instead of complaint, because a complaint sounds like some grumbling that happens in a casual conversation." - Sea Salt, 17

### Change How Sexual Assault and Harassment Are Defined

"In conversations I've had with other people, sexual assault and sexual harassment... it blends together. These definitions weren't very helpful." - Biscuit, 17

"The way it's phrased [in the FBI definitions referenced in the 3205P], it seems like nonforcible vs. forcible sex offense are the only form of those things, which is not true at all..." - Biscuit, 17

"It's too oddly specific." - Oliver, 16

"Sexual assault, this annoys me a lot. Sexual assault, it's not just rape. It's not just the very extreme stuff.... It's not clear because we're not taught. A kiss could be sexual assault." - Biscuit, 17

"I think it's better to have something that doesn't [try to] cover all the bases."  
- Anna, 16

"If it's going to have specific examples, it's going to have to cover a lot more of them, because there are a lot." - Saoirse, 17

"This [3205P sexual assault definition] is mostly just explaining sexual harassment as almost, like, favors or something, or an adult pressuring a student.... This makes it seem like it's only an adult or teacher. And, honestly, no. Anybody can sexually harass anybody."  
- Biscuit, 17

"We think it should be a lot simpler, a lot more concise, but also covering a broader range of topics." - Biscuit, 17

#### Shorten the Time Administrators Have to Respond to a Report

"Having to wait a whole month just for a response... that's a while." - Anna, 16

"Two weeks should be the max." - Anonymous teenage student

"We just said, shouldn't it be sooner? Like, priorities... this piece of paperwork or this person who's actively looking for help." - Purple, 16

"Our last one was \*transparent administrative response\* with the victim. That was because of the case of [school name redacted]. I think they were being very vague to the student about the timeline. She was just waiting for answers and a response from administration and never knowing when it would come.... No one really knows that it's a month" - Robert, 17

"Ideally, we'd like it to be faster. I guess it depends a lot on the volume of reports." - Cody the Penguin, 17

"I think, during that time, what admin is doing should be communicated. I don't think it's right to leave someone who's reported – something that's probably really traumatic for them – waiting even for multiple days. Administration, at the very least, should say 'We're doing this action right now. 'And if it's confidential they should say so. A big part of this is – you can't leave students hanging without any answers.'" - Robert, 17

"Even, just, 'We received your form.'" - Crispy, 17

### Lengthen the Time Students Have to Make a Report

"I'm not sure how realistic this would be to change, but that [one-year limit for reporting] is honestly completely unacceptable." - Anna, 16

"If something happened in your freshman year of high school and you miss the reporting window by a couple of days, you're gonna have to spend a full three years with this person in your high school with probably very little you can do about it." - Anna, 16

"Isn't that like a statute of limitations?... I don't think that's really fair because, this crime in particular... it's not like stealing a car. It's permanently impacting another person. - Purple, 16

"It also does not help that this does not explain what happens after one year, whether it's just not the school's accountability, whether you have to go to law enforcement, or if it's just something you can never bring up or talk about after that.... So I think that's pretty messed up" - Anna, 16

"Them [policy-makers] putting that one-year thing. They [survivors] don't get to do it on their own time. It's like there's already this timer that's ticking and suddenly, if it runs out, there's silence forever." - Purple, 16

### Lengthen the Time Mandated Reporters Have to Make a Report

"If the student goes, 'I need to be talking to someone right. 'Student goes in and talks to the teacher or whoever is appointed to help and they just take that time to talk about it, about how that person's feeling. So then, 'In a week from now, '[the support person says], 'I need you to come back in so I can file a report for this. 'It gives the student more time to reflect on it and feel more comfortable filing a report.'" - Bob, 17

"It says here [that] 'the report must be made at the first opportunity, in no case longer than 48 hours. 'So I was questioning, is it necessary for a time limit? Because someone might not be ready to share out a report.'" - Tofu, 17

## Have School-Based No Contact Orders Apply to Entire Districts

“I’ve had a situation where I had a no-contact order and then it, when they switched schools, it went out and we didn’t have one anymore. And I think that is a really big problem.... If there’s any way that schools can figure out how to make a no-contact order, that’s not legal, I feel like that’s really really helpful.”

- Asunshine, 15

“I was just thinking, maybe a way for what Asunshine said to work, is have a district-wide no-contact because if they’re not attending school in [the same] district, it’s probably gonna still be pretty hard for them to physically contact you.... Instead of it just being a singular school no-contact order, with just our administration ordering this have it be more of an every school in the district, no matter where this student goes....” - Pink, 16

“The no-contact agreement definitely needs to change. It’s very problematic.”

- Green, 15

# Appendix D: Final Summary Report of Updates to Model Protocols

## Supporting Survivors Model Protocols

Deliverable 9c: Final Summary Report  
of Updates to Model Protocols

March 9, 2023

### Context

Purpose Proviso [ESSB 5693 § 501\(4\)\(ee\)\(i\)](#) asked Supporting Survivors to update model protocols for responding to sexual assault and supporting survivors in schools.

Conclusion Precise legal language that holds districts accountable makes the protocols inaccessible to students themselves. Students also made suggestions to align the protocols with their definitions of harassment and assault and their needs as survivors.

### Protocols

WSSDA Protocols In the Supporting Survivors RFP, OSPI's Office for Civil Rights (OCR) suggested this deliverable focus on the [Washington School Directors Association](#) (WSSDA) model policy ([3205](#)) and procedure ([3205P](#)) prohibiting sexual harassment of students. Both documents are used in about 90% of Washington school districts.

We used initial student listening sessions to seek feedback on the WSSDA documents and presented the resulting recommendations in a January preliminary report. WSSDA is currently working with OSPI to revise both documents based on that student feedback.

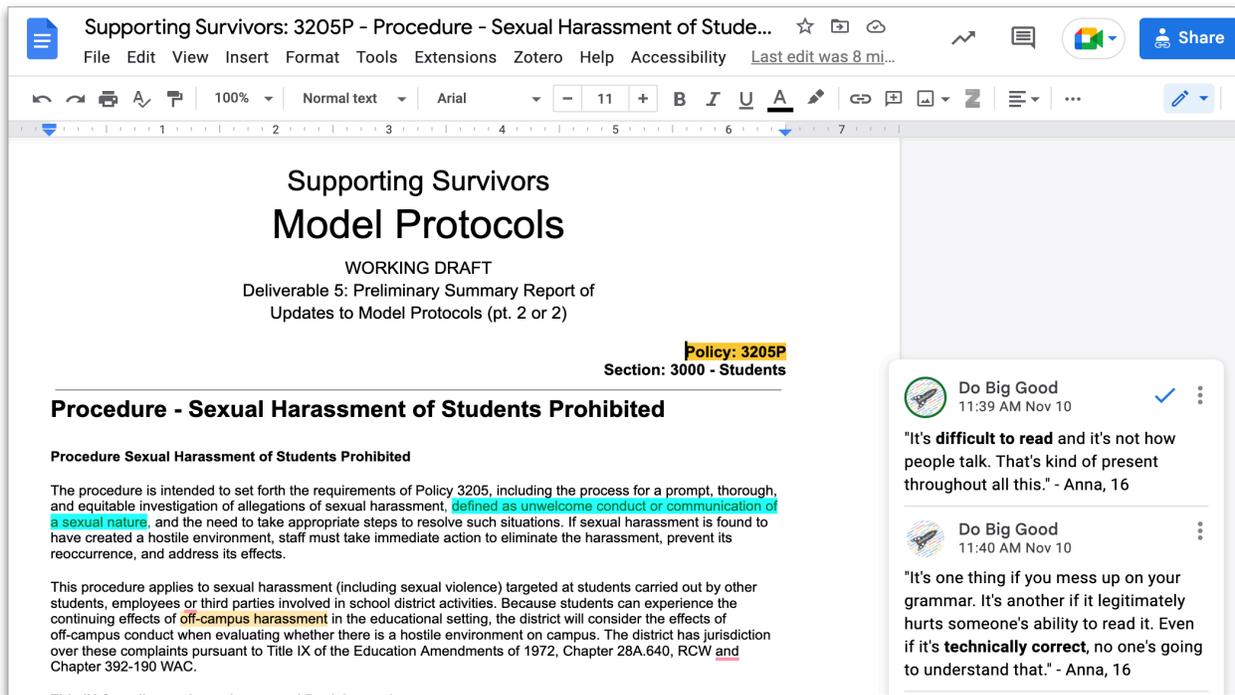
OSPI Protocols In mid-February, OCR asked Do Big Good to use some of the remaining listening sessions to get feedback on OSPI's [Discrimination, Discriminatory Harassment, and Sexual Harassment](#) info sheet and the definition of sexual harassment in [Students' Rights: Discriminatory](#)

[Harassment](#). While there was not sufficient student feedback to do line edits of the two documents, as we did for WSSDA, we have summarized the input we received on pages 3 and 4. Responses to other OCR feedback is on page 5.

## Sources

The updates are sourced from our team’s Title IX expert, Nathan Perry, and the requests of Washington students, shared during the listening sessions<sup>9</sup> previously mentioned. We also consulted with Abigail Westbrook of WSSDA throughout the process.

To be transparent in how student and expert feedback was used to create the WSSDA updates, we developed **digital public documents that link protocol updates to specific student feedback** (screenshot below). All student quotes are shared pseudonymously and with consent.



## WSSDA Protocol Updates

<sup>9</sup> This report reflects the content of 8 group listening sessions and 10 individual interviews with 70 current and former Washington public schools students, aged 11 to 20. The average age was 15. Of the participants, 29% are survivors, 34% are peers, and 37% chose not to disclose their status. The students (96%) and former students (4%) are from Eastern and Western Washington and represent identities that are rural, low-income, disabled, LGBTQ+, Black, Indigenous, and other students of color, including Asian and Pacific Islanders and Latinx and Hispanic identities. Across the sessions, 56% of participants were Black, Indigenous, and people of color. Interviews and listening sessions were conducted by Do Big Good between October of 2022 and March of 2023.

The feedback process resulted in a relatively small number of [edits, highlighted in blue](#) in the documents, which compose pages 6 through 19 this report. We urge you to have a browser tab open with the updated 3205 and updated 3205P open so you can see the reasoning behind each edit.

WSSDA is also passing both documents through a readability edit to make them more accessible to students. This may also take the form of generating separate appendices or alternate versions accessible to student, created with student input. Students are the group most directly impacted by the 3205 and 3205P, yet they had trouble parsing the documents' meaning.

## OSPI Protocol Feedback

Following our preliminary report, OCR asked Do Big Good to use some listening session time to get feedback on [Discrimination, Discriminatory Harassment, and Sexual Harassment](#) and the definition of sexual harassment in [Students 'Rights: Discriminatory Harassment](#). That feedback is below:

### [Discrimination, Discriminatory Harassment, and Sexual Harassment](#)

Even when they initially said a document was clear, students revealed in subsequent discussion that they [misunderstood even basic elements of reporting](#) harassment and assault, such as whom to contact and how to make a report.

Who's Protected? One student found protected classes (p. 1) confusing. She wondered why individuals were protected based on particularly traits or identities, rather than just being "protected as humans." As a result, she said it was unclear who was protected.

Who to Contact? Even though the document clearly references the Civil Rights Compliance Coordinator (p. 2), students did not name this individual as someone they could get support from, instead saying they should reach out to "school officials" generally or "the school district."

Report via the Website? Students saw a link (end of p. 3) and thought they could submit their report on the OSPI website. Interestingly, here they thought they understand how to submit a report and that "it was clear" even though they did not.

[Students 'Rights: Discriminatory Harassment](#): Definition of Sexual Harassment

**Sexual harassment** is *unwelcome behavior or communication that is sexual in nature and (1) leads the student to believe they must submit to the unwelcome sexual conduct or communication to gain something in return—for example, a grade or a place on a sports team, Page 1 of 3 OR (2) the conduct substantially interferes with a student’s educational performance or creates a hostile environment.*

Physical Acts, But What Else?: Students in both groups understood that non-consensual physical contact, like “slapping their ass” was sexual harassment, but some weren’t sure those actions were included in the definition. Much of this confusion was due to the complexity of the words used. Students had trouble giving examples or describing of their knowledge of sexual harassment beyond physically touching someone without consent. Within physical contact, students wanted to know specifically what “different passes or advances” would be considered harassment.

Simpler Words: **Legal language is inaccessible, even to teens.** The phrase “unwelcome behavior or communication” did not convey to them that “actions” or “verbal acts” were part of sexual harassment. One student did not know the word “substantially” while another found the phrase “unwelcome conduct” confusing. Another young woman did not understand why a (1) and (2) appeared in the definition. **We recommend that a student review for accessibility any document intended for that audience.**

Lack of Comprehension is Dangerous: Students understood that the definition was inaccessible to them and found that troubling. They believe that not understanding their rights is a dangerous “gateway” that leaves them “naive,” “blind,” and “vulnerable” to “being coerced...solely due to lack of comprehension.”

Adding “Visual Acts”: As for additions, one group asked that “visual acts” be included, likely referring to being leered at or ogled. In a separate middle school session, a female student expressed discomfort with a teacher looking at her chest while talking to her about an assignment, which seems to illustrate this point.

## Responses to OCR Feedback

Reporter, Respondent, and...? Students requested that the term “complainant” be replaced by the more neutral “reporter.” After reading this in our preliminary report, OCR suggested “reporter” be split into two terms, such as “reporting party” and “targeted student,” to clarify that the person making the report may not be the student survivor. This would mean adding a third category beyond “complainant” and “respondent” originally in the documents. We are open to this change, though concerned it could add unnecessary complexity. Perhaps appending identifying nouns to the gerund form of “report” (e.g., reporting student, reporting parent, reporting staff), as is

currently done with the adjectival “complainant,” would be an easier way to create new identifiers as needed while keeping “reporter” and “respondent” as the core terms.

Consent to Parental Notification Following our preliminary suggestion that parents be notified of their child’s assault only with their child’s consent, OCR asked if there is an age for requiring student consent to share information about sexual harassment with parents. We are not aware that such an age exists for harassment, either by a peer or adult. We propose that 13 be used as the age of consent for parental notification, as it is already the age of medical consent in Washington. Initial email conversations with external stakeholders as to how cognitive disability might affect this age limit revealed that a right to consent should not be contingent on mental capacity, but more formal consultations are likely needed to confirm this interpretation.

District Addendum We very much like OCR’s suggestion that each district be required to complete an addendum to the procedure or update for their region, which they would be required to provide at notice of sexual harassment. The addendum could also be added to school and district websites and student handbooks and be printed as a flyer available at the front desk or in the counseling office, which students requested in the listening session. It would also be extremely useful for staff training. Addendum content proposed by OCR, lightly edited, is:

- Get Support and Care: local sexual assault resource center, domestic violence shelters, children’s advocacy center, medical providers, state/regional helplines, etc.
- Know Your Rights: supportive measures, response timelines, etc.
- Make a Report: school process, law enforcement process, OCR contact info for asking questions
- Help a Friend: mental health advice for peers



## 3205 - POLICY

### Sexual Harassment of Students Prohibited

There are very few updates to the 3205. Students asked for more detail and explanation of what sexual harassment is, so our Title IX expert added examples in the bulleted section. We also replaced the rather degrading term “complainant” with the neutral term “reporter,” a key student request meant to destigmatize asking for help after an assault.

**Policy: 3205**  
**Section: 3000 - Students**

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### Sexual Harassment of Students Prohibited

The district is committed to a positive and productive education free from discrimination, including sexual harassment. This commitment extends to all students involved in academic, educational, extracurricular, athletic, and other programs or activities of the school, whether that program or activity is in a school facility, on school transportation or at a class or school training held elsewhere.

#### Definitions

For purposes of this policy, sexual harassment means unwelcome conduct or communication of a sexual nature. Sexual harassment can occur adult to student, student to student or can be carried out by a group of students or adults and will be investigated by the District even if the alleged harasser is not a part of the school staff or student body. The district prohibits sexual harassment of students by other students, employees, or third parties involved in school district activities.

The term “sexual harassment” may include:

- acts of sexual violence;
- unwelcome sexual or gender-related directed conduct or communication that interferes with an individual’s educational performance or creates an intimidating, hostile, or offensive environment;
- unwelcome sexual advances, such as repeated comments directed toward a person that could be about their body, about their past or present romantic relationships (or lack thereof), and/or about sexual activity generally. This also includes any attempt to seek a romantic/physical/sexual relationship after being informed verbally, in writing, by a 3rd party, or by any other means, that such contact is unwanted.;
- unwelcome requests for sexual favors, which could include physical and/or nonphysical expectations for sexual actions, such as demands for direct sexual contact, requests to create or provide sexually explicit media, requests for excessive non-sexual contact for the purposes of sexual gratification (back-rubs, hugs, etc.).
- sexual demands when submission is a stated or implied condition of obtaining an educational benefit;

- sexual demands where submission or rejection is a factor in an academic, or other school-related decision affecting an individual.

A “hostile environment” has been created for a student when sexual harassment is sufficiently serious to interfere with or limit the student’s ability to participate in or benefit from the school’s program. The more severe the conduct, the less need there is to demonstrate a repetitive series of incidents. In fact, a single or isolated incident of sexual harassment may create a hostile environment if the incident is sufficiently severe, violent, or egregious. **A single incident of sexual assault or dating violence would be considered to create a hostile environment.**

### **Investigation and Response**

If the district knows, or reasonably should know, that sexual harassment has created a hostile environment, it will promptly investigate to determine what occurred and take appropriate steps to resolve the situation. If an investigation reveals that sexual harassment has created a hostile environment, the district will take prompt and effective steps reasonably calculated to end the sexual harassment, eliminate the hostile environment, prevent its recurrence and as appropriate, remedy its effects. The district will take prompt, equitable and remedial action within its authority on reports, complaints and grievances alleging sexual harassment that come to the attention of the district, either formally or informally. The district will take these steps every time a complaint, alleging sexual harassment comes to the attention of the district, either formally or informally.

Allegations of criminal misconduct will be reported to law enforcement and suspected child abuse will be reported to law enforcement or Child Protective Services. Regardless of whether the misconduct is reported to law enforcement, school staff will promptly investigate to determine what occurred and take appropriate steps to resolve the situation, to the extent that such investigation does not interfere with an ongoing criminal investigation. A criminal investigation does not relieve the district of its independent obligation to investigate and resolve sexual harassment.

Engaging in sexual harassment will result in appropriate discipline or other appropriate sanctions against offending students, staff or other third parties involved in school district activities. Anyone else who engages in sexual harassment on school property or at school activities will have their access to school property and activities restricted, as appropriate.

### **Retaliation and False Allegations**

**It is a violation of this policy to engage in** retaliation against any person who makes or is a witness in a sexual harassment complaint is prohibited and will result in appropriate discipline. The district will take appropriate actions to protect involved persons from retaliation.

It is a violation of this policy to knowingly report false allegations of sexual harassment. Persons found to knowingly report or corroborate false allegations will be subject to appropriate discipline.

### **Staff Responsibilities**

The superintendent will develop and implement formal and informal procedures for receiving, investigating and resolving complaints or reports of sexual harassment. The procedures will include reasonable and prompt time lines and delineate staff responsibilities under this policy.

Any school employee who witnesses sexual harassment or receives a report, informal complaint, or written complaint about sexual harassment is responsible for informing the district Title IX or Civil Rights Compliance Coordinator. All staff are also responsible for directing ~~complainants~~ **reporters** to the formal complaint process.

Reports of discrimination and discriminatory harassment will be referred to the district's Title IX/Civil Rights Compliance Coordinator. Reports of disability discrimination or harassment will be referred to the district's Section 504 Coordinator.

District/school staff, including employees, contractors, and agents shall not provide a recommendation of employment for an employee, contractor, or agent that the district/school, or the individual acting on behalf of the district/school, knows or has probable cause to believe, has engaged in sexual misconduct with a student or minor in violation of the law.

### **Notice and Training**

The superintendent will develop procedures to provide age-appropriate information and education to district staff, students, parents and volunteers regarding this policy and the recognition and prevention of sexual harassment. At a minimum sexual harassment recognition and prevention and the elements of this policy will be included in staff, student, and regular volunteer orientation. This policy and the procedure, which includes the complaint process, will be posted in each district building in a place available to staff, students, parents, volunteers, and visitors. Information about the policy and procedure will be clearly stated and conspicuously posted throughout each school building, provided to each employee and reproduced in each student, staff, volunteer, and parent handbook. Such notices will identify the District's Title IX coordinator and provide contact information, including the coordinator's email address.

### **Policy Review**

The superintendent will make an annual report to the board reviewing the use and efficacy of this policy and related procedures. Recommendations for changes to this policy, if applicable, will be included in the report. The superintendent is encouraged to involve staff, students, volunteers, and parents in the review process.

Cross References:	3207 - Prohibition of Harassment, Intimidation, and Bullying
	3210 - Nondiscrimination
	3211 - Gender-Inclusive Schools
	3241 - Student Discipline
	5010 - Nondiscrimination and Affirmative Action
	5011 - Sexual Harassment of District Staff Prohibited

Legal References:	20 U.S.C. §§ 1681-1688
	WAC 392-190-058 Sexual harassment
	RCW 28A.640.020 Regulations, guidelines to eliminate discrimination — Scope — Sexual harassment policies
	34 C.F.R. § 106

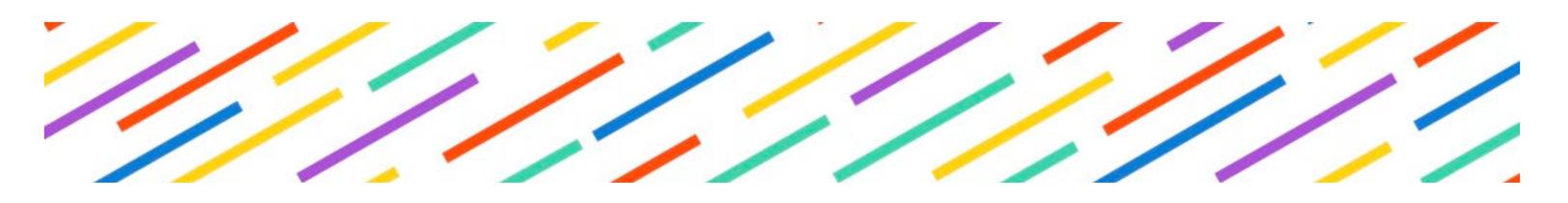
Management Resources:           2020 - August Issue  
  2015 - July Policy Alert  
  2014 - December Issue

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  2010 - October Issue

Adoption Date:  
Classification: **Essential**  
Revised Dates: **10.11; 12.14; 07/01/2015; 08.20**

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# 3205P - PROCEDURE

## Sexual Harassment of Students Prohibited

This is a longer and more detailed document and the **updates are more extensive**. We strongly urge you to review the source of each edit in the commented version posted online. Here are the most substantive updates, based on requests from Washington students:

- Updated the descriptions of the **supportive measures** so they are more trauma-informed and survivor-centered;
- Increased privacy and **confidentiality** protections for students;
- Shortened the time administrators have to respond to a report so students receive more **information sooner**;
- Lengthened the time students and mandated reporters have to make a report so both groups can exercise **more agency and choice**.

All changes were reviewed and approved by our team's Title IX expert. Yellow highlights are original to the document. We understand that many of the changes will require policy and legal changes that are beyond the purview of WSSDA.

**Policy: 3205P**  
**Section: 3000 - Students**

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## Procedure - Sexual Harassment of Students Prohibited

### Procedure Sexual Harassment of Students Prohibited

The procedure is intended to set forth the requirements of Policy 3205, including the process for a prompt, thorough, and equitable investigation of allegations of sexual harassment, **defined as unwelcome conduct or communication of a sexual nature**, and the need to take appropriate steps to resolve such situations. If sexual harassment is found to have created a hostile environment, staff must take immediate action to eliminate the harassment, prevent its reoccurrence, and address its effects.

This procedure applies to sexual harassment (including sexual violence) targeted at students carried out by other students, employees or third parties involved in school district activities. Because students can experience the continuing effects of off-campus harassment in the educational setting, the district will consider the effects of off-campus conduct when evaluating whether there is a hostile environment

on campus. The district has jurisdiction over these complaints pursuant to Title IX of the Education Amendments of 1972, Chapter 28A.640, RCW and Chapter 392-190 WAC.

### **Title IX Coordinator, Investigator, and Decision-maker**

**The district will designate and authorize one employee to act as “Title IX Coordinator” to coordinate the district’s state and federal sex discrimination and sexual harassment regulation compliance efforts.** The decision-maker who reaches the final determination of responsibility for alleged Title IX sexual harassment will be the Superintendent or designee. The decision-maker cannot be the same person who serves as the Title IX Coordinator or the investigator of the Title IX complaint.

The Title IX coordinator’s name, title, office address, telephone number, and email address must be available on the district website; in handbooks/catalogs that are made available to staff, students, and parents; and in the district’s nondiscrimination statement.

Any individual designated as Title IX Coordinator, an investigator, or decision-maker, and any person who facilitates an informal resolution process must not have a conflict of interest or bias for or against the individual(s) who made the complaint (“reporter(s)” “complainant(s)”) or the individual(s) reported to be the perpetrator of the conduct that could constitute sexual harassment (“respondent(s)” in general or individually, and must receive training on the following:

- The definition of sexual harassment under Title IX and state law;
- The scope of the district’s education program or activity;
- How to conduct an investigation and grievance process and informal resolution process;
- How to serve impartially;
- Their responsibilities chapter WAC 392-190 WAC; and
- How to raise awareness of and eliminate bias based on sex, race, creed, religion, color, national origin, honorably discharged veteran or military status, sexual orientation, gender expression, gender identity, the presence of any sensory, mental or physical disability, or the use of a trained dog guide or service animal.

District investigators must also receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.

District decision-makers must also receive training on any technology to be used during hearings if the district provides for a hearing, and on issues of relevance of questions and evidence, including the requirement that questions and evidence about a reporter’s complainant’s sexual predisposition or prior sexual conduct are not relevant unless 1) such questions and evidence is offered to prove that someone other than the respondent committed the alleged conduct or 2) questions and evidence concerning specific incidents of the reporter’s complainant’s prior sexual behavior with respect to the respondent is offered to prove consent.

Any training materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process must not rely on sex stereotypes and must promote impartial investigations and adjudications of complaints. The district shall maintain for a period of seven years records of any informal resolution and the result; and all materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, and make such materials available on the district’s website.

### **Notice of Sexual Harassment Policy and Procedure**

- Information about the district’s sexual harassment policy and complaint procedure, including the name and contact information for the district Title IX Coordinator, will be easily understandable and conspicuously posted throughout each school building on posters and in pamphlets and/or brochures, be reproduced in each student, staff, volunteer, and parent handbook, and on any school and/or district websites. This notice will be provided in a language that each parent and guardian can understand and updated annually, as appropriate.

- In addition to the posting and reproduction of this procedure and Policy 3205, the district will provide annual notice to employees that complaints pursuant to this procedure may be filed at **insert address of district administrative office**. **Sharing this annual notice at an assembly and in appropriate classes is encouraged.**

### **Responding to Notice of Sexual Harassment**

The district is on notice and required to take action when any employee knows, or in the exercise of reasonable care should know, about possible sexual harassment. This includes informal and formal reports made to any staff member.

Upon notice of possible sexual harassment, staff will always notify the Title IX Coordinator. In addition, in the event of an alleged sexual assault, the school principal will immediately inform law enforcement and notify the targeted student(s) and, **with the reporter's consent if above the age of medical consent (13)**, their parents/guardians of their right to file a criminal complaint and a sexual harassment complaint simultaneously.

Once the district is on notice of possible sexual harassment, the Title IX Coordinator will promptly contact the **reporter complainant** to discuss the availability of supportive measures, consider the **reporter's complainant's** wishes with respect to supportive measures, inform the **reporter complainant** of the availability of supportive measures with or without the filing of a formal complaint, and explain to the **reporter complainant** the process for filing a formal complaint. Additionally, staff will also inform an appropriate supervisor or professional staff member when they receive complaints of sexual harassment, especially when the complaint is beyond their training to resolve or alleges serious misconduct.

**Supportive measures** must be offered to the **reporter complainant**, before or after the filing of a formal complaint, or where no formal complaint has been filed. Supportive measures may also be provided to the respondent. Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the **reporter complainant** or respondent. Supportive measures should be designed to restore or preserve access to the District's education program or activity without unreasonably burdening the other party.

Supportive measures may include:

- An opportunity for the **reporter complainant** to explain to the alleged harasser that his or her conduct is unwelcome, offensive or inappropriate, either in writing or face-to-face;
- A statement from a staff member to the alleged harasser that the alleged conduct is not appropriate and could lead to discipline if proven or repeated;
- A general public statement from an administrator in **the a-building** reviewing the district sexual harassment policy without identifying the reporter complainant **and in consultation with that individual to maintain their anonymity**;
- Developing a safety plan **which is, at minimum, the outcome of an individualized conversation between trained school staff and the reporter, addressing immediate and long-term safety concerns related to the incident**;
- Modifications of work or class schedules, **taking care to change schedules of reporter and respondent in as equitable a manner as possible, so neither is disproportionately inconvenienced**;
- Mutual restrictions on contact between the parties **at the behest of either party, with restrictions maintained by school personnel**;
- Increased security and monitoring of certain areas of the campus or school building, or
- Providing staff and/or student training **that is supportive and/or preventative.**

In response to notice of sexual harassment, the district will take prompt and appropriate action to investigate and take prompt and effective steps reasonably calculated to end harassment, eliminate the hostile environment, prevent its recurrence, and as appropriate, remedy its effects

The district will inform the reporter complainant and, with that individual's consent, their parent/guardian how to report any subsequent problems, as well as information about supportive measures. Additionally, the district will conduct follow-up inquiries with the reporter, who will have the option of providing new information, to see if there have been any new incidents or instances of retaliation, and to promptly respond and appropriately address continuing or new problems. Follow-up inquiries will follow a timeline agreed to by the district and reporter complainant.

A reporter complainant may file a formal complaint at any time while receiving supportive measures and receive supportive measures regardless of their choice to submit a formal complaint. A reporter complainant, their parent or guardian, or the Title IX Coordinator may file a formal complaint because, for example, they feel the complaint needs to be more thoroughly investigated or discipline may be warranted for individual alleged to have engaged in sexually harassing conduct against a member of the school community.

### **Confidentiality**

- The district will maintain as confidential any supportive measures provided to the reporter complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the district to provide the supportive measures.
- If a reporter complainant requests that his or her name not be revealed to the alleged perpetrator or asks that the district not investigate or seek action against the alleged perpetrator, the request will be forwarded to the *insert title of appropriate district employee(s)* for evaluation.
- The *insert title of appropriate district employee(s)* should inform the reporter complainant that honoring the request may limit its ability to respond fully to the incident, including pursuing disciplinary action against the alleged perpetrator.
- If the reporter complainant still requests that his or her name not be disclosed to the alleged perpetrator or that the district not investigate or seek action against the alleged perpetrator, the district will need to determine whether or not it can honor such a request while still providing a safe and nondiscriminatory environment for all students, staff, and other third parties engaging in district activities, including the person who reported the sexual harassment. Although a reporter's complainant's request to have his or her name withheld may limit the district's ability to respond fully to an individual allegation of sexual harassment, the district will use other appropriate means available to address the sexual harassment including by promptly offering and providing supportive measures.

### **Retaliation**

Title IX and state law prohibit retaliation against any individual who files a complaint under these laws or participates in a complaint investigation. When an informal or formal complaint of sexual harassment is made, the district will take steps to stop further harassment and prevent any retaliation against the person who made the complaint, was the subject of the harassment, or against those who provided information as a witness. The district will investigate all allegations of retaliation and take actions against those found to have retaliated.

### **Formal Complaint Process**

#### **Level One – Complaint to District**

Anyone may initiate a formal complaint of sexual harassment, even if the informal complaint process is being utilized.

#### **Filing of Complaint**

- All formal complaints will be in writing and will set forth the specific acts, conditions or circumstances alleged to have occurred and to constitute sexual harassment. The Title IX Coordinator may draft the complaint based on the report of the reporter complainant for the reporter complainant to review and approve. The Title IX Coordinator may also conclude that

the district needs to conduct an investigation based on information in his or her possession, regardless of the **reporter's complainant's** interest in filing a formal complaint.

- The time period for filing a complaint is one year from the date of **any time after** the occurrence that is the subject matter of the complaint. However, a complaint filing deadline may not be imposed if the **reporter complainant** was prevented from filing due to: 1) Specific misrepresentations by the district that it had resolved the problem forming the basis of the complaint; or 2) Withholding of information that the district was required to provide under WAC 392-190-065 or WAC 392-190-005.
- Complaints may be submitted by mail, fax, e-mail or hand-delivery to the district Title IX Coordinator. Any district employee who receives a complaint that meets these criteria will promptly notify the Coordinator.
- **The Title IX Coordinator or any district, school, or charter school administrator or to any employee designated under WAC 392-190-060 (or Title IX) must receive a complaint from any party, including parents and community members.**

### **Determining Whether to Incorporate Additional Title IX Complaint Procedures**

The Title IX Coordinator will assess whether a formal complaint of sexual harassment meets the criteria for a Title IX complaint. If so, the district will implement investigation **in addition to** and response procedures under state law, as well as the following additional procedures as required by Title IX regulations.

**In addition to the 3205 definition of sexual harassment, which is unwelcome conduct or communication of a sexual nature,** Under Title IX, the term “sexual harassment” means:

- an employee of the district conditioning the provision of an aid, benefit, or service on an individual’s participation in unwelcome sexual conduct;
- conduct that creates a “hostile environment,” meaning 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; or
- “sexual assault,” as defined in 20 U.S.C. 1092(f)(6)(A)(v), “dating violence” as defined in 34 U.S.C. 12291(a)(10), “domestic violence” as defined in 34 U.S.C. 12291(a)(8), or “stalking” as defined in 34 U.S.C. 12291(a)(30).

The district will implement additional Title IX procedures in response to a sexual harassment complaint when the alleged conduct constitutes sexual harassment as defined by Title IX regulations, and:

- The **formal** written complaint is filed by the **reporter complainant** of the alleged sexual harassment, by the **reporter's complainant's** legal guardian, or by the Title IX Coordinator;
- The complaint requests that the district investigate the allegation(s) of sexual harassment, as defined under Title IX regulations;
- The complaint is against a named respondent who, at the time of the alleged harassment, was under the control of the school district (such as a student, employee, or volunteer);
- The alleged sexually harassing conduct occurred in the United States; and
- The **reporter complainant** is participating in or attempting to participate in the district’s educational program or activity at the time.

If the formal complaint is determined to meet the criteria for a Title IX **investigation** complaint, the district will conduct the investigation implementing the additional Title IX procedures. **Skip to Standard Complaint Process with Additional Title IX Requirements.**

If the formal complaint is determined not to meet the criteria for a Title IX **investigation** complaint, the district will conduct **a non-Title IX** investigation without implementing the additional Title IX procedures. **Continue to Standard Complaint Process.**

### **STANDARD COMPLAINT PROCESS**

### **Acknowledging a Complaint - Standard Complaint Process**

- Upon receipt of a complaint, the Coordinator will provide the reporter complainant a copy of this procedure in a language the reporter complainant can understand.

### **Investigating a Formal Complaint - Standard Complaint Process**

- Investigations will be carried out in a manner that is prompt, thorough, reliable, and impartial. During the investigation process, the reporter complainant and respondent(s), if the reporter complainant has identified an accused harasser(s), will have an equal opportunity to present witnesses and relevant evidence. Reporters Complainants, respondents, and witnesses may have a trusted adult with them during any district-initiated investigatory activities. The school district and reporter complainant may also agree to resolve the complaint in lieu of an investigation.
- When the investigation is completed, the investigator will compile a full written report of the complaint and the results of the investigation.

### **Mediation - Standard Complaint Process**

At any time during the complaint procedure set forth in WAC 392-190-065 through 392-190-075, a district may, at its own expense, offer mediation. The reporter complainant and the district may agree to extend the complaint process deadlines in order to pursue mediation.

The purpose of mediation is to provide both the reporter complainant and the district an opportunity to resolve disputes and reach a mutually acceptable agreement through the use of an impartial mediator. Mediation must be voluntary and requires the mutual agreement of both parties. It may be terminated by either party at any time during the mediation process. It may not be used to deny or delay a reporter's complainant right to utilize the complaint procedures.

Mediation must be conducted by a qualified and impartial mediator who may not:

- 1) Be an employee of any school district, public charter school, or other public or private agency that is providing education related services to a student who is the subject of the complaint being mediated; or
- 2) Have a personal or professional conflict of interest. A mediator is not considered an employee of the district or charter school or other public or private agency solely because he or she serves as a mediator.

If the parties reach agreement through mediation, they may execute a legally binding agreement that sets forth the resolution and states that all discussions that occurred during the course of mediation will remain confidential and may not be used as evidence in any subsequent complaint, due process hearing or civil proceeding. The agreement must be signed by the reporter complainant and a district representative who has authority to bind the district.

### **Superintendent's Response to a Formal Complaint - Standard Complaint Process**

- The superintendent or their designee will respond in writing to the reporter complainant and the respondent within fourteen (14) ~~thirty (30)~~ calendar days of receipt of the complaint, unless otherwise agreed to by the reporter complainant or if exceptional circumstances related to the complaint require an extension of the time limit. In the event an extension is needed, the district will notify the parties in writing of the reason for the extension and the anticipated response date. At the time the district responds to the reporter complainant, the district must send a copy of the response to the office of the superintendent of public instruction. The reporter and respondent should be kept updated during that period regarding the timeline and status of the process.
- The response of the superintendent or designee will include: 1) a summary of the results of the investigation; 2) a statement as to whether a preponderance of the evidence establishes that the reporter complainant was sexually harassed; 3) if sexual harassment is found to have occurred, the corrective measures the district deems necessary, including assurance that the district will take steps to prevent recurrence and remedy its effects on the reporter complainant and others, if appropriate; 4) notice of the reporter's complainant's right to appeal to the school

board and the necessary filing information; and 5) any corrective measures the district will take, remedies for the **reporter complainant** (e.g., sources of counseling, advocacy and academic support), and notice of potential sanctions for the perpetrator(s) (e.g., discipline).

- The superintendent's or designee's response will be provided in a language the **reporter complainant** can understand and may require language assistance for **reporters complainant** with limited English proficiency in accordance with Title VI of the Civil Rights Act of 1964. If the complaint alleges discriminatory harassment by a named respondent or respondent(s), the coordinator will provide the respondent(s) with notice of the outcome of the investigation and notice of their right to appeal any discipline or corrective action imposed by the district.
- Any corrective measures deemed necessary will be instituted as quickly as possible, but in no event more than thirty (30) days after the superintendent's mailing of a written response, unless the accused is appealing the imposition of discipline and the district is barred by due process considerations or a lawful order from imposing the discipline until the appeal process is concluded. Staff may also pursue complaints through the appropriate collective bargaining agreement process or anti-discrimination policy.
- The district will inform the **reporter complainant** and, **with the reporter's consent**, their parent/guardian how to report any subsequent problems. Additionally, **with the reporter's consent**, the district will conduct follow-up inquiries to see if there have been any new incidents or instances of retaliation, and to promptly respond and appropriately address continuing or new problems. Follow-up inquiries will follow a timeline agreed to by the district and **reporter complainant**.

### **Resume "Standard Complaint Process" at Level Two - Appeal to Board of Directors.**

## **STANDARD COMPLAINT PROCESS WITH ADDITIONAL TITLE IX REQUIREMENTS**

The following sections outline the process the district will take to respond to complaints of sexual harassment under state law and Title IX.

### **Acknowledging a Formal Title IX Complaint**

The Title IX Coordinator will receive and investigate all formal, written complaints of sexual harassment or information in the coordinator's possession that they believe requires further investigation. The Coordinator will delegate his or her authority to participate in this process if such action is necessary to avoid any potential conflicts of interest. Upon receipt of a complaint, the Coordinator will offer supportive measures to both parties.

The district will acknowledge receipt of the formal complaint by providing the following written notice to the respondent(s) and **reporter complainant**:

- A copy of the school's discrimination complaint procedure in a language the parties can understand.
- Notice of the allegations of sexual harassment with sufficient time for the parties to prepare a response before any initial interview and with sufficient detail. Such sufficient detail includes the identities of the parties involved in the incident if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident if known.
- Notice that the parties may have an advisor of their choice who may be an attorney or non-attorney, and who may inspect and review evidence of the alleged sexual harassment.
- Notice that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility for alleged sexual harassment is made at the conclusion of the grievance process.
- Notice of any provision in student conduct policies and procedures that prohibits false statements or submitting false information.

### **Investigation of a Title IX Formal Complaint**

The district must investigate allegations contained in a formal complaint. If the conduct alleged would not constitute sexual harassment under Title IX regulations even if proved, did not occur in the district's education program or activity, or did not occur against a person in the United States, then the district must dismiss the formal complaint under Title IX. Such dismissal does not preclude action under another provision of district policy or procedure or under sexual harassment investigation procedures as required by state law (See Standard Complaint Process).

The district adopts preponderance of the evidence/clear and convincing evidence as the standard or proof it will use in reaching decisions regarding complaints.

The district's investigation of a Title IX complaint must:

- Include a prompt and thorough investigation into the allegations in the complaint.
- Ensure that the district bears the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility for the alleged sexual harassment. The district may not access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting or assisting in their professional capacity and made and maintained in connection with the provision of treatment to the party unless the district obtains the party's voluntary, written consent to do so.
- Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence;
- Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence;
- Provide the parties with the same opportunities to have others present during any grievance proceeding; including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be an attorney or non-attorney. The district will apply any restrictions regarding the extent to which an advisor may participate equally to both parties;
- Provide to a party whose participation is invited or expected written notice of the date, time, location, participants, and purpose of all hearings, interviews, or other meetings, with sufficient time for the parties to prepare to participate;
- Prior to the completion of an investigative report, provide an equal opportunity for the parties to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation. This includes evidence that the district does not intend to rely on in reaching a determination of responsibility for the alleged sexual harassment, regardless of the source of the evidence. The parties will have at least ten (10) days to submit a written response for the investigator to consider prior to completion of the investigative report.
- At least ten (10) days prior to a determination regarding responsibility, create an investigative report that fairly summarizes relevant evidence, and send the investigative report in an electronic or hard copy format to each party and each party's advisor for their review and written response.
- After transmitting the investigative report to the parties, but before reaching a final determination regarding responsibility, the decision maker must give each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. Questions and evidence about the **reporter's complainant** sexual predisposition or prior sexual behavior are not relevant unless they are offered to prove that someone other than the respondent committed the conduct alleged by the **reporter complainant** or unless they concern specific incidents of the **reporter's complainant** prior sexual behavior with respect to the respondent and are offered to prove consent. The decision-maker must explain to the party proposing the questions any decision to exclude a question as not relevant.

The district's Title IX investigative and grievance process is not required to include investigative hearings.

## **Discipline and Emergency Removals for Alleged Sexual Harassment under Title IX**

A respondent who is accused of sexual harassment under Title IX is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process. The district may not impose any disciplinary sanctions, or other actions that are not supportive measures, against the respondent until the district has determined the respondent was responsible for the sexual harassment at the conclusion of the grievance process.

These additional Title IX sexual harassment procedures do not preclude a school district from removing a student from school on an emergency basis consistent with Policy and Procedure 3241 – Student Discipline **modify as accurate for your district** and the associated student discipline regulations for emergency expulsion.

### **Title IX Informal Resolution Process**

At any time prior to a determination in a formal Title IX complaint, the district may permit a **reporter complainant** to waive the formal complaint grievance process in favor of an informal resolution process not involving a full investigation and adjudication, provided that the district obtains the parties' voluntary, written consent; the district does not offer informal resolution of sexual harassment allegations against a respondent who is an employee of the district, the district provide reasonably prompt time frames for the informal resolution process; and the district provides the parties with written notice disclosing the allegations, the requirements for the informal resolution process, and the circumstances in which the parties would be precluded from continuing with a formal resolution process for the same allegations.

A party has the right to withdraw from the informal resolution process and resume the formal Title IX grievance process at any time prior to agreeing to a resolution. The district may not require the waiver of the right to an investigation and adjudication of formal complaints of sexual harassment under Title IX as a condition of enrollment, employment, or enjoyment of any other right, nor may the district require the parties to participate in an informal resolution process. The district will not offer an information resolution process unless a formal complaint is filed.

### **Superintendent's Response to a Formal Title IX Complaint**

At the conclusion of the investigation, the decision-maker (superintendent or designee) must issue a written determination of responsibility regarding the alleged sexual harassment within thirty (30) calendar days of receipt of the complaint, unless otherwise agreed to by the **reporter complainant** or if exceptional circumstances related to the complaint require an extension of the time limit. In the event an extension is needed, the district will notify the parties in writing of the reason for the extension and the anticipated response date.

The superintendent's written determination must be issued to the parties simultaneously and must include the following:

- Identification of the allegations potentially constituting sexual harassment under Title IX regulations;
- A description of the procedural steps taken from the time of the district's receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- Findings supporting the determination;
- A summary of the results of the investigation;
- Conclusions regarding the application of the district's code of conduct policies to the facts;
- A statement as to whether a preponderance of the evidence establishes that the **reporter complainant** was sexually harassed;
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary or other sanctions imposed on the respondent, and whether remedies designed to restore or preserve equal access to the education program or activity will be provided to the **reporter complainant**; and

- If sexual harassment is found to have occurred, the corrective measures the district deems necessary, including assurance that the district will take steps to prevent recurrence and remedy its effects on the **reporter complainant** and others, if appropriate; and
- Notice of the parties' right to appeal to the school board and the necessary filing information.

The superintendent's or designee's response will be provided in a language the **reporter complainant** can understand and may require language assistance for **reporters complainant** with limited English proficiency in accordance with Title VI of the Civil Rights Act of 1964.

At the time the district responds to the parties, the district must send a copy of the response to the office of the superintendent of public instruction.

Any corrective measures deemed necessary will be instituted as quickly as possible, but in no event more than thirty (30) days after the superintendent's mailing of a written response, unless the accused is appealing the imposition of discipline and the district is barred by due process considerations or a lawful order from imposing the discipline until the appeal process is concluded. Staff may also pursue complaints through the appropriate collective bargaining agreement process or anti-discrimination policy.

## **Level Two - Appeal to designate appropriate decision maker**

### **Notice of Appeal and Hearing**

- If the **reporter complainant** or respondent(s) disagrees with the superintendent's or designee's written decision, the disagreeing party may appeal the decision by filing a written notice of appeal with the secretary of the board within ten (10) calendar days following the date upon which the **reporter complainant or respondent** received the response.
- If the complaint involves a named respondent, the District will implement appeal procedures equally for both parties and provide written notice to the other party when an appeal is filed.
- The district will ensure that the decision-maker for the appeal is not the same decision-maker who reached the determination regarding responsibility or dismissal, the investigator, or the Title IX Coordinator;
- The district will ensure that the decision-maker for the appeal has received the training required for decision-makers as required by this procedure.
- The board will ensure that a hearing commences by the twentieth (20th) calendar day following the filing of the written notice of appeal, unless otherwise agreed to by the **reporter complainant** and the superintendent or for good cause.
- Both parties will be allowed a reasonable, equal opportunity to submit a written statement in support of or challenging the outcome of the initial determination.

### **Decision on Appeal**

- Unless otherwise agreed to by the **reporter complainant**, the decision maker on appeal will render a written decision within ~~thirty (30)~~ **five (5) business calendar** days following the filing of the notice of appeal and provide the **reporter complainant** with a copy of the decision.
- The written decision will describe the result of the appeal and the rationale for the result.
- The decision will include notice of the **reporter's complainant** right to appeal to the Superintendent of Public Instruction and will identify where and to whom the appeal must be filed. The district will send a copy of the appeal decision to the office of the superintendent of public instruction.
- The decision will be provided in a language that the **reporter complainant** can understand, which may require language assistance for **reporters complainant** with limited English proficiency in accordance with Title VI of the Civil Rights Act.

## Level Three - Complaint to the Superintendent of Public Instruction

### Filing of Complaint

- If a **reporter complainant** disagrees with the decision of the board of directors, or if the district fails to comply with this procedure, the **reporter complainant** may file a complaint with the superintendent of public instruction.
- A complaint must be received by the Superintendent of Public Instruction on or before the twentieth (20) calendar day following the date upon which the **reporter complainant** received written notice of the board of directors' decision, unless the Superintendent of Public Instruction grants an extension for good cause. Complaints may be submitted by mail, fax, electronic mail, or hand delivery.
- A complaint must be in writing and include: 1) A description of the specific acts, conditions or circumstances alleged to violate applicable anti-sexual harassment laws; 2) The name and contact information, including address, of the **reporter complainant**; 3) The name and address of the district subject to the complaint; 4) A copy of the district's complaint and appeal decision, if any; and 5) A proposed resolution of the complaint or relief requested. If the allegations regard a specific student, the complaint must also include the name and address of the student, or in the case of a homeless child or youth, contact information.

### Investigation, Determination and Corrective Action

- Upon receipt of a complaint, the Office of the Superintendent of Public Instruction may initiate an investigation, which may include conducting an independent on-site review. OSPI may also investigate additional issues related to the complaint that were not included in the initial complaint or appeal to the superintendent or board.
- Following the investigation, OSPI will make an independent determination as to whether the district has failed to comply with RCW 28A.642.010 or Chapter 392-190, WAC and will issue a written decision to the **reporter complainant** and the district that addresses each allegation in the complaint and any other noncompliance issues it has identified. The written decision will include corrective actions deemed necessary to correct noncompliance and documentation the district must provide to demonstrate that corrective action has been completed.
- All corrective actions must be completed within the timelines established by OSPI in the written decision unless OSPI grants an extension. If timely compliance is not achieved, OSPI may take action including but not limited to referring the district to appropriate state or federal agencies empowered to order compliance.

A complaint may be resolved at any time when, before the completion of the investigation, the district voluntarily agrees to resolve the complaint. OSPI may provide technical assistance and dispute resolution methods to resolve a complaint.

### Level Four - Administrative Hearing, State Requirement

A **reporter complainant** or school district that desires to appeal the written decision of the Office of the Superintendent of Public Instruction may file a written notice of appeal with OSPI within thirty (30) calendar days following the date of receipt of that office's written decision. OSPI will conduct a formal administrative hearing in conformance with the Administrative Procedures Act, Chapter 34.05, RCW.

### Other Complaint Options

*Office for Civil Rights (OCR), U.S. Department of Education*

OCR enforces several federal civil rights laws, which prohibit discrimination in public schools on the basis of race, color, national origin, sex, disability, and age. File complaints with OCR within 180 calendar days of the date of the alleged discrimination.

206-607-1600 | TDD: 1-800-877-8339 | OCR.Seattle@ed.gov | www.ed.gov/ocr

### *Washington State Human Rights Commission (WSHRC)*

WSHRC enforces the Washington Law Against Discrimination (RCW 49.60), which prohibits discrimination in employment and in places of public accommodation, including schools. File complaints with WSHRC within six months of the date of the alleged discrimination.

1-800-233-3247 | TTY: 1-800-300-7525 | www.hum.wa.gov

### **Investigation Recordkeeping**

The district will maintain, for a period of X years, records of all sexual harassment investigations.

The district will maintain, for a period of seven years, records of each Title IX sexual harassment investigation, including any determination regarding responsibility and any audio or audiovisual recording or transcript; any disciplinary sanctions imposed on the respondent, and any remedies provided to the reporter/complainant; and any appeal from the result of a determination regarding responsibility.

The district will maintain, for a period of seven years, records of any actions, including supportive measures, taken in response to a report or formal complaint of sexual harassment under Title IX.

### **Training and Orientation**

A fixed component of all district orientation sessions for staff, students and regular volunteers will introduce the elements of this procedure and the corresponding policy. Staff will be provided information on recognizing and preventing sexual harassment. Staff will be fully informed of their responsibilities when on notice of sexual harassment, of the formal complaint procedures, and their roles and responsibilities under the policy and procedure.

Certificated staff will be reminded of their legal responsibility to report suspected child abuse, and how that responsibility may be implicated by some allegations of sexual harassment. Regular volunteers will get the portions of this component of orientation relevant to their rights and responsibilities.

Students will be provided with age-appropriate information on the recognition and prevention of sexual harassment and their rights and responsibilities under this and other district policies and rules at student orientation sessions and on other appropriate occasions, which may include parents.

As part of the information on the recognition and prevention of sexual harassment staff, volunteers, students and parents will be informed that sexual harassment may include, but is not limited to:

- Demands for sexual favors in exchange for preferential treatment or something of value;
- Stating or implying that a person will lose something if he or she does not submit to a sexual request;
- Penalizing a person for refusing to submit to a sexual advance, or providing a benefit to someone who does;
- Making unwelcome, offensive or inappropriate sexually suggestive remarks comments, gestures, or jokes; or remarks of a sexual nature about a person's appearance, gender or conduct;
- Using derogatory sexual terms for a person;
- Standing too close, inappropriately touching, cornering or stalking a person; or
- Displaying offensive or inappropriate sexual illustrations on school property.

### **Policy and Procedure Review**

Annually, the superintendent or designee will convene an ad hoc committee composed of representatives of certificated and classified staff, volunteers, students and parents to review the use and efficacy of this policy and procedure. The compliance officer will be included in the committee. Based on the review of the committee, the superintendent will prepare a report to the board including, if necessary, any recommended policy changes. The superintendent will consider adopting changes to this procedure if recommended by the committee.

Adoption Date:

Classification: **Essential**

Revised Dates: **08.06; 10.11; 03.14; 01.15; 07/01/2015;08/20/2020; 09/03/2020; 06.22**

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## Appendix E: Final Training Plan

# Supporting Survivors Training Plan

Deliverable 9d: Final Training Plan

March 16, 2023

To increase ease of implementation and decrease cost, we reduced our preliminary list of fourteen (14) trainings on trauma-informed and survivor-centered responses to assault down to eight (8). Of these, two (2) are priority, five (5) recommended, and one (1) optional. We propose that OSPI create shareable versions of both priority trainings.

### Priority Trainings

1. *Don't Interrupt, Support: Receiving a Student Disclosure of Sex-Based Violence (All Staff)* — Our highest priority recommendation because students in the listening sessions expressed a deep need for a more compassionate and choiceful response when they disclose an assault to school staff. In addition, the academic literature recommends a whole-school approach in which any staff member can respond compassionately to a student disclosure. This training builds on the current “interrupt” model by supporting, rather than stopping.

2. *Stand for Children: Bystander Intervention Into Employee Sexual Abuse (Elementary School Staff)* — According to 2022 data from Washington Schools Risk Management Pool, 67% of employee-student sex abuse occurs in elementary schools. In order to prevent and intervene into this harm, we propose bystander training so staff can identify when a colleague may be harming a student.

### Recommended Trainings

3. *Administrators Supporting Survivors: Decision-Making, Bias, and Resources (Administrators)* — Designed for decision-makers involved in sexual assault investigations, this training aims to counter and prevent the most egregious cases of mishandled reports, as described by students in the listening sessions.

4. *Being a Support Person (Counselors, Community Members, and Others)* — Critical to student wellbeing, this training covers the role of Support Person in a formal or informal sexual assault reporting process.

5. *Technology Assisted Sexual Violence (Counselors and Others)* — This training covers the emerging threat of online grooming, extortion, and solicitation, which may occur between peers or between students and adults.

6. *State/Circuit Court Specific Requirements (All Staff)* — This training covers age of consent, romantic relationships between employees and graduated students, criminal penalties generally, and state Equal Employment Opportunity (EEO) laws.

7. *FERPA + Title IX (Administrators, Investigators, and Others)* — This training covers how the Family Educational Rights and Privacy Act (FERPA) applies to Title IX cases.

## Optional Trainings

8. *Informal Resolution Procedure (Title IX Coordinator and Facilitator)* — If school uses informal resolutions, which is optional, they must designate and train a facilitator.

## Proviso Mandate

Per Proviso [ESSB 5693 § 501\(4\)\(ee\)\(i\)](#), other elements of the training plan are listed below and in the subsequent table summaries.

- **Trainings Goal:** To ensure that Washington K-12 public school responses to student survivors of sexual assault are survivor-centered and trauma-informed.
- **Trainings Scope:** Sexual assault response for all members of the Washington K-12 public school community, including employees, students, and parents. Recommendations apply to all school districts.

# Priority

- ▶ Don't Interrupt, Support
- ▶ Stand for Children

## ***Don't Interrupt, Support*** **Receiving a Student Disclosure of Sex-Based Violence**

- Start with the shortcomings of the “interrupt” model, which prevents the re-traumatization through multiple disclosures, but does not provide affirmative care.
- Present UNICEF’s principles of survivor-centered care (or similar) for victims of sexual violence, optionally supplemented by broader trauma-informed principles (SAMHSA or similar), as a better framework for evaluating response procedures.
- Present KCSARC’s BASER or other simple disclosure protocol that is legally sound and responds to students’ need for care following sexual trauma.
- Define sexual harassment and sex-based discrimination with an intersectional lens, including concepts of severe, pervasive, and objectively offensive.
- Clarify that Title IX requires supportive measures be provided whether or not a formal report is made and whether or not the incident took place on campus, in addition to any other Title IX requirements identified as critical by the instructor.
- Clarify mandatory reporting requirements and limitations (no CPS action on respondents who are not parent/guardian/in loco parentis per WAC 110.30.050), and how to maximize transparency and student choice to be trauma-informed and survivor-centered.
- Myth-busting may be a helpful framing for this content.

### **Audience**

All Employees, specifically Student-Facing Staff, Title IX Coordinator(s), Investigators, Student Conduct/Employee Discipline Decision-Makers, Informal Resolution Facilitators, Supervisors; recommend module also available to Parents.

Administrators?	Yes	Counselors?	Yes
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### **Time**

Duration	~45-60 minutes	Frequency	Annually
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### **Instruction**

Learning Outcomes	Able to demonstrate understanding of how to provide a survivor-centered and trauma-informed response to a student disclosure of sexual violence/misconduct/assault and school responses required under Title IX.
Instructor	King County Sexual Assault Resource Center (KCSARC), Harborview Center for Sexual Assault and Traumatic Stress, or similar, if training created at the state level. If provided locally, then Counseling Staff or Appropriately Licensed Professional, with material reviewed and approved by Title IX Coordinator.
Format	Single asynchronous online e-learning module ending with automated comprehension test created by OSPI with support of above organizations (recommended) or live workshop at local level.

School Type	All
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**Stand for Children  
Bystander Intervention Into Employee Sexual Abuse**

- Ability to identify grooming and abuse behaviors in a colleague who may be harming a student.
- Behaviors include solo help after school, gifts, and giving rides.
- Cognitively disabled children are particularly likely to be victimized in this way.
- Staff reticence about reporting a colleague should be addressed in the training.
- Employees who sexually harm students may adopt a persona of favorite teacher or colleague to dispel suspicion.

**Audience**

All Elementary School Staff

Administrators?	Yes	Counselors?	Yes
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**Time**

Duration	~1 Hour	Frequency	Annually or at beginning of employment
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**Instruction**

Learning Outcomes	Ability to identify and report possible abuse or grooming behavior by a colleague.
Instructor	May be useful to partner with the Association of ESDs for this training, with instructors sourced from skilled community partners, such as the state’s network of Children’s Advocacy Centers (CACs).
Format	Flexible
School Type	Elementary Schools

# Recommended

- ▶ Administrators Supporting Survivors
- ▶ Being a Support Person
- ▶ Technology Assisted Sexual Violence
- ▶ Court Specific Requirements
- ▶ FERPA and Title IX

## Administrators Supporting Survivors:

- harassment definitions and process for decision-makers\*
- Definition of sex-based discrimination and other forms of discrimination, including intersectional; (Severe, Pervasive, and Objectively Offensive)
- How to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable
- Definitions of retaliation and quid pro quo harassment (Assault)
- Threat triage
  - Triage refers to the ability to appropriately recognize, prioritize, and resolve complaints/grievances that are brought to decision-maker attention.
  - Not all Title IX complaints the same, and there should not be a generic cue that causes imminent/severe threats to go unaddressed.
- Impartial decision-making and avoiding bias \*
  - How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.
  - Includes any 3rd-party contractors.
- Local/regional/ state support organizations\*\*
  - Written list created by Counseling Staff or other Appropriately Licensed Professional at the school or district level

### Audience

Title IX Coordinator(s), Investigators, Student Conduct/Employee Discipline Decision Makers, Informal Resolution Facilitators, Investigators, Supervisors

Administrators?	Yes, if involved in TIX investigations	Counselors?	Yes, if involved as in TIX as a Support Person
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### Time

Duration	Part of 30 hour - 40 hour TIX Coordinator certification, part of ~8 hour certification for other staff with TIX responsibilities	Frequency	Annually or at beginning of employment, depending on TIX responsibility.
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### Instruction

Learning Outcomes	<ul style="list-style-type: none"> <li>• Know definition of sexual harassment with an intersectional lens</li> <li>• Understand investigation and grievance process.</li> <li>• Understand retaliation and quid pro quo harassment.</li> <li>• Able to implement an impartial decision-making process.</li> <li>• Able to refer students, parents, and colleagues to appropriate local resources.</li> </ul>
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Instructor	Chosen by TIX Coordinator - External Instructor or General Counsel, TIX Coordinator may train others internally once trained externally
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Format	Flexible, in-person recommended.
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School Type	All
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<b>Being a Support Person</b>			
<ul style="list-style-type: none"> <li>The role of Support Person in a formal or informal sexual assault reporting process, in support of a reporter (formerly "complainant") or respondent.</li> <li>Role cannot be required of staff and should always be discretionary.</li> </ul>			
<b>Audience</b>			
Any employee who wishes to take on this role, which may optionally be offered to high school students, parents and/or community members as well.			
Administrators?	Optional	Counselors?	Strongly Recommended
<b>Time</b>			
Duration	~1 Hour	Frequency	At start of employment and then as needed
<b>Instruction</b>			
Learning Outcomes	Able to act as a support person for a reporter or respondent.		
Instructor	Teacher, administrator, representative from relevant community organization (depending on venue)		
Format	Live workshop (could be part of series)		
School Type	All; Content should differ depending on school type		

<b>Technology Assisted Sexual Violence</b>			
<ul style="list-style-type: none"> <li>Online grooming, extortion, and solicitation</li> <li>May include peer and non-peer sexual harassment</li> </ul>			
<b>Audience</b>			
Title IX Coordinator(s), Investigators, Student Conduct/Employee Discipline Decision Makers, Informal Resolution Facilitators, Counseling Staff			
Administrators?	Optional	Counselors?	Yes
<b>Time</b>			
Duration	~1 Hour	Frequency	Annually
<b>Instruction</b>			
Learning Outcomes	Understand how technology can be a medium for sexual harm towards students.		
Instructor	General Counsel and/or external trainer, such as a representative of the WA Internet Crimes Against Children Task Force		
Format	Live workshop (could be part of series)		
School Type	All; Content should differ depending on school type		

### State/Circuit Court Specific Requirements

- Age of consent
- Romantic relationships between employees and graduated students
- Criminal penalties generally
- State Equal Employment Opportunity (EEO) laws

#### Audience

All Employees

Administrators?	Yes	Counselors?	Yes
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#### Time

Duration	30-180 minutes, dependent on employee role	Frequency	At start of employment and then as needed
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#### Instruction

Learning Outcomes	Know state-specific law on topics related to employment, relationships, and sexual contact in a school context.
Instructor	Designated by TIX Coordinator and/or General Counsel
Format	Live workshop (could be part of series)
School Type	All; Content should be uniform across schools and districts.

### FERPA + Title IX

- How the Family Educational Rights and Privacy Act (FERPA) applies to TIX cases
- Should include some form of de-escalation, which refers to responses to individuals who become upset when they learn information cannot be shared.

#### Audience

Title IX Coordinator(s), Investigators, Student Conduct/Employee Discipline Decision Makers, Informal Resolution Facilitators, administrative support staff as appropriate

Administrators?	Yes, if not covered by other training	Counselors?	Yes, if not covered by other training
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#### Time

Duration	~1 Hour	Frequency	Annually
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#### Instruction

Learning Outcomes	Understand FERPA student privacy regulations as they apply to a Title IX context.
Instructor	General Counsel and/or external trainer
Format	Live workshop (could be part of series)
School Type	All

# Optional

▶ Informal Resolution Procedure

Informal Resolution Procedure			
<ul style="list-style-type: none"> <li>If school uses an informal resolution in procedure, which is optional, they must designate and train a facilitator.</li> </ul>			
Audience			
Title IX Coordinator(s), Informal Resolution Facilitators			
Administrators?	Yes, if involved in Title IX investigations	Counselors?	Yes, if involved in Title IX investigations as a Support Person
Time			
Duration	Part of 30 hour - 40 hour TIX Coordinator certification, should be part of ~8 hour certification for other staff with designated TIX responsibilities	Frequency	Licensure/Certification Dependent
Instruction			
Learning Outcomes	Able to implement an information resolution procedure.		
Instructor	Chosen by TIX Coordinator - External Instructor, TIX Coord MAY train others internally once trained externally		
Format	Dependent on specific needs, previous training received		
School Type	Likely only high schools		

# Don't Interrupt, Support.

- ▶ When a student discloses they are a survivor of sex-based violence, your responsibility is to **receive** their disclosure with compassion.
- ▶ Convey that you are a **mandated reporter** without discouraging them from sharing. You may be the **most trusted adult** in their lives.
- ▶ Use the **BASER\*** protocol: **B**elieve, **A**ffirm, **S**upport, **E**mpower, **R**efer.
- ▶ After their initial disclosure, you may pause the student to figure out **next steps** together.

# Appendix F: Final Report on Mandatory Reporting Requirements

## Supporting Survivors Mandatory Reporting

Deliverable 9e: Final Report on Mandatory Reporting Requirements  
March 16, 2023

### Priority Recommendations

Research, student listening, and expert consultation has led us to an immodest conclusion: mandatory reporting **needs to change dramatically to align with best practice in trauma-informed and survivor-centered care** and to align with the self-defined needs of Washington students. Here are our primary recommendations:

- **Adopt a Consent-Based Standard:** We recommend that Washington adopt a consent-based reporting standard, instead of the current mandatory one. A consent-based standard would not alter the care provided by Child Protective Services (CPS), but would give students age 13+ a choice as to whether to access care.
- **Remove Criminalizing Penalties:** Mandatory reporting laws make important elements of survivor-centered and trauma-informed care illegal in Washington state. We recommend that the gross misdemeanor charge ([RCW 26.44.080](#)) and any other penalties be removed so professionals can legally affirm student agency and privacy.
- **Use Harm Reduction Strategies:** Until those changes are made, we recommend that reporters use harm reduction strategies to minimize negative impact while abiding by the law, such as by maximizing student choice and transparency when reporting.
- **Clarify CPS Response Limitations:** Another change that can be made now by DCYF is to instruct school-based reporters not to report assaults unless the respondent is a parent or guardian.

Assaults by others, such as fellow students, are “screened out” by CPS anyway ([WAC 110.30.050](#)). Those reports cause needless stress without care.

## Legislative Context

Proviso ESSB 5693 § 501(4)(ee)(i) required that this project:

Review current legal requirements mandating that educators and staff report suspected sexual assault and assess whether changes to those requirements should be made to align them with best practices for responding to sexual assault and supporting survivors in schools.

The RFP prepared by the Office of Superintendent of Public Instruction (OSPI) further specified that best practices should be determined by both research and student voice. The report that follows integrates both sets of directives.

# Introduction

▶ Rethinking Mandatory Reporting

## Introduction: Rethinking Mandatory Reporting

Mandatory reporting is the legal obligation to report the abuse or neglect of a child, including sexual assault. A mandated reporter is a person with a role or profession which requires them to make that report to agencies and authorities able to provide protective care. A report<sup>10</sup> is most often triggered when a reporter observes abuse or neglect or receives a verbal disclosure of abuse or neglect upon a person younger than eighteen.

In 1962 the Children's Bureau of the U.S. Department of Health and Human Services hosted a meeting to discuss child mistreatment and consider protective actions available to government. Mandatory reporting laws were enacted at the state level in that decade and have expanded in scope since. Intentions were good, but also reflected an outdated and ageist view of child welfare in which adults act on behalf of children. Current best practice states that survivor agency should be prioritized through trauma-informed and survivor-centered practices, which will be explored in detail in the following section.

Though these laws are widespread, there has been little research on how reporting impacts teen survivors of sexual assault (Bailey, Shaw, and Harris, 2021). Research does show the harm of mandated reporting, though, specifically from the perspective of people who have entered the system by having their abuse or neglect reported (Lippy, Burk, and Hobart, 2016).

Moreover, mandatory reporting is not a universal standard of care, even among wealthy nations. For example, in New Zealand, where mandated reporting does not exist, a research team recently investigated the likely impact of implementing such a law. The resulting 2015 report recommended that the country not implement mandated reporting because researchers found that the policy would deter high school students from disclosing abuse to teachers and school counselors (Meiners and Tolliver, 2016; Lawson and Niven, 2015). This is precisely the result we found in our own listening sessions with Washington students (Joyce, 2022).

In addition, mandatory reporting is part of a larger system of “punitive and extractive practices” by the state upon already marginalized groups, particularly Black, Indigenous, queer, transgender, and disabled individuals and communities (Just Beginnings Collaborative, 2022). For example, Black, American Indian, Alaskan Native, and multiracial children are more likely to be identified as maltreated than are children of other ethnicities, making children of color more likely to have their lives upended by state intervention (Child Trends Data Bank, 2015).

Finally, in many cases a mandatory report will not result in the protection of an assaulted student. In Washington state, CPS only “screens in” cases in which the alleged perpetrator (respondent) is a parent, guardian, or in loco parentis. This policy is consistent with [WAC 110.30.050](#) and was

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<sup>10</sup> Unless otherwise stated, the term “report” in the document refers to a mandatory report to state agencies, not to any formal or informal reporting process within a school or district.

affirmed in an interview with a representative of the Washington State Department of Children, Youth, and Families (DCYF) (Copeland, 2022). This means that any case in which the respondent is a peer (fellow student) would result in no response from CPS, beyond possible referral to law enforcement, another path for youth, particularly Black and other youth of color, to enter the criminal justice system.

This also means that a report to CPS would not be able to resolve many of the high-profile cases in which a peer or school employee committed sexual harm. In the absence of effective school policies, CPS is being asked to play a role beyond its family remit.

Even beyond individual incidents, schools play a huge role in mandatory reporting. According to Child Welfare Information Gateway (2016), the most likely professions to make a mandated report are legal or law enforcement personnel (18.1%), followed closely by education personnel (17.7%). How mandatory reporters in schools enact mandatory reporting laws will have a dramatic impact on the welfare of students across the state.

Finally, we want to underline that we have no doubt that the individuals who make and respond to mandatory reports in Washington state are doing so with the best interests of students at heart. What we are proposing is the individuals supposedly benefiting from these reports — students themselves—want this system to change<sup>11</sup>.

“It’s just another person taking control over your life.”

- Oliver, 16

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<sup>11</sup> This report reflects the content of 8 group listening sessions and 10 individual interviews with 70 current and former Washington public schools students, aged 11 to 20. The average age was 15. Of the participants, 29% are survivors, 34% are peers, and 37% chose not to disclose their status. The students (96%) and former students (4%) are from Eastern and Western Washington and represent identities that are rural, low-income, disabled, LGBTQ+, Black, Indigenous, and other students of color, including Asian and Pacific Islanders and Latinx and Hispanic identities. Across the sessions, 56% of participants were Black, Indigenous, and people of color. Interviews and listening sessions were conducted by Do Big Good between October of 2022 and March of 2023.

# Recommendations

- ▶ 1. Adopt a Consent-Based Reporting Standard
- ▶ 2. Inform School-Based Reporters on CPS Response Limitations
- ▶ 3. Adopt a “Support Without Report” Model
- ▶ 4. Empower Peers to Provide That Support
- ▶ 5. Change the Age Limit for Mandatory Reporting
- ▶ 6. Lengthen the Time to Report
- ▶ 7. Remove Criminalizing Penalties for Reporters
- ▶ 8. Adopt Harm Reduction Strategies
- ▶ 9. Know That, Without Change, Student Survivors Won’t Seek Help

## Recommendations

It is not by chance that we are putting the voices of Washington student survivors and their peers at the center of these recommendations. Students are they most directly impacted by the mandatory reporting policies meant to protect them and, from what they told us, they are extremely dissatisfied. Washington students, particularly teen students at and above the age of medical consent of 13, have the following requests:

# 1. Adopt a Consent-Based Reporting Standard

Reporting a sexual assault to CPS should not be mandatory. It should be by choice.

Overwhelmingly, students do not want anyone, including professional school personnel, to report their sexual assault to Child Protective Services (CPS) unless they, the student, choose for that report to be made. Legally, this could be achieved by changing "shall" to "may" in sections (1) (a) through (d) of [RCW 26.44.030](#).<sup>12</sup>

While a few students saw the protective value of reporting for younger students, not a single student we talked to as part of our group and one-one-one listening sessions wanted their own case to be reported to CPS without their consent. Here is what they had to say. All quotes are shared pseudonymously and with consent:

“I have friends who have been hurt by mandatory reporting.... Not that the mandatory reporter was trying to do something bad, but that’s how it worked out. Just, at that time, they did not need someone to report. That was not the thing that was going to help them.” - Cody the Penguin, 17

“It’s just another person taking control over your life.” – Oliver, 16

“I feel like they should report only if you feel safe.” - Snow, 14

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<sup>12</sup> Legal analysis and recommendations by Shannon Perez-Darby of Just Beginnings Collaborative.

"In my opinion, absolutely, there should be boundaries... if it's unsafe at home... and by telling them something it puts me at risk.... But, if they're young, it's unfortunate, because they can't even make their own decisions.... You could think that you're helping, but actually put them in a much worse situation." - Purple, 16

Trauma-informed and survivor-center best practice supports this position. In 2014, the United Nations International Children's Emergency Fund (UNICEF) created a suite of training resources called Communities Care aimed at preventing and responding to sexual violence. Here are the principles placed into a school context:

### UNICEF Principles of Survivor-Centered Care

1. Right to Safety: Every student has the right to be protected from further violence. This includes protection from psychological and emotional violence as well as physical violence.
2. Right to Confidentiality: Maintaining confidentiality means not disclosing any information at any time to any party without the informed consent of the person concerned.<sup>13</sup>
3. Dignity and Self-Determination: Sexual violence is an assault on the dignity and rights of the student. Failing to respect the wishes and rights of survivors can increase their feelings of helplessness and shame, reduce the effectiveness of interventions, and cause re-victimization and further harm.
4. Non-Discrimination: All students have the right to the best possible assistance after an assault, without bias on the basis of gender, age, disability, race, color, language, religious or political beliefs, sexual orientation, status, or social class.

Mandatory reporting of a sexual assault without the consent of the student, particularly when the student is above the age of medical consent, **breaches all four principles of survivor-centered care** in the following way:

1. Transgresses Right to Safety: Mandatory reporting could deny the student of psychological and possibly even physical safety, as Purple and Snow's quotes allude to above.

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<sup>13</sup> The UNICEF principles support, with misgivings, breaches of confidentiality in the cases of child sexual abuse. That UNICEF position, however, is not consistent with requests of Washington students interviewed for this project.

2. Breaches Right to Confidentiality: Mandatory reporting denies the student their right to confidentiality by sharing information about their case with a third party without their consent.
3. Minimizes Dignity and Self-Determination: Mandatory reporting denies the student of self-determination because the student is not allowed to choose —determine for themselves—if the report is made. This lack of choice could also deny the student of dignity.
4. May Be Discriminatory: Studies looking at data across the country have shown that social service agencies sometime operate in ways that are biased against people with marginalized identities. Mandatory reporting may also be discriminatory, even if that is not the intent of the professionals making or responding to the report (Meiners and Tolliver, 2016; Just Beginnings Collective, 2022).

It is worth noting here that the “interrupt” model is a step toward trauma-informed and survivor-centered response, but is insufficient. The model instructs school personnel to interrupt a student making a disclosure to inform the student they are disclosing to a mandated reporter, giving them the choice to continue. This warning prevents re-traumatization through multiple disclosures, but does not provide affirmative care.

Providing a choice to survivors is survivor-centered and trauma-informed. However, all options provided by the interrupt model are likely to be unappealing: Disclose to me and lose control of what happens next or continue to keep your assault secret and receive no support or, with no additional guidance, try to figure out the fine line between secrecy and disclosure that allows you to receive support without triggering a report. It is a difficult situation.

“I thought me speaking up was going to get me the support that I needed, but it didn’t. I was just right the whole time... not speaking....”

- Me, 19

## 2. Inform School-Based Reporters That Only Assaults By Parents/Guardians Will Be Screened In

Adopting a consent-based standard is a systemic and multi-year change, but some changes can be made now. One is that DCYF can **instruct school-based professional not to report unless the respondent is a parent or guardian**. As stated in [WAC 110.30.050](#) and affirmed by a DCYF representative during this project, these cases are “screened out” by CPS anyway. A report to law enforcement may still occur if a crime is suspected.

This means that if the alleged perpetrator is anyone other than a parent, guardian, or in certain DSHS-affiliated roles, CPS will take no action to protect or respond to the student assault, other than informing law enforcement, if they believe a crime has been committed. That opens another realm of consent-free state involvement in the child’s life.

In our listening sessions and consultations we found that this element of DCYF policy is not well known and that reporters do not currently have this latitude. Reporters **think they are helping** students harmed by peers or other adults when they report and students **fear that CPS may interfere** in their lives when, in fact, **neither is likely** to occur. This lack of understanding of current policy simply creates stress and absence of care.

DCYF is currently organizing a Mandatory Reporting Workgroup, with the specific goal of better sharing information about that topic. We believe that clarifying this existing DCYF policy to school-based reporters, would:

- Limit screened-out reports in which the respondent is not a parent, guardian, or in a DSHS affiliated role;
- Decrease workload by CPS staff taking reports that will be screened out;
- Increase trust between school-based mandated reporters and student survivors;
- Decrease fear and stress felt by student survivors about being reported.

# 3. Adopt a Confidential “Support Without Report” Model

During the listening sessions for this project, students’ primary request after an assault was the ability to receive **emotional support and advice without the risk of being reported**, affirming the survivor-centered right to confidentiality previously mentioned. Here are their words:

“You’re not ready to report it. You needed someone to talk to about it.” - Mai, 16

“I would just want someone to just be there to listen.” - Blair, 16

“A place where you could talk anonymously about your trauma, and have a support system without having to report and maybe... explaining what it would be to report... but not forcing it...” - Poppy, 14

“They need a safe space to talk to. They don’t want to risk having something they said end up criminalizing someone.” - Crispy, 17

“After something’s been reported, [to] come back to a counselor if a counselor has kind of betrayed you, in a way... in a situation you didn’t feel needed to be reported.” - Daveie, 17

“Maybe, get advice first on how to deal with it, but they’re not even getting that because they’re also afraid of the mandated reporting part.” - Raven, 17

“You reach a level of maturity where you realize this is not safe for me to report. I don’t feel like I am able to deal with those consequences yet. But I want to share.” - Dave, 16

This problem follows students outside of school. In one of our consultation calls, a representative for the Washington-based anonymous crisis service [Teen Link](#) reported that young callers who did give identifying information often chose not to continue their call for fear of being reported (Dobmeier, 2023).

Unfortunately, [RCW 26.44.030](#) defines all “professional school personnel” as mandated reporters, so it is illegal for staff to provide the survivor-informed care that students are asking for. Under current law, **“support without report” is illegal** in most cases because reporting is mandatory once

a disclosure of sexual abuse is made by a student, unless the disclosure is made anonymously. To change the law, “professional school personnel” would need to be removed from the list of mandated reporters in addition to codifying the right to confidential disclosure for students.

“I have friends who have been hurt by mandatory reporting.... Not that the mandatory reporter was trying to do something bad, but that’s how it worked out.”

- Cody the Penguin, 17

“Just not feeling like she wanted to go back to the school for help because they had already broken that trust.”

- Charlie, 19

# 4. Empower Peers to Provide That Support

Currently, the only legal way to provide support without report is to create a structure in which students can get support from an individual who is not a mandated reporter. The Mandatory reporter list is long and thorough (see RCW section), but one such non-reporter group is peers: other students who could be trained to give support, but would not be mandated to report what they heard. Students in the listening sessions also requested peer support. Here is what they had to say:

"Giving someone a support person, someone they've worked well within the school district, someone they have a connection with.... It could be a staff member, a student." - Jamarcus, 15

"I think it would also be cool, like how [our group]'s a peer teaching class about sexual education. Maybe there could be really trusted students, or just younger adults, who are given the ability to also be there as a resource.... You're talking to someone who's near your age more and they can more help the fact that you might not want to talk to someone who might only be there to find the facts of the situation and solve it, [but] instead be there as someone listening and help[ing] you get through it." - Purple, 16

"Knowing you're not alone and there's other students going through the same thing you are..." - Blair, 16

"I feel like more opportunities would be good, just more open to more people to talk to, just someone more comforting to you. Maybe some people want an older person to talk to that makes them more comfortable, you know? Maybe someone their age, so they can feel understood.... [I would want] someone who's more my age, because they could understand me more...." - Mai, 16

The value of peers in supporting survivors is also part of trauma-informed best practice. While survivor-centered care supports people who have experienced the specific trauma of sex-based violence, trauma-informed care is a broader set of practices for responding to a broader range of traumas.

The Substance Abuse and Mental Health Services Administration (SAMHSA) defines trauma-informed care as following six (6) principles, which include the survivor-centered principals of sexual assault care and also go further, for example, by discussing the value of peer support (2014). These principles are placed into a school context below:

### SAMHSA Principles of Trauma-Informed Care

1. **Safety:** Throughout the school, staff and the people they serve, whether children or adults, feel physically and psychologically safe. The physical setting is safe and interpersonal interactions promote a sense of safety. Understanding safety as defined by students is a high priority.
2. **Trustworthiness and Transparency:** School operations and decisions are conducted with transparency with the goal of building and maintaining trust with students, their families, staff, and others in the school community.
3. **Peer Support:** Mutual self-help among students, in general, and student survivors, in particular, is key for establishing safety and hope, building trust, enhancing collaboration, and utilizing personal stories and lived experience to promote recovery and healing.
4. **Collaboration and Mutuality:** Importance is placed on partnering and sharing power between staff and students and among school employees in different roles, demonstrating that healing happens in relationships and that everyone has a role to play in the school's trauma-informed approach.
5. **Empowerment, Voice and Choice:** Throughout the school, individuals' strengths and experiences are recognized and built upon, fostering resilience, the primacy of the student, and the ability of individuals, schools, and communities to heal and recover from trauma. Students are supported in shared decision-making, choice, and goal-setting to determine plans of action they need to heal and move forward. They are supported in cultivating self-advocacy skills. Staff are facilitators of recovery rather than controllers of recovery and are part of a parallel process in which they also feel safe.
6. **Cultural, Historical, and Gender Issues:** The school actively moves past cultural stereotypes and biases (e.g. based on race, ethnicity, sexual orientation, age, religion, gender identity, geography, etc.). It provides access to gender responsive services, leverages healing from traditional cultural connections, incorporates policies and

processes that are responsive to the racial, ethnic and cultural needs of students, and recognizes and addresses historical trauma.

While peer support is an important part of trauma-informed care, **relying on peers is an imperfect solution**. Asking students to heal each other because adults are constrained by the law from providing trauma-informed and survivor-center care is both problematic and troubling.

“Also, with mandated reporting I feel like it definitely drives some people away because they don’t want it to be reported or people knowing about that... but they still need help.”

- Raven, 17

# 5. Change the Age Limit for Mandatory Reporting

While it is important to provide solutions within the current system, students also want policy and legal change. One request is to change the age limit for mandatory reporting to the Washington age of medical consent, which is 13.

Changing the age limit would mean that, beginning at age 13, a student would need to give consent in order for a report to CPS to be made. Here is what students had to say about age and consent in the listening sessions:

“I just feel like there’s kind of a gray area for people who are more on the mature side who maybe don’t want to be reported safety-wise or don’t feel like it’s a good idea to report or for personal reasons. In a perfect world, maybe pre-teen to when you’re a legal adult you could have a little more of a conversation with whoever you reported to of, like, ‘I don’t want to go to the police quite yet, until I’m in a different housing situation’....” - Jimmy, 18

“We talked last year... about mandated reporting. We all came to that conclusion about the age that you should be able to decide. You reach a level of maturity where you realize this is not safe for me to report.” - Dave, 16

“I think this mandatory reporting would be particularly beneficial for people who are at a young age and may be unable to report it or know there is something wrong actually happening to them.... For people under the age of 13-ish it would be helpful, because under the age of 13, for me personally, I didn’t know things related to sex.” - Sea Salt, 17

“[L]egal stuff, like mental health counseling. You’re 13 and above, you don’t need to tell your parents .... It’s a good age. It makes sense.” - Cody the Penguin, 17

Because cognitive disability and other factors may affect the appropriateness of this age in the context of mandatory reporting, further consultation is needed before this change would be implemented, including with the Developmental Disabilities Administration (DDA), The Arc of Washington, and other partners.

## 6. Lengthen the Time to Report

An additional change students would like to see that would increase the trauma-informed and survivor-centered principles of transparency, collaboration, self-determination, and safety, would be to **lengthen the amount of time that mandated reporters have to make a report.**

Though a report must now be made within forty-eight (48) hours of the disclosure, according to [RCW 26.44.030](#), that time period could be longer, to accommodate student consent and response. This would allow students time to manage the likely fall-out of a report. Here is what students had to say in the listening sessions:

“It says here ‘the report must be made at the first opportunity, in no case longer than 48 hours. ’So I was questioning, is it necessary for a time limit? Because someone might not be ready to share out a report.” - Tofu, 17

“If the student goes, ‘I need to be talking to someone right now. ’Student goes in and talks to the teacher or whoever is appointed to help and they just take that time to talk about it, about how that person’s feeling. So then, ‘In a week from now, ’[the support person says], ‘I need you to come back in so I can file a report for this. ’It gives the student more time to reflect on it and feel more comfortable filing a report.” - Bob, 17

“You reach a level of maturity where you realize this is not safe for me to report.... But I want to share.”

- Dave, 16

# 7. Remove Criminalizing Penalties for Reporters

There are also two recommendations that come from adult experts, not students. The first, from the advocacy group [Mandatory Reporting is Not Neutral](#), suggests removing criminalizing penalties for workers who are mandatory reporters under current law. Here's how they make the case in a recent policy one-pager:

“Too often service providers are making liability-based decisions on whether or not to report. Determining the necessity of a report should be based on assessing the benefit to the person experiencing harm not whether or not they will ‘get in trouble.’ Workers making a good faith effort to support children, youth and families experiencing violence should not be working under the threat of criminalization.” (Mandatory Reporting is Not Neutral, 2022).

To realize this change the Washington State Legislature would need to remove [RCW 26.44.080](#), which makes failure to report a **gross misdemeanor**, and remove any other penalties at the local level.<sup>14</sup>

“In the past there definitely have been things that I’ve not told people, told mandated reporters, because I was afraid of what would happen.”

- Anna, 16

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<sup>14</sup> Legal analysis and recommendations by Shannon Perez-Darby of Just Beginnings Collaborative.

## 8. Adopt Harm Reduction Strategies

Another change that can be made right now is to adopt harm reduction strategies that maximize survivor-centered and trauma-informed practice within the constraints of current law. Here are some examples of how that could look, inspired by the work of Kara Hecker, a Counselor for Vancouver Public Schools and former Associate Program Director and Professor at City University of Seattle:

- For the trauma-informed principle of Transparency, a mandatory reporter could say, "I have to report that to CPS within 48 hours because it's the law. After I do, ---- is likely to happen since the person who did this to you is [family/non-family]. Do you have any questions for me?"
- For the survivor-centered principle of Confidentiality, a mandatory reporter could say, "You should be able to choose whether I share this private information about you with CPS. The law prevents me from giving you the right to consent, but I'm going to give you the most choice and control I can."
- For the survivor-centered principle of Self-Determination, a mandatory reporter could say, "Would you like to be in the room when I make the call to CPS?"

We have proposed training on this method for school counselors in the Training Plan deliverable for this project (Joyce, 2023).

As mentioned in the first section, the interrupt model, sometimes called "gentle interruption" or "protective interruption," is an insufficient harm reduction strategy. It does prevent the re-traumatization of multiple disclosures by reducing the number of times the student will tell their story, but it does not provide affirmative care. A "gentle" or "protective" "no" to a student in pain seeking the support of a trusted adult is a refusal nonetheless.

## 9. Know That, Without Change, Students Won't Seek Help

The older students we have talked to thus far, aged 13+, understand mandatory reporting enough that they are strategizing around it. This means students are purposely avoiding seeking school support after an assault. Here is what they had to say:

“In the past there definitely have been things that I’ve not told people, told mandated reporters, because I was afraid of what would happen.” - Anna, 16

“I thought me speaking up was going to get me the support that I needed, but it didn’t. I was just right the whole time... not speaking...” - Me, 19

“Being forced to simmer through that experience in silence because you’re afraid... It’s a domino effect when you report. It’s just very difficult.” - Biscuit, 17

“Also, with mandated reporting I feel like it definitely drives some people away because they don’t want it to be reported or people knowing about that... but they still need help.” - Raven, 17

“Just not feeling like she wanted to go back to the school for help because they had already broken that trust.” - Charlie, 19

“Even with counselors or therapists, a lot of them are mandated reporters.... It definitely drives people away from getting support....” - Jimmy, 18

The current situation is bleak, but change is possible. The recommendations made in this report present a range of options, from changes that can happen quickly (better informing school-based reporters about which reports are screened in) to paradigm shifts that will require multiple changes to law and policy to implement (replacing the mandatory reporting standard with a consent-based one). We hope this report gives you and others a place to start and that the voices of students stay at the center for your decision-making process.

# Legal Requirements

- ▶ Revised Code of Washington (RCW)
- ▶ Washington State Administrative Code (WAC)

# Revised Code of Washington (RCW)

Laws about mandated reporting are spread throughout the Revised Code of Washington (RCW) [RCW 26.44](#), which relates to the abuse of children. Relevant sections are as follows:

### RCW 26.44.010: Purpose

This section lays out the purpose of the law and introduces the need for emergency intervention, which is the purpose of making a mandatory report.

[E]mergency intervention based upon verified information; and therefore the Washington state legislature hereby provides for the reporting of such cases to the appropriate public authorities.

This section also introduces the importance of privacy in making these reports, though the current law seems to highlight the privacy needs of the reported aggressor (“malicious...action”), **rather than the privacy of the child survivor**.

Reports of child abuse and neglect shall be maintained and disseminated with strictest regard for the privacy of the subjects of such reports and so as to safeguard against arbitrary, malicious or erroneous information or actions.

This section also uses the phrase “subject of the report” in an ambiguous way. According to current procedure, the mandated reporter provides identifying details of the child harmed, not necessarily to person accused of committing that harm.

## RCW 26.44.020: Definitions

This section lays out definitions related to child abuse response in Washington state. Of particular interest to the issue of sexual assault in schools is that definition of the type of mistreatment that mandates a report:

1) "Abuse or neglect" means sexual abuse, sexual exploitation, or injury of a child by any person under circumstances which cause harm to the child's health, welfare, or safety, excluding conduct permitted under RCW 9A.16.100; or the negligent treatment or maltreatment of a child by a person responsible for or providing care to the child.

It is interesting to note that while sexual exploitation is defined in the section as participation in prostitution or the creation of pornography, sexual abuse is not defined in this section, resulting in a lack of clarity as to which sexual acts committed against a student would mandate a report.

(2) "Child" or "children" means any person under the age of eighteen years of age.

The section further stipulates that a child is anyone under the age of eighteen, even though cognitive capacity varies enormously from birth to early children and adolescence.

## RCW 26.44.030: Reports

Mandated Reporters: This section receives the most attention in mandated reporting, as it speaks to the report itself. The section begins with a list of professions that are mandated reporters. The professions most relevant to sexual assaults affecting public schools students are "professional school personnel," "registered or licensed nurse," and "social service counselor."

- practitioner, county coroner or medical examiner,
- law enforcement officer,
- professional school personnel,
- registered or licensed nurse,
- social service counselor,
- psychologist, pharmacist,
- employee of the department of children, youth, and families,
- licensed or certified child care providers or their employees,
- employee of the department of social and health services,

- juvenile probation officer,
- placement and liaison specialist,
- responsible living skills program staff,
- HOPE center staff,
- state family and children's ombuds or any volunteer in the ombuds's office...
- host home program
- ...department of corrections personnel
- ...any adult who has reasonable cause to believe that a child who resides with them
- ...any person, in his or her official supervisory capacity with a nonprofit or for-profit organization
- ...guardians ad litem,
- ...court-appointed special advocates
- ...administrative and academic or athletic department employees, including student employees, of institutions of higher education,
- ...Any other person who has reasonable cause to believe that a child has suffered abuse or neglect may report...

Specifically exempted from this list, but sometimes included in other states' mandated reporter laws are clergy and other church professionals including pastors and pastoral staff. [According to the Children's Bureau](#), an office of the federal [Administration for Children & Families](#), nineteen states list clergy as mandated reporters, but Washington is not one of them.

Reasonable Cause: The **standard for reporting is defined as "reasonable cause"** to believe that a child has suffered abuse or neglect" and defines "reasonable cause."

"Reasonable cause" means a person witnesses or receives a credible written or oral report alleging abuse, including sexual contact, or neglect of a child.

Sexual Contact: Sexual contact is referenced here, but defined in [RCW 9A.44.010](#). This definition **would apply to all cases of student sexual assault** we learned of in our academic research and in student listening sessions, including groping and fondling that is non-penetrative and to acts committed upon students by peers as well as adults.

(13) "Sexual contact" means any touching of the sexual or other intimate parts of a person done for the purpose of gratifying sexual desire of either party or a third party.

Whom to Report to: The law also dictates that law enforcement or “the department,” (presumably the Department of Children, Youth, and Families) must be notified, but does not say in which cases it would be appropriate to report to one entity or the other.

...reasonable cause to believe that a child has suffered abuse or neglect, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency or to the department...

Should a person identify within the list and have reasonable suspicion of child abuse, they may contact the [Washington State Department of Children, Youth, and Families](#) (DCYF) or law enforcement. There are various district DCYF [reporting options](#), though the easiest is to contact the following toll free number. +1 (866) END-HARM.

Role of Law Enforcement: In any case, the section later mandates that DCYF must inform **law enforcement** of the case in **twenty-four (24) or seventy-two (72) hours**, depending on danger to the child, so police must be involved whenever a report is made. When sexual assault is perpetrated by a minor, this could push the child into the criminal justice system in a way that could cause harm.

In emergency cases, where the child's welfare is endangered, the department shall notify the proper law enforcement agency within twenty-four hours after a report is received by the department. In all other cases, the department shall notify the law enforcement agency within seventy-two hours after a report is received by the department.

Who Makes the Report: The wording “cause a report to be made” indicates that the individual with reasonable cause to believe abuse or neglect has occurred **does not need to make the report themselves**, but only is responsive for causing it to be made by some individual. During the course of our research, we learned that in schools, employees such as teachers and counselors will report to an administrator, who could then make the report in place of the person who received the disclosure.

[H]e or she shall report such incident, or cause a report to be made...”

This might cause difficulty for school personnel in a case where multiple personnel receive the report at once. A few minutes into the start of the school day, a student might come into the front office and announces to several teachers and administrators who are present: “Another student just sexually assaulted me in the hallway and I need to meet with someone right away.”

[RCW 26.44.030](#) specifies that a professional school employee, individually “...shall report such incident, or cause a report to be made.” Since the student made a statement to multiple staff simultaneously, this could potentially lead to multiple reports of the same incident, with varying degrees of consistency between them.

To avert ambiguity, as well as potential delays in reporting, OSPI can issue a guidance document on this matter, and training--at the local school level--should emphasize individual responsibilities using specific examples. These examples could include, but should not be limited to:

- When a survivor reports to multiple employees at once.
- When multiple survivors report at once.
- When multiple survivors report to multiple employees at once.

Finally, OSPI could, unilaterally, or in cooperation with state police, draft and disseminate model protocol for how to best provide follow-up reports and updates regarding a matter already reported under [RCW 26.44.030](#).

Time to Report: The section stipulates that a report must be made **no longer than forty-eight (48) hours** after an individual in the above-named professions has reasonable cause to believe abuse has occurred.

The report must be made at the first opportunity, but in no case longer than forty-eight hours after there is reasonable cause to believe that the child has suffered abuse or neglect.

This might cause difficulty for school administrators if a student emails the Title IX Coordinator/Civil Rights Coordinator/Principal on Friday at the end of the work day and says “I want to meet with you because I was recently raped by someone at school.”

Under the statute, this administrator presumptively has to make a report based on this email within 48 hours, therefore before Sunday evening. This requirement means that a report will be filed by the administrator, regardless of the reporting party’s wishes and potentially without their knowledge, before they ever have an opportunity to meet with the student and review Supportive Measures/Safety Planning/Additional Options under Title IX/etc.

Additionally, on a strict reading of [RCW 26.44.030](#), there is not a parallel requirement for the administrator to give notice to the original student of what they did with the report based on the requirements of state law.

Privileged Communication: The issue of privileged communication is also raised as an exemption to mandated reporting, but [RCW 5.60.060](#) only provides children themselves with one opportunity for this type of privacy, which is in communication with their attorney.

(b) A parent or guardian of a minor child arrested on a criminal charge may not be examined as to a communication between the child and his or her attorney if the communication was made in the presence of the parent or guardian.

### **[RCW 26.44.080](#): Violation Penalty**

Gross Misdemeanor: Not reporting or causing to report abuse or neglect, if one is mandated to do so, is a gross misdemeanor, which is punishable by up to 364 days in jail and/or a fine of up to \$5,000 in Washington.

Every person who is required to make, or to cause to be made, a report pursuant to RCW 26.44.030 and 26.44.040, and who knowingly fails to make, or fails to cause to be made, such report, shall be guilty of a gross misdemeanor.

# Washington State

## Administrative Code (WAC)

Policies describing how to implement mandated reporting laws may be found in Washington State Administrative Code (WAC) [WAC 110-30](#), which relates to Child Protective Services (CPS) and has some information related to school responses to sexual assault:

### [WAC 110.30.0030](#): What is child abuse or neglect?

This section defines which sex acts upon a child that are within the purview of CPS.

(3) **Sexual abuse** means committing or allowing to be committed any sexual offense against a child as defined in the criminal code. The intentional touching, either directly or through the clothing, of the sexual or other intimate parts of a child or allowing, permitting, compelling, encouraging, aiding, or otherwise causing a child to engage in touching the sexual or other intimate parts of another for the purpose of gratifying the sexual desire of the person touching the child, the child, or a third party...

The definition of sexual exploitation includes a narrow range of sexual harm that is done for the financial gain and entertainment of the person manipulating the child into engaging in sexual acts. This would apply to student who are victims of sexual exploitation.

(4) **Sexual exploitation** includes, but is not limited to, sex trafficking and commercial sexual exploitation as those terms are defined by law and includes such actions as allowing, compelling, encouraging, aiding, or otherwise causing a child to participate in one or more of the following:

(a) Any sex act when anything of value is given to or received by any person for the sex act;

The **filming or photographing** of children with a sexual purpose would apply to the misuse of digital sexual images of minors, produced or shared with or without their consent.

(b) Sexually explicit, obscene, or pornographic activity to be photographed, filmed, or electronically reproduced or transmitted;

(c) Sexually explicit, obscene, or pornographic activity as part of a live performance or for the benefit or sexual gratification of another person.

### **WAC 110.30.050: Who may receive child protective services?**

This section is important to the role of schools because it indicates that children assaulted by a peer (fellow student) or an adult who is not a legal custodian (such as a teacher) are not eligible for a CPS response.

Children and families may receive child protective services when there is an allegation that a child has been abused or neglected:

- (1) By a parent, legal custodian, or guardian of the child; or
- (2) In a DSHS licensed, certified, or state-operated facility; or
- (3) By persons or agencies subject to licensing under chapter 74.15 RCW, including individuals employed by or volunteers of such facilities.

According to this list, CPS would only become involved if a child reported a sexual assault by a legal custodian, in a DSHS licensed facility, or by a DSHS licensed agency or individual.

### **WAC 110.30.090: What information may CPS share with mandated reporters?**

This is another section relevant to schools. School counselors who report student sexual assault cases to CPS, according to their duty as mandated reporters, expressed during our consultation interviews their desire to know what happened to the student after the report.

According to this section of the administrative code, it seems that these school-based reporters do not fall within subset of “consultants designated by CPS,” who are the only individuals with permission to access confidential CPS records on a student’s case

(1) CPS in the conduct of ongoing case planning and consultation with those persons or agencies required to report alleged child abuse or neglect under RCW 26.44.030 and with consultants designated by CPS, may share otherwise confidential information with such persons, agencies, and consultants if the confidential information is pertinent to cases currently receiving child protective services.

These **reporters may receive these records only from the student themselves**, if the student makes such a request to CPS and opts to share that information with a school counselor or other individual.

(2) When CPS receives a report of alleged child abuse or neglect, mandated reporters, as identified in RCW 26.44.030, and their employees must provide upon request by CPS, all relevant records in their possession related to the child (RCW 26.44.030).

### **WAC 110.30.0100: When will CPS involve local community resources?**

Administrators, counselors, and students all expressed an interest in being community to community resources to support student survivors. The statute says CPS “may use” community-based resources to respond to cases and to prevent them by remedying conditions. However, **CPS is not mandated to work with local partners** or develop these relationships.

(1) CPS may use local community resources to respond to reports of abuse or neglect when the department's assessment of risk determines that a community response is in the best interest of the child and family.

(2) CPS may involve local community resources in the planning and provision of services to help remedy conditions that contribute to the abuse or neglect of children.

### **WAC 110.30.0130: What are the department's responsibilities regarding notification of the parent or legal custodian in CPS cases?**

Students expressed significant **concern that the details of their disclosure might be shared with a parent or legal custodian**. Many see this as a reason not to report their sexual assault to a member

of the school community. At least one student in a listening session had a school counselor call her father, which she felt was wrong.

Although CPS must notify the parent or legal custodian when they are investigating a case, **that notification should only be made if it will not “jeopardize... the safety or protection of the child.”**

CPS must notify the parent, guardian, or legal custodian of a child at the earliest possible point that will not jeopardize the investigation or the safety or protection of the child...

**WAC 110.30.0180: Does CPS have to notify the alleged perpetrator of the results of CPS investigation?**

In cases in which a member of the school community is supporting a student whose case is under CPS investigation, it may be helpful to know **the perpetrator will be informed.**

CPS has the duty to notify the alleged perpetrator in writing of any finding made by CPS in any investigation of suspected child abuse and/or neglect.

**WAC 110.30.0210: What happens to screen-out CPS cases?**

Because sexual abuse by peers and non-custodial adults are not within the purview of CPS, those cases will be “screened-out” by CPS. Those **screened out cases will be destroyed after three (3) years.**

(3) At the end of three years from the receipt of a screened-out report that alleged child abuse or neglect, the department must destroy its records relating to that report.

The remainder of the WACs in this section (WAC 110.30.0220 through WAC 110.30.0390) relate to perpetrators challenging a CPS and the role of the administrative law judge (AJL) in make rulings on CPS findings and are not connected to the role of schools in responding to sexual assault.

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