

PERSONNEL

Employees who have suffered an assault in connection with their employment shall immediately make a written report of the circumstances thereof to their principal or immediate superior and shall make supplemental written reports attaching copies of any summons, complaint, process, information, indictment, notice or demand served upon them in connection with such assaults within five (5) days after they have been served therewith, and reporting the final disposition of any such proceedings.

Such reports shall be forwarded to the State Department of Education through the superintendent's office as mandated by the legal reference to this policy. Copies of these reports shall be submitted to the school board.

In the event civil or criminal proceedings are brought against the employee, the board will comply with any reasonable request by the employee for information in the board's possession not privileged by law or school board policies and/or regulations and relevant to the incident reported.

If criminal or civil proceedings are brought against an employee alleging that the employee committed an assault in connection with his/her employment, such employee, after making the reports described above, may request the board's assistance in the preparation of the employee's defense. Upon receipt of such request, the board will instruct its attorney to consult with the employee's legal counsel in the preparation of the employee's defense, insofar as the interests of the employee and the division are not conflicting.

Nothing in this policy shall prejudice any action that the board might otherwise take regarding the employee's employment status.

Legal Reference:

Code of Va., §18.2-60. Threats of death or bodily injury to a person or member of his family; certain oral threats communicated to school personnel; penalty. A. If any person write or compose and also send or procure the sending of any letter or inscribed communication, so written or composed, whether such letter or communication be signed or anonymous, to any person, containing a threat to kill or do bodily injury to the person to whom such letter or communication is sent, or a threat to kill or do bodily injury to any member of his or her family, the person so writing or composing and sending or procuring the sending of such letter or communication shall be guilty of a Class 6 felony and may be prosecuted either in the county, city or town in which the letter or inscribed communication is composed, written, sent or procured to be sent or in the county, city or town in which the letter or inscribed communication is received.

B. If any person orally makes a threat to any employee of any elementary, middle or secondary school, while on a school bus, on school property or at a school-sponsored activity, to kill or to do bodily injury to such person, he shall be guilty of a Class 1 misdemeanor.

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Personnel Protection from Assaults/Other Acts (continued)Code of Va., § 22.1-280.1. Reports of certain acts to school authorities

A. Reports shall be made to the principal or his designee on all incidents involving (i) the assault, assault and battery, sexual assault, death, shooting, stabbing, cutting, or wounding of any person on a school bus, on school property, or at a school-sponsored activity; (ii) any conduct involving alcohol, marijuana, a controlled substance, imitation controlled substance, or an anabolic steroid on a school bus, on school property, or at a school-sponsored activity; (iii) any threats against school personnel while on a school bus, on school property or at a school-sponsored activity; or (iv) the illegal carrying of a firearm onto school property. The principal or his designee shall submit a report of all such incidents to the superintendent of the school division. The division superintendent shall annually report all such incidents to the Department of Education for the purpose of recording the frequency of such incidents on forms which shall be provided by the Department and shall make such information available to the public. A division superintendent who knowingly fails to comply or secure compliance with the reporting requirements of this subsection shall be subject to the sanctions authorized in §22.1-65.

B. The principal or his designee shall notify the parent of any student involved in an incident required by subsection A to be reported, regardless of whether disciplinary action is taken against such student or the nature of the disciplinary action. Such notice shall relate to only the relevant student's involvement and shall not include information concerning other students.

Whenever any student commits any reportable incident as set forth in this section, such student shall be required to participate in such prevention and intervention activities as deemed appropriate by the superintendent or his designee. Prevention and intervention activities shall be identified in the local school division's drug and violence prevention plans developed pursuant to the federal Improving America's Schools Act of 1994 (Title IV - "Safe and Drug-Free Schools and Communities Act").

C. The principal shall report to the local law-enforcement agency any act enumerated in subsection A which may constitute a criminal offense.

D. All school boards shall develop, in cooperation with the local law-enforcement agencies, juvenile and domestic relations court judges and personnel, parents, and the community at large, programs to prevent violence and crime on school property and at school-sponsored events. Activities designed to prevent the recurrence of violence and crime may include such interventions as school crime lines, peer mediation, conflict resolution, community service requirements, and any program focused on demonstrating the consequences of violence and crime.

E. A statement providing a procedure and the purpose for the requirements of this section shall be included in the policy manual of all school divisions.

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Personnel Protection from Assaults/Other Acts (continued)

The Board of Education shall promulgate regulations to implement this section including, but not limited to, establishing reporting dates and report formats.

F. School boards are encouraged to develop and use a network of volunteer services in implementing the prevention activities required by subsection D.

G. For the purposes of this section, "parent" or "parents" means any parent, guardian or other person having control or charge of a child.

H. This section shall not be construed to diminish the authority of the Board of Education or the Governor concerning decisions on whether, or the extent to which, Virginia shall participate in the federal Improving America's Schools Act of 1994, or to diminish the Governor's authority to coordinate and provide policy direction on official communications between the Commonwealth and the United States government.

(1997)

Code of Va., § 65.2-301. Victims of Sexual Assault.--"A. Any employee who, in the course of employment, is sexually assaulted, as defined in §§ 18.2-61, 18.2-67.1, 18.2-67.3 or §18.2-67.4, and promptly reports the assault to the appropriate law-enforcement authority, where the nature of such employment substantially increases the risk of such assault, upon a proper showing of damages compensable under this title, shall be deemed to have suffered injury arising out of the employment and shall have a valid claim for workers' compensation benefits.

B. Notwithstanding the provisions of this title, an employee who is sexually assaulted and can identify the attacker may elect to pursue an action-at-law against the attacker, even if the attacker is the assaulted employee's employer or co-employee, for full damages resulting from such assault in lieu of pursuing benefits under this title, and upon repayment of any benefits received under this title.

C. Nothing in this title shall create a remedy for sexual harassment nor shall this title bar any action at law, that might otherwise exist, by an employee who is sexually harassed." (1992)

Adopted by School Board: August 9, 1988