

WHAT CAN YOU DO IF A STUDENT ASSAULTS YOU?

EAN RECOMMENDATIONS FOR REPORTING ASSAULT

BACKGROUND

EAN members don't believe that a small percentage of students who are disruptive or violent in verbal or physical assault should be allowed to intimidate students or teachers or affect the learning situation in our public schools.

In the case of assaults upon teachers, the Association believes the School Administration should be supportive of the role of teachers and cooperative in taking the necessary steps to discipline, suspend or expel, and prosecute students whenever, wherever, and as frequent as necessary when their conduct violates the preservation of good order and discipline in the schools.

Thus, if in your opinion an assault upon you is serious enough to bring charges against the student (elementary or secondary), you must file a petition. For charges against a minor, file a petition in the "intake office" on the third floor, Juvenile and Domestic Relations office. Your school administration knows how to process this for you, in most cases by fax. If this help is not forthcoming, contact EAN immediately.

For charges against an adult, file a summons or warrant in the magistrate's office in the Public Safety Building.

If you are in doubt as to whether or not the incident is serious enough to satisfy the technical points required for prosecution, contact the EAN.

Following are the main Norfolk city code sections that may be cited (use more than one citation if necessary)

Abusive language. Punishable by a fine up to \$500 (be sure to put down in writing the exact words used).

Assault and Battery. "If such an act or acts be committed upon a school teacher or school administrator while such school teacher or school administrator is performing school-related duties, the offender shall, upon conviction thereof, be punished by a fine of not less than fifty dollars nor more than one thousand dollars and by imprisonment in jail for not less than ten days nor more than twelve months."

(Note: A threat of bodily harm by voice, gesture, or with a weapon could be "assault" while "battery" is the actual physical blow. In very serious cases — generally students age 16 and above where skin is broken and bruises and injury occur through use of hands or weapons — the charge is "Felony Assault and Battery". For such cases, ask for assistance from the Commonwealth Attorney's Office.)

Disruptive Behavior in Schools. "It shall be unlawful for any person to engage in any disruptive activity or behavior on or off school premises which interferes with the orderly conduct of the daily affairs of any of the schools in this city. Any person violating this section, upon conviction thereof, shall be punished by a fine of not less than twenty-five dollars, nor more than five hundred dollars or by imprisonment in jail for not more than six months, either or both."

PROCEDURE TO REPORT STUDENT ASSAULT:

1. Contact your principal to report the incident.
2. You will need the correct name, age, address, and phone numbers of the student, plus name and address of parent or guardian.
3. Cite the appropriate section of the City Code if known (or ask for assistance on this). (Take your calendar/handbook with you.)
4. **Contact the EAN (622-9090)** and report the incident.
5. **Inform the Division of Pupil Personnel** by phone (628-3931) of the incident, and also **write** a short signed note to Pupil Personnel briefly describing the incident and requesting the services a government attorney to prosecute. If your school administration does not handle this for you, EAN has the forms to do so.
6. **Write up a complete and signed statement of the incident** including names of any witnesses, and be sure to indicate the **exact words** used or gestures made (in verbal assault using obscene and threatening language), and also include a statement of your feelings as to whether or not you felt you were in serious danger, etc. *Contact the EAN for your protection to review your proposed statement before you finalize and sign it. Be sure to make and keep a copy.*
7. Ask witnesses to make signed, written statements **as soon as possible**, especially student witnesses who may be subject to peer pressure to alter testimony. If possible, have all statements typed, signed, and dated, with a copy to you.
8. Keep the school administration (principal and the Pupil Personnel office) and the EAN advised by phone of court dates and action taken.
9. Take "**professional leave**" for court appearance and ask your principal if a substitute should be called.