DISCLOSURE BY A CHILD OF SEXUAL ASSAULT OR OTHER CRIMINAL ACTIVITY

Sexual assault is criminal activity which involves physical contact. However, not all physical contact is necessarily sexual assault or criminal activity. The principal, in consultation with the Executive Director of Pupil Personnel Services, should use professional judgment in deciding if the physical conduct should be treated as sexual assault and subsequently referred to School Police Department and the Plymouth County District Attorney’s Office.

The following steps are intended to provide guidance to principals/administrators in investigating a disclosure of sexual assault expressed by a student. These recommended steps are not all-inclusive and you may need to take other steps as the investigation proceeds.

The goal of the investigation is to gather as much information as possible regarding the complaint so that you can form a conclusion and determine a plan of action. It is expected that all school staff will treat each individual case confidentially, professionally, and with extreme sensitivity.

1. Direct all staff members to immediately report any disclosure by students of incidents of sexual abuse, sexual assault, sexual harassment or any form of abuse inflicted by anyone at the school to.

2. Direct the staff member reporting the disclosure to prepare a written statement.

3. Inform the student that you are going to talk with his/her parents.

Please note that the questioning of a student sexual abuse victim is an extremely complicated and sensitive procedure which is best conducted by trained personnel. In cases that could result in litigation, the use of a professional interviewer is essential.

Once the parent(s)/guardian(s) have been contacted, (utilizing home, work or emergency telephone numbers, as needed), they are to be fully informed of the allegations and of the official notifications made thus far. They should be invited to come to school and should further be assured that a full investigation will be conducted and that harassment of any kind is not tolerated in the Brockton Public Schools.

4. Notify by telephone the offices of the Deputy Superintendent and the Executive Director of Pupil Personnel Services. A confidential report must be sent to the Deputy Superintendent with a copy to the Executive Director of Pupil Personnel Services within twenty-four hours. They will assist you in determining whether or not to contact the Brockton School Police (508-580-7611) and the Office of the Plymouth County District Attorney. (508-584-8120).

If the alleged perpetrator is an adult, the allegation must be treated as sexual abuse and immediately referred to the Brockton School Police Department for further investigation. If the alleged adult perpetrator is a Brockton School Department employee, the matter must be immediately referred to the Brockton Public School’s Human Resource Department, as well.
If the alleged perpetrator is another student or child, the following should be considered in making a determination:

- The ages of the alleged perpetrator and the alleged victim, and the difference between the ages: (Students under the age of seven are usually considered victims of, or witnesses to, the inappropriate sexual behavior of others rather than perpetrators and cannot be criminally prosecuted. However, depending upon the nature and severity of the behavior, certain cases may be reported to the School Police for further investigation and a 51A may be filed with the Department of Social Services.)

- The intent of the behavior: i.e., whether the behavior is of an intentional sexualized nature or non-sexualized physical conduct.

- Whether the conduct is typical of the age group or developmental stage of the alleged perpetrator.

- Whether the alleged victim felt fearful.