



Anti-Bullying and Sexual Harassment Policies

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Anti-Bullying Policy

Inspired Teaching Demonstration School is committed to providing a safe learning environment for all students. Bullying and harassment threatens that environment and is not tolerated. In support of our efforts to provide a safe school climate, ITDS will provide proactive anti-bullying education and prompt intervention to stop bullying behaviors and remedy their effects.

Definition

“Bullying” has been defined by the Youth Bullying Prevention Act of 2012 (YBPA) as any severe, pervasive, or persistent act or conduct, whether physical, electronic, or verbal that:

- (A) May be based on a youth’s actual or perceived race, color, ethnicity, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, intellectual ability, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, status as a victim of an intrafamily offense, place of residence or business, or any other distinguishing characteristic, or on a youth’s association with a person, or group with any person, with one or more of the actual or perceived foregoing characteristics; and

- (B) Shall be reasonably predicted to:
 - (i) Place the youth in reasonable fear of physical harm to his or her person or property;
 - (ii) Cause a substantial detrimental effect on the youth’s physical or mental health;
 - (iii) Substantially interfere with the youth’s academic performance or attendance; or
 - (iv) Substantially interfere with the youth’s ability to participate in or benefit from the services, activities, or privileges provided by an agency, educational institution, or grantee.

Prohibition against Bullying

Acts of bullying, including cyber bullying, whether by youth, volunteers or staff, are prohibited:

1. On Inspired Teaching Demonstration School grounds and immediately adjacent property, at Inspired Teaching Demonstration School-sponsored or related events on and off Inspired Teaching Demonstration School grounds, on any vehicle used for Inspired Teaching Demonstration School business, at any transit stop at which youth wait to be transported to Inspired Teaching Demonstration School business, or through the use of any electronic devices owned by ITDS, leased by ITDS or used for Inspired Teaching Demonstration School business; and
2. At a location unrelated to ITDS, through the use of any electronic devices, including those not owned or leased by ITDS, if the acts of bullying or cyberbullying create a hostile environment at the school for the victim or witnesses, infringe on their rights at Inspired Teaching Demonstration School, or substantially disrupt the orderly operation of the school.

Retaliation against a youth, volunteer or staff member who reports bullying provides information about an act of bullying or witnesses an act of bullying is also prohibited.

Publication and Contact Information

This policy is available on the Inspired Teaching Demonstration School's website and in the Family Handbook. The policy will be distributed to families annually and will be available at any time upon request.

Jessica Hiltabidel, Director of Culture, Equity and Access, coordinates Inspired Teaching Demonstration School's bullying prevention efforts. All questions, comments and concerns about the policy should be directed to her at 202-248-6825 or jessica.hiltabidel@inspiredteachingschool.org.

Training

Inspired Teaching Demonstration School will provide training on this policy and the procedures for responding to and reporting incidents of bullying.

Reporting Incidents of Bullying or Retaliation

Inspired Teaching Demonstration School expects all staff members and volunteers to report incidents of bullying harassment or retaliation they witness or are made aware of. Staff members should immediately record all such incidents in accordance with school procedures for reporting behavior incidents and notify the appropriate Manager of Culture. Any student who believes that they have been bullied/sexually harassed, or who has seen another student being bullied/sexually harassed, should report the problem immediately to a teacher or other adult on campus. Any parent who witnesses or becomes aware of an incident of bullying should report it to the appropriate Principal or the Director of Culture, Equity and Access. Reports may be made anonymously, although no formal response will be taken solely on the basis of an anonymous report. However, such a report may trigger an investigation.

Investigating Incidents of Bullying or Retaliation

If an incident of bullying or retaliation is reported, the Manager of Culture, Equity, and Student Experience, Lower School (PreS-4) or the Manager of Culture, Equity, and Student Experience (5-8) will respond quickly and appropriately to investigate and intervene. Complaints or reports of bullying/retaliation will be investigated in an adequate, reliable and impartial manner. Each investigation will include, as necessary, interviewing witnesses, obtaining documents and allowing parties to present evidence. All documentation related to the investigation will remain confidential. Inspired Teaching Demonstration School will take steps to ensure the safety of all parties involved and determine whether the incident was one of bullying/retaliation. Inspired Teaching Demonstration School will also take steps to provide the complainant with periodic updates on the status of the investigation. Once bullying/retaliation behavior has been determined, the following groups will be notified as needed by Inspired Teaching Demonstration School, making every effort to protect confidentiality of those who report bullying/retaliation:

- Parents and guardians: Inspired Teaching Demonstration School will notify the parents or guardians of victims, instigators, and witnesses as appropriate, about the nature of the incident and the steps in place to respond to it. The Director of Culture, Equity and Access will determine if parents or guardians should be informed prior to or after the investigation of the incident.

- Law enforcement agencies: If Inspired Teaching Demonstration School determines that the reported incident may involve criminal activity or could become the basis for criminal charges, information about the incident must be conveyed to the appropriate law enforcement agencies.

Within ten (10) school days of receiving a report of bullying, the Managers will conduct the investigation and respond to the families of the students involved in writing, summarizing the course and outcome of the investigation and identifying an appropriate resolution. If it is determined that bullying has occurred, appropriate corrective and remedial action will be taken. Inspired Teaching School will make determinations as to whether a reported incident constitutes bullying based on all of the facts and circumstances surrounding the incident. Inspired Teaching Demonstration School will use a preponderance of the evidence standard (i.e., more likely than not that bullying occurred) when resolving complaints.

Steps will be taken as necessary to protect suspected victims of bullying during the course of the investigation process. Inspired Teaching School will make every effort to protect confidentiality during the course of the investigation. The individual responsible for conducting the investigation will be responsible for making determinations about confidentiality.

Appeals regarding Bullying

Any party who is not satisfied with the outcome of the initial investigation and response from Inspired Teaching School may appeal in writing to the Director of Culture, Equity, and Access. Appeals must be made within 30 days of the conclusion of the initial investigation. The written appeal must contain the person's reasons for not accepting the response from Inspired Teaching Demonstration School. The Director of Culture, Equity, and Access or designee (e.g., Principal or other school leader) will review all information presented as part of the initial investigation and may include additional investigation or meeting with the individuals involved if necessary. Within fifteen (15) school days of receiving the appeal, the Director of Culture, Equity, and Access will respond in writing summarizing the outcome of the appeal and any corrective or remedial action necessary. The secondary investigation shall be completed within 30 days of receipt of an appeal, unless: (1) circumstances require additional time to complete a thorough investigation; (2) the higher level authority sets forth those circumstances in writing; (3) the additional time is not to exceed 15 days. The party not satisfied with the outcome shall be informed of his/her right to seek further redress under the Human Rights Act.

Sanctions and Remedies for Bullying

Inspired Teaching Demonstration School takes a tiered approach to responding to inappropriate behavior. The same approach will be taken when responding to bullying.

Inspired Teaching School's tiers of discipline are designed to (a) appropriately correct the bullying behavior; (b) prevent another occurrence of bullying or retaliation; (c) protect the target of bullying; and are flexible and can be varied in method and severity based on: (i) nature of the incident; (ii) developmental age of the person committing the act at issue, and; (iii) any history of problem behavior from the person committing the act at issue. The Director of Culture, Equity, and Access or Principal may apply more than one consequence, or skip a step, depending on the severity and nature of the violation. Consequences for bullying are outlined in the Tiers of Discipline section of the Family Handbook.

Student on Student Sexual Harassment Policy

Introduction

The School Safety Omnibus Amendment Act of 2018 (SSOAA) requires schools to adopt and implement a policy that prevents and addresses student-on-student acts of sexual harassment, sexual assault, and dating violence. It also requires schools to provide training for staff at the time of hiring and at a minimum every two years thereafter on student-on-student acts of sexual harassment, assault, and dating violence. Additionally, schools must provide information for parents/guardians on recognizing the warning signs of student-on-student sexual harassment, sexual assault, and dating violence, as well as effective, age-appropriate methods for discussing such topics with students.

Inspired Teaching Demonstration School's policy includes requirements for preventing student-on-student acts of sexual harassment, sexual assault, and dating violence as well as procedures for responding to allegations of such acts. For a list of definitions of key terms used throughout this policy, please consult [Appendix A](#).

Situations that involve allegations of student-on-student acts of sexual harassment, sexual assault, and dating violence are highly sensitive and often complex. Schools shall always contact the Metropolitan Police Department (MPD) at 911 or the Child and Family Services Agency (CFSA) hotline at (202) 671-SAFE if they are uncertain about how to proceed with a situation, including if the school is unsure whether a situation rises to the level of criminal or mandatory reporting requirements under District or federal law. CFSA and MPD are available to consult with schools and a student's identity may be kept anonymous during a consultation. MPD and CFSA collaborate closely to ensure the proper response and protection of students.

Scope of Policy

This policy applies to all schools within Inspired Teaching Demonstration School and to all students enrolled in Inspired Teaching Demonstration School, regardless of sexual orientation or gender identity. All employees, contractors, and agents of Inspired Teaching Demonstration School and all students enrolled in schools in Inspired Teaching Demonstration School shall adhere to this policy. The policy applies to all actions that occur at school, during school events and activities regardless of their location, and during travel time to and from school, school events, and activities. It may also include contact over social media that has an impact on student safety or performance in school. The policy shall apply to all incidents involving at least one student who is enrolled in a school in Inspired Teaching Demonstration School.

Prohibition of Student-on-Student Sexual Harassment, Sexual Assault, and Dating Violence

Inspired Teaching Demonstration School prohibits student-on-student acts of sexual harassment, sexual assault, and dating violence and takes seriously all allegations of such actions. When the school knows or reasonably should know that such an act has occurred, then the school shall take immediate and appropriate action to investigate. The procedures outlined in this policy shall be completed regardless of whether or not the student who was harassed or assaulted files a complaint or otherwise asks the school to take action. If someone other than the student who is the recipient of the alleged harassment or assault files the complaint, then the school shall inform the identified student of the complaint so that safety planning can occur.

Key Considerations

As noted above, the policy applies to all actions that occur at school, during school events and activities regardless of their location, and during travel time to and from school, school events and activities. It may also include contact over social media that has an impact on student safety or performance in school. The school shall follow ITDS's student discipline policies, as required by DC Official Code § 38-236.01 *et. seq.*, to determine actions that fall within the school's responsibility to address as discipline matters. Regardless of whether an action occurs within the school's scope of responsibility to address as a disciplinary matter, school staff shall always report any information of suspected criminal conduct to MPD by calling 911 or suspected abuse or neglect of a child within the child's home to CFSA by calling (202) 671-SAFE.

If younger children are involved, it may be necessary to determine the degree to which they are able to recognize that certain sexual conduct is that to which they can or should reasonably object and the degree to which they can articulate an objection.

It may be necessary to consider the degree to which younger children are engaging in activities that are considered typical versus problematic. The CFSA hotline (202) 671-SAFE is available to talk with school staff to determine if behavior is developmentally appropriate or indicative of abuse.

Preventing Student-on-Student Sexual Harassment, Sexual Assault, and Dating Violence

Informing the School Community about the Policy

At least once per school year, schools shall provide students, families, and school personnel with this policy and information about where complaints may be filed. In order to ensure that students and families are adequately informed about the policy and procedures, the school shall make this policy available in the following locations: on the school's website, in the main office, in the school health suite, in the office of the school counselor and school social worker, and in the parent and student handbooks. Schools shall inform students about this policy in a developmentally appropriate manner. Schools are encouraged to use health curricula as a means to open conversations related to sexual harassment, sexual assault, and dating violence. This policy shall also be included in ITDS's staff handbook.

Training

Inspired Teaching Demonstration School recognizes the importance of educating its employees and students regarding the prevention of student-on-student acts of sexual harassment, sexual assault, and dating violence. Information on recognizing the warning signs of student-on-student acts of sexual harassment, sexual assault, and dating violence, as well as effective age-appropriate methods for discussing such topics with students, shall be made available for parents/guardians.

Additionally, school staff shall receive training utilizing evidence-based standards on student-on-student acts of sexual harassment, sexual assault, and dating violence upon hiring and biennially thereafter. Staff training shall include instruction on the following:

- Identifying, responding to, and reporting student-on-student acts of sexual harassment, sexual assault, or dating violence, including any mandatory reporting requirements under District or federal law which may be triggered by such incidents;
- Communicating universal prevention techniques to students that increase their ability to set and communicate about appropriate boundaries, respect boundaries set by others, and build safe and positive relationships; and

- Receiving reports and disclosures from students regarding student-on-student acts of sexual harassment, sexual assault, or dating violence in a supportive, appropriate, and trauma-informed manner.

Addressing Student-on-Student Sexual Harassment, Sexual Assault, and Dating Violence

Reporting Student-on-Student Acts of Sexual Harassment, Sexual Assault, and Dating Violence

Student, Parent, and Guardian Reporting

Students, parents, guardians, and other individuals are encouraged to file complaints as soon as possible after the alleged act. No time limit shall be placed upon when a complaint may be filed. Complaints, including anonymous complaints, may occur through any form of communication, including in writing, via telephone, or via in-person conversation. Complaints shall be filed with Jessica Hiltabidel, Title IX Coordinator (jessica.hiltabidel@inspiredteachingschool.org; 202-248-6825). If a student, parent, guardian, or other individual files a report with a school staff member other than the Title IX Coordinator, then that school staff member shall immediately follow mandated reporter requirements. The staff member shall then report the information to the Title IX Coordinator.

Reporting students, parents, guardians, or other individuals may choose to simultaneously alert MPD by calling 911. Even if MPD is investigating, the school shall continue its own investigation, as legal standards for criminal investigations are different from the standards under Title IX. Schools shall not delay their investigation while the MPD investigation occurs. However, schools shall refrain from interviewing any involved parties until after MPD has conducted its interviews.

If a reporting student decides against filing a formal complaint, the school's Title IX coordinator should respect the wishes of the student and their parent/guardian. Unless, the Title IX coordinator determines that initiating an investigation over the wishes of the student and/or their parent/guardian is not clearly unreasonable. In that instance, the school shall still investigate and take appropriate steps to resolve the situation and ensure the safety of all students. Furthermore, the school shall investigate any incidents of misconduct involving direct observation by school staff. J. If the school begins an investigation, the school shall inform the identified student and their parent/guardian so that safety planning can occur. In an effort not to compromise the integrity of the law enforcement and child protective services investigation, the timing and manner of the school's investigation shall be coordinated with both of those entities.

In cases of discrimination, a student may also choose to file a complaint with the US Department of Education [Office for Civil Rights \(OCR\)](#) or the District of Columbia [Office of Human Rights \(OHR\)](#).

US Department of Education
Office for Civil Rights
Lyndon Baines Johnson Department of Education Building
400 Maryland Avenue, SW
Washington, DC 20202-1100
Phone: (800) 421-3481; Fax: (202) 453-6012; TDD: (800) 877-8339
Email: OCR@ed.gov

DC Office of Human Rights
441 4th Street NW, Suite 570 North
Washington, DC 20001
Phone: (202) 727-4559; Fax: (202) 727-9589; TTY: 711
Email: ohr@dc.gov

Mandated Reporting

All school staff have the duty to report the complaint to the Title IX Coordinator. Additionally, all mandated reporters of Inspired Teaching Demonstration School are required to report any information of neglect and abuse of a child to MPD by calling 911 or to CFSA by calling (202) 671-SAFE. For more information on mandated reporter requirements, consult CFSA's [Mandated Reporter Training](#). CFSA shall only be contacted if the alleged perpetrator of the abuse is the student's parent, guardian, or custodian. In all other cases, the school staff member shall file the report with MPD by calling 911.

The report shall include as much of the following information as possible:

- The name, address, age, and gender of the student;
- The individual allegedly perpetrating the sexual misconduct against the student;
- The nature and extent of the sexual misconduct, as the individual knows it – and any previous sexual misconduct that the individual may know about; and
- Any additional information that may be helpful.

There is no requirement that the reporter determine whether the report is substantiated. It is not the responsibility of school staff to prove that the student has been a victim of sexual misconduct or to determine whether the student is in need of protection. Criminal/child abuse and neglect investigations are the responsibility of CFSA and MPD. As such, such interviews with the student or suspected abuser shall not be conducted by school staff or school district employees. Notes of voluntary or spontaneous statements by the student shall be made and given to the investigating agency. Interviews conducted for the purposes of determining criminal conduct or determining child abuse by anyone other than the investigating agency (MPD or CFSA) could jeopardize proper handling of a child abuse or neglect case. Interviews conducted subsequent to the end of the investigating agencies' investigation for purposes of compliance with existing law are not prohibited.

School staff shall cooperate with CFSA and MPD personnel authorized to investigate reports of sexual misconduct, including by preserving any video footage, providing access to students, providing space for CFSA or MPD to conduct interviews, and allowing for the student to be interviewed without school staff present. The school shall also provide access to the school for sexual assault victim advocates or sexual assault youth victim advocates, who may be present during the MPD interview, consistent with DC Official Code § 23-1908 and the Sexual Assault Victims' Rights Amendment Act of 2019. The school shall limit communication about the investigation to only those individuals who are required to know.

Any person making reports in good faith in an investigation of sexual misconduct between school staff and students is immune from any civil or criminal liability that otherwise might arise from those actions.

Upon making the report to CFSA or MPD, school staff shall then promptly deliver the report to the Title IX Coordinator and the head of school.

Confidentiality

The school shall discuss confidentiality standards and concerns with the reporting student. Some reporting students may wish to remain anonymous. The school shall inform the reporting student that a confidentiality request may limit the school's ability to respond. If the reporting student continues to request to remain anonymous, then the school shall take all reasonable steps to investigate and respond to the complaint consistent with the reporting student's request, as long as doing so does not prevent the school from responding effectively to the complaint and preventing the action from recurring with other students.

Steps that the school may take to limit the effects of alleged misconduct and prevent its recurrence without initiating formal action include, but are not limited to, the following:

- Providing increased monitoring, supervision, or security at the locations or activities where the misconduct occurred;
- Providing training and education materials for students and employees;
- Revising and publicizing the LEA's policies on sexual misconduct; and
- Conducting student, parent, and employee climate surveys regarding sexual misconduct.

The school shall also consider the confidentiality needs of the accused student. Publicized accusations, if ultimately found to be false, may nevertheless irreparably damage the reputation of the accused student.

Retaliation

Retaliation against any person who has filed a complaint, or has testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this policy is prohibited, and therefore, subject to disciplinary action. Retaliation may include, but is not limited to, harassment, threats, taunting, spreading rumors, unauthorized disclosure of the details of an investigation, ostracism, assault, destruction of property, or any negative conduct toward participants in response to an investigation and the events causing it. Anyone found to have engaged in retaliation will be subject to disciplinary action. Participants in an investigation, including victims, respondents, and witnesses, should report to the Title IX Coordinator any conduct that might reasonably constitute retaliation. If the Title IX Coordinator is the source of the retaliation, then the person alleging retaliation should contact the head of school.

Responding to Allegations of Student-on-Student Sexual Harassment/Assault, and Dating Violence

The school shall adhere to the following procedures when responding to allegations of student-on-student acts of sexual harassment, sexual assault, and dating violence.

Immediate Steps

- a. In cases of criminal conduct or suspected abuse in the home, the school shall begin the following protocol after a report has been filed with CFSA or MPD and the Title IX Coordinator. In all other cases, the following protocol shall begin immediately after a report is made to the Title IX Coordinator.
- b. Determine if the report will result in a Formal Complaint

Within a reasonable number of days, but in but in no case more than two business days, of receipt of the report, the school's Title IX Coordinator shall take the following action:

- Title IX coordinator reaches out to the student and the family to discuss **the report**, provide explanation of the Title IX process for filing a formal complaint, and review supportive measures.
- The Title IX coordinator will determine if a **formal Title IX complaint** is being made. Only a complainant (the student), the complainant's parent/guardian, or the Title IX Coordinator can make a formal complaint.
 - The wishes of the complainant and/or their parent/guardian should be respected, unless the Title IX coordinator determines that initiating an investigation over the wishes of the complainant is not clearly unreasonable in light of the known circumstances.
 - This might look like a complainant not wanting to get their peer in trouble, but the accusation could warrant school consequences. In this instance, a consequence cannot be provided without an investigation so the Title IX coordinator should make the formal complaint.

- If a **formal complaint** is received/confirmed, proceed with the Title IX process; if not a formal complaint, proceed with supportive measures and other appropriate actions to stop unwanted behavior. Decline of formal Title IX complaint must be documented in writing.

Acknowledgement of Receipt of Complaint

Within a reasonable number of days, but in no case more than two business days, of receipt of the complaint, the school's Title IX Coordinator shall acknowledge in writing receipt of the complaint and inform the reporting student (complainant), the accused student (respondent), all parents/guardians of the steps of the investigatory process. The Title IX Coordinator shall also assign an investigator and decision-maker.

Title IX Investigation Process

1. Interim Measures to Protect the Safety of the Reporting Student

Upon becoming aware of any allegation of student-on-student acts of sexual harassment, sexual assault, or dating violence, the school shall take immediate actions to interrupt or stop the occurrence, prevent its recurrence, and address its effects. These actions shall occur regardless of whether the incident is the subject of a criminal investigation. Responsive measures shall be designed to minimize, as much as possible, the burden on the reporting student. In order to protect, as much as possible, the confidentiality of the reporting student, responsive measures shall only be shared with school staff who are actively involved in their implementation. The school shall formalize the actions it is taking in a written action plan. These actions may include the following:

- Altering the reporting student's and/or the accused student's schedule to minimize or eliminate contact between them. Preference shall always be given to maintaining the reporting student's schedule and modifying the accused student's schedule;
- Changing locker locations;
- Allowing the reporting student to withdraw from a class without penalty;
- Providing an escort to ensure that the reporting student feels safe throughout the school building;
- Providing academic support, such as tutoring, for the reporting student;
- Considering steps to ensure safe passage to and from school for the student;
- Providing access to the school's behavioral health team;
- Providing referrals to community-based services; and
- Administration of appropriate discipline procedures for the accused student in accordance with the Inspired Teaching. Demonstration School's student handbook, as required by DC Official Code § 38-236.01 *et. seq.*

2. Legal Protections for Reporting Students

Upon filing a complaint, the reporting student shall be informed of their rights under the following laws:

- Title IX of the Education Amendments of 1972, approved June 23, 1972;
- The Scott Campbell, Stephanie Roper, Wendy Preston, Louarna Gillis, and Nila Lynn Crime Victims' Rights Act of 2004, approved October 30, 2004;
- The Human Rights Act of 1977, effective December 18, 1977; and
- The DC Crime Victims' Rights Act.

3. Impartial Procedures for Investigating Complaints

Throughout the investigation process, every effort shall be taken to protect the confidentiality of reporting students in accordance with Title IX of the Education Amendments of 1972 and the DC Crime Victims' Rights Act.

Within four (4) business days of receipt of the complaint, the designated school personnel shall begin investigating the alleged acts. The investigation may include interviewing. In an effort not to compromise the integrity of the law enforcement and child protective services investigation, the timing and manner of the school's investigation shall be coordinated with MPD and CFSA. Both the reporting student and the accused student shall have the opportunity to present witness[es] and other evidence. Every effort shall be taken to maintain confidentiality of all parties involved, including the reporting student, witness[es], and the accused student. However, Title IX regulations require the names of the reporting student and accused student to be used in all investigative reports and decisions. These materials are only shared with complainants, respondents, their parents/guardians, the staff assigned to the Title IX investigation process (e.g., investigator and decision-maker).

When talking with students about alleged incidents, the school shall inform students that they may have their parent/guardian present. Schools shall consider the student's age when determining whether it is appropriate to contact the parent/guardian prior to talking with the student. The school shall consider the safety of the student when encouraging the student to disclose the report to their parent/guardian. For example, students who identify as LGBTQ may not be comfortable disclosing dating violence to their parent/guardian, if the parent/guardian is not aware and supportive of the student's sexual identity, gender identity, or gender expression.

The investigatory process shall be conducted by a school official or agent who receives at least annual training on the following:

- Issues related to student-on-student acts of sexual harassment, sexual assault, or dating violence; and
- How to conduct an investigation that protects the safety of reporting students and promotes accountability.

Schools shall use the preponderance of evidence standard in order to determine if the alleged acts occurred, meaning that the allegations are more likely to be true than to be untrue based on the evidence.

4. Timeline for Investigating Formal Complaints

There are two distinct phases of the investigation process for Formal Complaints:

- Investigation Period - Approximately 30 calendar days
 - Evidence gathering including interviewing the complainant, respondent, and witnesses.
 - At least 15 days prior to the end of the investigation period, parties will be provided copies of the evidence and will have 10 days to respond in writing.
 - Upon receipt of the written responses, the investigator will complete the final investigative report to be shared with all parties, including the Decision-maker.
- Decision Making Period - Approximately 30 calendar days
 - Upon receipt of the final investigative report, both parties have at least 10 days to respond by submitting written questions to the Decision-maker for other parties and witnesses
 - The Decision-maker gathers responses to relevant questions and provides responses in writing to each party

- Each party will have 3 days to review the new responses
- After all evidence is gathered and relevant questions responded to, the decision-maker will make a final determination as to the complaint of sexual harassment, assault, or dating violence using the preponderance of evidence standard.

5. Appeal Process - Approximately 30 calendar days

Either party has the right to appeal this determination regarding responsibility. Appeals must be based on one or more of the following:

- Procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; or
- The Title IX Coordinator, investigator, or decision-maker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

Requests for appeal must be submitted, in writing, to the Title IX Coordinator no later than ten (10) days after receipt of this determination. The Title IX Coordinator will forward any appeal based on one or more of the allegations set out above to the individual designated to hear the appeal, which will not be the Title IX Coordinator, the investigator, or the decision-maker in this case. The individual hearing the appeal will provide a copy of the appeal request to the non-appealing party and will provide that party ten (10) days to submit a written response to the appeal. The decision of the person hearing the appeal will be final.

Disciplinary Outcomes of Title IX investigations

Disciplinary action shall be instituted and resolved immediately upon completion of the investigation. Disciplinary action shall be implemented in accordance with ITDS's student discipline policies, as required by DC Official Code § 38-236.01 *et. seq.* ITDS will always follow our Tiers of Consequences and use a progressive discipline model. Consequences are aligned to our philosophical approach to discipline which encourages accountability and restorative justice. The developmental age and stage of a student is also considered when determining an appropriate consequence.

The school will share the results that arise from the allegation (e.g., whether the investigation found that student-on-student sexual harassment, sexual assault, or dating violence did occur) with the appropriate parties. The Family Educational Rights and Privacy Act (FERPA) does not prohibit a student from learning the outcome of their complaint. Under FERPA, a school cannot release information to a complainant regarding disciplinary action imposed on a student found to have committed an act of sexual harassment, sexual assault, or dating violence if that information is contained in a student's education record, unless the information directly relates to the reporting student (e.g., an order requiring the accused student not to have contact with the reporting student) or the harassment involves a crime of violence.

Both the reporting student and the accused student shall have the opportunity to have others present during any school disciplinary proceedings, including the opportunity to be accompanied to any proceeding by an advisor or advocate of their choice. The school may establish restrictions regarding the extent to which an advisor or advocate may participate in proceedings, as long as the restrictions apply equally to both parties.

Resources for Affected Students and Families

The [DC Victim Hotline](#) is available 24/7 by telephone, text, or online chat. Through a partnership with the Mayor's Office of Victim Services and Justice Grants (OVSJG) and the National Center for Victims

of Crime, the hotline provides comprehensive information, resources, and referrals in the District of Columbia. The DC Victim Hotline represents a collaboration of service providers in the District who are working to seamlessly connect victims of crime to free resources and to help them navigate the physical, financial, legal, and emotional repercussions of crime. To contact the Hotline, dial or text 1-844-4HELPDC (1-844-443-5732) or access the online chat at www.DCvictim.org/Chat.

Additionally, the school's behavioral health team is available to provide support for students, which may include individual counseling and referral for community-based services.

Please consult the following for lists of appropriate resources, services, and information for students and families affected by student-on-student acts of sexual harassment, sexual assault, and dating violence.

- [Department of Behavioral Health's \(DBH\) Behavioral Resource Directory](#);
- [MPD's Sexual Assault Resources List](#);
- [MPD's Victim Specialists Unit](#); and
- [OSSE's Supporting Mental Health in Schools Resources List](#).

Counseling and Intervention for the Accused Student

As mandated reports, school staff who know or have reasonable cause to believe that a student is a victim of sexual abuse must report that knowledge or belief to CFSA by calling (202) 671-SAFE or to MPD by calling 911. If the accused student's behavior indicates that they may be the victim of child sexual abuse or child abuse, then school staff shall follow [Mandated Reporting Guidelines](#). Please note: CFSA shall only be contacted if the alleged perpetrator of the abuse is the student's parent, guardian, or custodian. In all other cases, the school staff member shall file the report with MPD.

Students who are alleged to have committed acts of student-on-student sexual harassment, sexual assault, or dating violence shall also be connected with appropriate counseling and intervention strategies, beginning with the school's behavioral health team. The school's behavioral health team may determine that the student should be connected with other resources, which may include resources from the Department of Behavioral Health's (DBH) [Behavioral Health Resource Link](#) or OSSE's [Supporting Mental Health in Schools Resources List](#).

Appendix A: Definitions

The following key terms and definitions apply throughout this policy to prevent and address student-on-student sexual harassment, sexual assault, and dating violence.

Accused Staff Member

The accused staff member is the person or persons who are alleged to have committed the act resulting in the complaint. The accused staff member may be any employee or volunteer of a school, or an employee of an entity with whom the school contracts, who acts as an agent of the school at the school or during activities sponsored by the school.

Accused Student

The accused student is the student or students who are alleged to have committed the act resulting in the complaint.

Child Abuse

Child abuse is the infliction of physical or mental injury upon a child, sexual abuse or exploitation of a child, or the negligent treatment or maltreatment of a child.

Child

For the purposes of this policy, a child is any student who has not yet attained the age of 16.

Consent

Consent means words or overt actions indicating a freely given agreement to a physical act within the course of an interpersonal relationship. Consent to a physical act or contact may be initially given but withdrawn at any time. Lack of verbal or physical resistance or submission by the victim due to their mental or physical incapacitation or impairment, or the use of force, threats, or coercion shall not constitute consent. Past words or actions indicating freely given agreement to a past physical act or contact shall not constitute consent to a future physical act or contact.

As appropriate, ITDS will consider the age of the student (including the legal age of consent in the District of Columbia, as applicable), the nature of the conduct involved, and other relevant factors in determining whether a student had the capacity to consent to the sexual conduct. A student's participation in or acceptance of the conduct does not mean that they consented to the conduct. Some students may lack the ability to consent due, for example, to their age, intellectual or other disability, or incapacitation from the use of drugs or alcohol.

Dating Partner or Intimate Partner

A dating partner, or an intimate partner, is any person who is involved in a relationship with another person that is primarily characterized by social interaction of a sexual, romantic, or intimate nature, whether casual, serious, or long-term.

Dating Violence or Intimate Partner Violence

Dating violence, or intimate partner violence, is abusive or coercive behavior where a dating partner or intimate partner uses threats of, or actually uses, physical, emotional, economic, technological, or sexual abuse to exert power or control over a current or former dating partner or intimate partner.

Minor

For the purposes of this policy, a minor is any student who has not yet attained the age of 18.

Reporting Student

The reporting student is the student who logs a complaint. A parent/guardian or a school staff member may also make a report on behalf of a student.

Sexual Act

A sexual act means:

- (A) The penetration, however slight, of the anus or vulva of another by a penis;
- (B) Contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus; or
- (C) The penetration, however slight, of the anus or vulva by a hand or finger or by any object, with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.
- (D) The emission of semen is not required for the purposes of subparagraphs (A)-(C) of this paragraph.

Sexual Contact

Sexual contact means the touching with any clothed or unclothed body part or any object, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.

Sexual Assault

Sexual assault means any of the following offenses:

- **First degree sexual abuse:** Engaging in or forcing another person to engage in or submit to a sexual act in the following manner:
 - By using force against that other person;
 - By threatening or placing that other person in reasonable fear that any person will be subjected to death, bodily injury, or kidnapping;
 - After rendering that other person unconscious; or
 - After administering to that other person by force or threat of force, or without the knowledge or permission of that other person, a drug, intoxicant, or other similar substance that substantially impairs the ability of that other person to appraise or control his or her conduct.
- **Second degree sexual abuse:** Engaging in or causing another person to engage in or submit to a sexual act in the following manner:
 - By threatening or placing that other person in reasonable fear (other than by threatening or placing that other person in reasonable fear that any person will be subjected to death, bodily injury, or kidnapping); or
 - Where the person knows or has reason to know that the other person is:
 - Incapable of appraising the nature of the conduct;
 - Incapable of declining participation in that sexual act; or
 - Incapable of communicating unwillingness to engage in that sexual act.

- **Third degree sexual abuse:** Engaging in or causing sexual contact with or by another person in the following manner:
 - By using force against that other person;
 - By threatening or placing that other person in reasonable fear that any person will be subjected to death, bodily injury, or kidnapping;
 - After rendering that person unconscious; or
 - After administering to that person by force or threat of force, or without the knowledge or permission of that other person, a drug, intoxicant, or similar substance that substantially impairs the ability of that other person to appraise or control his or her conduct.
- **Fourth degree sexual abuse:** Engaging in or causing sexual contact with or by another person in the following manner:
 - By threatening or placing that other person in reasonable fear (other than by threatening or placing that other person in reasonable fear that any person will be subjected to death, bodily injury, or kidnapping); or
 - Where the person knows or has reason to know that the other person is:
 - Incapable of appraising the nature of the conduct;
 - Incapable of declining participation in that sexual contact; or
 - Incapable of communicating unwillingness to engage in that sexual contact.
- **Misdemeanor sexual abuse:** Engaging in a sexual act or sexual contact with another person when one should have knowledge or reason to know that the act was committed without that other person's permission.
- **Attempts to commit sexual offenses:** Attempting to commit any offense defined above.

Sexual Harassment

Sexual harassment is any unwelcome or uninvited sexual advances, requests for sexual favors, sexually motivated physical conduct, stalking, or other verbal or physical conduct of a sexual nature that can be reasonably predicted to:

- Place the victim in reasonable fear of physical harm to their person;
- Cause a substantial detrimental effect to the victim's physical or mental health;
- Substantially interfere with the victim's academic performance or attendance at school; or
- Substantially interfere with the victim's ability to participate in, or benefit from, the services, activities, or privileges provided by a school.

Sexual Misconduct

Sexual misconduct is any verbal, nonverbal, written, or electronic communication, or any other act directed toward or with a student that is designed to establish a sexual relationship with a student. This includes:

- A sexual invitation;
- Dating or soliciting a date;
- Engaging in sexual dialogue;
- Making sexually suggestive comments;
- Describing prior sexual encounters; or
- Physical exposure of a sexual or erotic nature.

Sexually Suggestive Conduct

Engaging in any of the following acts in a way which is intended to cause or reasonably causes the sexual arousal or sexual gratification of any person:

- Touching a child or minor inside his or her clothing;
- Touching a child or minor inside or outside his or her clothing close to the genitalia, anus, breast, or buttocks;
- Placing one's tongue in the mouth of the child or minor; or
- Touching one's own genitalia or that of a third person.

Staff

Staff means any employee or volunteer of a school, or an employee of an entity with whom the school contracts, who acts as an agent of the school at the school or activities sponsored by a school. The terms "school staff" and "school personnel" are used interchangeably throughout this document.

Student Sexual Abuse

Student sexual abuse means any of the following acts committed by a school staff member against a student of a school:

- **Sex trafficking of children:** To knowingly recruit, entice, harbor, transport, provide, obtain, or maintain by any means a person who will be caused as a result to engage in a commercial sex act knowing or in reckless disregard of the fact that the person has not attained the age of 18 years.
- Abducting or enticing a child from their home for the purposes of prostitution or harboring such a child: For the purposes of prostitution it is unlawful for any person to persuade, entice, or forcibly abduct a child under 18 years of age from his or her home or usual abode, or from the custody and control of the child's parents or guardian or to secrete or harbor any child so persuaded, enticed, or abducted from their home or usual abode or from the custody and control of the child's parents or guardian.
- **First degree sexual abuse:** Engaging in or forcing another person to engage in or submit to a sexual act in the following manner:

- o By using force against that other person;
 - o By threatening or placing that other person in reasonable fear that any person will be subjected to death, bodily injury, or kidnapping;
 - o After rendering that other person unconscious; or
 - o After administering to that other person by force or threat of force, or without the knowledge or permission of that other person, a drug, intoxicant, or other similar substance that substantially impairs the ability of that other person to appraise or control his or her conduct.
- **Second degree sexual abuse:** Engaging in or causing another person to engage in or submit to a sexual act in the following manner:
 - o By threatening or placing that other person in reasonable fear (other than by threatening or placing that other person in reasonable fear that any person will be subjected to death, bodily injury, or kidnapping); or
 - o Where the person knows or has reason to know that the other person is:
 - Incapable of appraising the nature of the conduct;
 - Incapable of declining participation in that sexual act; or
 - Incapable of communicating unwillingness to engage in that sexual act.
- **Third degree sexual abuse:** Engaging in or causing sexual contact with or by another person in the following manner:
 - o By using force against that other person;
 - o By threatening or placing that other person in reasonable fear that any person will be subjected to death, bodily injury, or kidnapping;
 - o After rendering that person unconscious; or
 - o After administering to that person by force or threat of force, or without the knowledge or permission of that other person, a drug, intoxicant, or similar substance that substantially impairs the ability of that other person to appraise or control his or her conduct.
- **Fourth degree sexual abuse:** Engaging in or causing sexual contact with or by another person in the following manner:
 - o By threatening or placing that other person in reasonable fear (other than by threatening or placing that other person in reasonable fear that any person will be subjected to death, bodily injury, or kidnapping); or
 - o Where the person knows or has reason to know that the other person is:
 - Incapable of appraising the nature of the conduct;
 - Incapable of declining participation in that sexual contact; or
 - Incapable of communicating unwillingness to engage in that sexual contact.

- **Misdemeanor sexual abuse:** Engaging in a sexual act or sexual contact with another person when one should have knowledge or reason to know that the act was committed without that other person's permission.
- **First degree child sexual abuse:** Being at least 4 years older than a child and engaging in a sexual act with that child or causing that child to engage in a sexual act.
- **Second degree child sexual abuse:** Being at least 4 years older than a child and engaging in sexual contact with that child or causing that child to engage in sexual contact.
- **First degree sexual abuse of a minor:** Being 18 years of age or older, in a significant relationship with a minor, and engaging in a sexual act with that minor or causing that minor to engage in a sexual act.
- **Second degree sexual abuse of a minor:** Being 18 years of age or older, in a significant relationship with a minor, and engaging in a sexual contact with that minor or causing that minor to engage in a sexual contact.
- **First degree sexual abuse of a secondary education student:** Any teacher, counselor, principal, coach, or other person of authority in a secondary level school who engages in a sexual act with a student under the age of 20 years enrolled in that school or school system, or causes that student to engage in a sexual act.
- **Second degree sexual abuse of a secondary education student:** Any teacher, counselor, principal, coach, or other person of authority in a secondary level school who engages in sexual conduct with a student under the age of 20 years enrolled in that school or school system, or causes that student to engage in sexual conduct.
- **Enticing a child or minor:**
 - Being at least 4 years older than a child or being in a significant relationship with a minor and
 - Taking that child or minor to any place for the purpose of committing any offense set forth in §§ [22-3002](#) to [22-3006](#) and §§ [22-3008](#) to [22-3009.02](#), or
 - Seducing, enticing, alluring, convincing, or persuading or attempting to seduce, entice, allure, convince, or persuade a child or minor to engage in a sexual act or contact.
 - Being at least 4 years older than the purported age of a person who represents himself or herself to be a child and attempting to:
 - Seduce, entice, allure, convince, or persuade any person who represents himself or herself to be a child to engage in a sexual act or contact, or
 - Entice, allure, convince, or persuade any person who represents himself or herself to be a child to go to any place for the purpose of engaging in a sexual act or contact.
- **Misdemeanor sexual abuse of a child or minor:** Being 18 years of age or older and more than 4 years older than a child, or being 18 years of age or older and being in a significant relationship with a minor, and engaging in sexually suggestive conduct with that child or minor.

- **Arranging for a sexual contact with a real or fictitious child:** Engaging in a sexual act or sexual contact with an individual (whether real or fictitious) who is or who is represented to be a child at least 4 years younger than the person, or to arrange for another person to engage in a sexual act or sexual contact with an individual (whether real or fictitious) who is or who is represented to be a child of at least 4 years younger than the person.
- **Sexual performance using minors:**
 - Knowingly using a minor in a sexual performance or promoting a sexual performance by a minor.
 - Knowing the character and content thereof, attending, transmitting, or possessing a sexual performance by a minor.
- **Attempts to commit sexual offenses:** Attempting to commit any offense defined above.