

## **Sexual and Other Harassment**

Sexual harassment constitutes discrimination and is illegal under federal, state and local laws.

For the purposes of this policy, sexual harassment is defined, as in the Equal Employment Opportunity Commission Guidelines, as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when, for example a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; b) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or c) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment. Sexual harassment may include a range of subtle and not-so-subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include unwanted sexual advances or requests for sexual favors; sexual jokes; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess or sexual deficiencies; leering, whistling or touching; insulting or obscene comments or gestures; display in the workplace of sexually suggestive objects or pictures; and other physical, verbal or visual conduct of a sexual nature.

Any employee who feels that he or she has been the object of harassment should report the incident directly to the Head of School. If the Head of School is involved in the conduct, then complaints should be made to the Human Resources office ([hr@latinpcs.org](mailto:hr@latinpcs.org)).

Complaints of sexual harassment will receive prompt attention. It is the LEA's policy to investigate such complaints thoroughly, promptly, and in an impartial manner. If such an investigation reveals that the complaint is valid, the Head or School or his/her designee will administer disciplinary or other corrective action as appropriate to stop the harassment and prevent its recurrence. Such disciplinary action may include immediate termination of employment. Discipline will be based on the seriousness of the offense. To the fullest extent practicable, the LEA will use discretion regarding the dissemination of information regarding complaints, related investigations, and the terms of their resolution.

Sexual harassment, sexual assault and dating violence (involving students or adults) are all strictly prohibited on school grounds, property immediately adjacent to school grounds, at school sponsored or school related activities, functions or programs whether on or off school grounds, on or off school bus or other vehicles owned, leased or used by the school, or through the use of technology or an electronic device owned, leased or used by the school.

Sexual harassment, sexual assault and dating violence are also prohibited at a location, activity, function or program that is not school related or through the use of technology or an electronic device that is not owned, leased or used by the school, if the act or acts in question create a hostile environment at school for the victim, infringe on the rights of

the victim at school or materially and substantially disrupt the education process or the orderly operation of the school.

Retaliation against a student, volunteer or faculty member who reports sexual harassment, sexual assault and dating violence, provides information about any such acts, witnesses any such acts, or who testifies, assists, participates or refuses to participate in an investigation, proceeding or hearing is also prohibited.

Administrators will make expectations clear to students and faculty that sexual harassment, sexual assault and dating violence will not be tolerated and will be the grounds for disciplinary action up to and including suspension and dismissal for students.

### **Title IX Coordinator**

The LEA has designated Lawrence Liu as our Title IX Coordinator. As the Title IX Coordinator, Lawrence Liu is responsible for:

- Ensuring compliance with Title IX.
- Overseeing anti-discrimination and harassment training and education.
- Overseeing and coordinating the response, investigation, and resolution of reports made under this Policy.
- Overseeing certain aspects of student discipline, including referring complaints to other personnel in each of the Schools, as appropriate.

Upon receiving reports of Prohibited Conduct covered by this Policy, the Title IX Coordinator will ensure appropriate action to eliminate the conduct, prevent its recurrence, and remedy its effects. Lawrence Liu may be contacted during regular business hours: [lliu@latinpcs.org](mailto:lliu@latinpcs.org).

Any inquiries concerning the LEA's application of Title IX and its implementing regulations may be referred to the Coordinator, the Head of School and/or to the Department of Education, Office of Civil Rights ("OCR"):

U.S. Department of Education, Office of Civil Rights  
District of Columbia Office

Washington, DC 20202-1475  
Telephone: (202) 453-6020

400 Maryland Avenue, S.W.

Facsimile: (202) 453-6021

Email: [OCR.DC@ed.gov](mailto:OCR.DC@ed.gov)

### **Definitions Related to Title IX Responsibilities**

**Complainant:** An individual who is alleged to be the victim of conduct that could constitute sexual harassment.

**Formal complaint:** A document filed by a complainant, complainant's parent/guardian or by

the Title IX coordinator alleging sexual harassment against a respondent and requesting that the recipient investigate the allegation of sexual harassment.

**Respondent:** An individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

**Prohibited Conduct:** All forms of sex- or gender-based harassment, discrimination, or violence that may deny or limit a student's ability to participate in or benefit from Washington Latin's education programs or activities or otherwise create a hostile working environment. Prohibited Conduct can include, but is not limited to sexual harassment, sexual assault, and sexual exploitation, as well as harassment based on gender identity, gender expression, and nonconformity with gender stereotypes.

**Responsible Employee:** Any employee who: has the authority to take action to redress sexual harassment/misconduct; who has been given the duty of reporting incidents of sexual harassment/misconduct or any other misconduct by students to the Coordinator or other appropriate designee; or who a student reasonably believes has this authority or duty.

**Sex-Based Discrimination:** Discrimination occurs when one experiences negative or adverse conduct based on characteristics protected in this Policy and/or applicable local and federal laws, where such conduct has the effect of denying or limiting one's ability to benefit from and fully participate in educational programs or activities or employment opportunities. Sex-Based Discrimination refers to a specific type of discrimination, which includes the disparate treatment of a person or group because of that person's or group's sex, sexual orientation, actual or perceived gender, gender identity, or gender expression. Sex-Based Discrimination includes conduct such as assigning students materially different assignments based on their actual or perceived sex or gender. It does not include conduct such as requiring students to use different bathrooms.

**Harassment:** Sexual harassment is unwelcome conduct of a sexual nature, including but not limited to: unwelcome sexual advances; requests for sexual favors; or other verbal or nonverbal conduct of a sexual nature, including rape, sexual assault, and sexual exploitation. Sexual harassment specifically includes conduct of a sexual nature which is either explicitly or implicitly made a term or condition of a student's success in school. Depending on the facts, dating violence, domestic violence, and stalking may also be forms of sexual harassment.

**Unwelcome Conduct:** Conduct is considered "unwelcome" if the individual did not request or invite it and considered the conduct to be undesirable or offensive. Unwelcome conduct may take various forms, including, name-calling, graphic or written statements (including the use of cell phones or the Internet), or other conduct that may be physically threatening, harmful, or humiliating. Unwelcome conduct does not have to include intent to harm, be directed at a specific target, or involve repeated incidents. Unwelcome conduct can involve persons of the same or opposite sex. Participation in the conduct or the failure to complain does not always mean that the conduct was welcome. The fact that

a person may have welcomed some conduct does not necessarily mean that a person welcomed other conduct. Also, the fact that a person requested or invited conduct on one occasion does not mean that the conduct is welcome on a subsequent occasion.

***Hostile Environment:*** A hostile environment exists when sex-based harassment is sufficiently serious to deny or limit a student's ability to participate in or benefit from the school's programs or activities or is sufficiently severe or pervasive to create a hostile working environment. The more severe the harassment, the less need there is to show repeated incidents to find a hostile environment. Indeed, a single instance of sexual assault may be sufficient to create a hostile environment. Likewise, a series of incidents may be sufficient even if the sex-based harassment is not particularly severe.

***Consent:*** Consent must be informed, voluntary, and mutual, and can be withdrawn at any time. There is no consent when there is force, expressed or implied, or when coercion, intimidation, threats, or duress is used. Whether a person has taken advantage of a position of influence over another person may be a factor in determining consent. Silence or absence of resistance does not imply consent. Past consent to sexual activity with another person does not imply ongoing future consent with that person or consent to that same sexual activity with another person. Note that because of the age of the students at Washington Latin and the position of authority that employees hold over students, the LEA will never consider a student to have consented to sexual contact with any employee (even if that student is over the age of 18).

***Non-Consensual Sexual Activity:*** Includes any sexual contact, however slight, with an object or bodily part, by a person upon another that is without consent.

***Incapacitation:*** Includes, but is not limited to, lack of consciousness, being asleep, being involuntarily restrained, or otherwise being unable to consent. Indicators of incapacitation include slurred speech, bloodshot or unfocused eyes, unsteady gait (needing assistance walking or standing), vomiting, concern expressed by others about the individual, expressed memory loss, or disorientation.

***Sexual Assault:*** Sexual assault is actual or attempted sexual contact with another person without that person's consent. Sexual assault includes but is not limited to: intentional touching of another person's intimate parts without that person's consent; or other intentional sexual contact with another person without that person's consent; or coercing, forcing, or attempting to coerce or force a person to touch another person's intimate parts without that person's consent.

***Sexual Contact:*** The intentional touching, 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 Exploitation:*** The non-consensual sexual abuse or exploitation of another, when such behavior does not otherwise constitute another specifically defined behavior. Examples of

sexual exploitation include, but are not limited to, non-consensual use of electronics to capture, reproduce, or share images of a sexual nature without consent of parties involved, public indecency, or exposing genitals to others without consent, or engaging in “peeping” (observing another when privacy would be reasonably expected) without consent.

### **Reporting Prohibited Conduct**

Washington Latin strongly encourages all individuals to seek assistance from a medical provider and/or law enforcement immediately after an incident involving violence, including sexual assault. This is the best option to ensure preservation of evidence and to begin a timely investigative and remedial response.

The LEA also encourages all individuals to make a report of Prohibited Conduct to an appropriate party at the School and/or LEA level and to local law enforcement, although neither is required. These reporting options are not mutually exclusive. Both internal and external reports may be made simultaneously. The procedures under this Policy may run concurrently with any criminal justice or child protection investigation and will only be subject to temporary delays at the specific request of law enforcement. Because the standards for finding a violation of a criminal law are different from the standards articulated in this Policy, criminal investigations or reports or determinations made by child protection officials are not determinative of whether a violation of this policy has occurred.

### ***Filing a Report***

Any individual who wishes to report Prohibited Conduct is encouraged to report student on student misconduct directly to the Title IX Coordinator. Student-faculty or faculty-faculty misconduct should be reported to the HR specialist, Principal of the relevant School, or any other Responsible Employee.

Reports may be made in person, by telephone, or in writing. Written complaints are encouraged. A complaint may be made on behalf of oneself or on behalf of another employee or student. If a complaint implicates the Title IX Coordinator or the Principal, or if a Complainant is otherwise uncomfortable bringing their concerns to another Responsible Employee, they may bring their complaint to the Head of School.

Depending on the nature of the complaint, the Head of School may designate another appropriate individual to conduct and/or coordinate a response.

All employees of the LEA are required to immediately report suspected child abuse and neglect, to the Head of Schools, who assists in coordinating the appropriate response and fulfilling employees’ mandatory reporting obligations. Thus, confidentiality cannot be guaranteed when an individual makes a report to a School or LEA employee, including school counselors and the school nurse. Employees who become aware of an alleged Title IX violation, including sexual misconduct, interpersonal violence or sexual harassment or

retaliation are required to report it to the Title IX Coordinator.

***Requests for Confidentiality and/or Anonymity***

Individuals making reports under this policy may request that the Coordinator not reveal their identity to the individual they are accusing of misconduct. If an individual requests this type of confidentiality, the Coordinator will weigh the request against each School’s obligation to provide a safe, non discriminatory environment for all members of its community. The Coordinator will try to honor these requests, but it is not always possible to do so. Regardless of whether an individual requests confidentiality, School and LEA leadership will make every effort to prevent disclosure of the names of all the parties involved – the reporting individual, the Complainant, the witnesses, and the Respondent – except to the extent necessary to carry out an investigation.

Individuals who wish to remain anonymous can leave an anonymous report with the Title IX Coordinator by providing a written summary of the incident and placing this in the Title IX Coordinator “mailbox” located on both campuses.

**Prohibition on Retaliation**

Washington Latin will not tolerate retaliation. Retaliation is prohibited by Title IX and this Policy. An individual reporting Prohibited Conduct is entitled to protection from any form of retaliation following a report that is made in good faith, even if the report is later not proven to be true. This Policy also prohibits harassment of Respondents. In addition, retaliation is prohibited against individuals participating in an investigation under this Policy (such as a witness). The LEA will take immediate and responsive action to any report of retaliation or additional harassment and will pursue disciplinary action as appropriate.

**Required Trainings**

In our effort to ensure that every faculty member is equipped with information needed to keep students safe and to foster a collegial and productive work environment, all Washington Latin employees are expected to take a series of trainings as per the following schedule (or within the first 30 days of employment, whichever is sooner):

<b>Training</b>	<b>Source of Training</b>	<b>Notes</b>
Child Find	Student Support Department	N/A
Grievance procedures	Leadership team	N/A
FERPA	Leadership team	N/A
Concussion	Nurse/Trainer/Athletic Director	N/A
Title IX Orientation	Title IX Coordinator	N/A

Mandated reporter	<a href="https://dc.mandatedreporter.org/login">https://dc.mandatedreporter.org/login</a>	Two hours (must be completed before first day of classes; participants earn a certificate)
Biennial behavioral health training for all DC teachers and administrators -- for all new 2nd St. and Cooper employees and anyone who did not get trained in SY21-22	<a href="https://supportdcyouth.kognito.com/">https://supportdcyouth.kognito.com/</a>	Self-paced/online (must be completed between August 1st and October 31st; participants earn certificates)
Safety/emergency drills	Leadership team	Drills may vary by year and by campus
HR training for supervisory positions	Leadership team & HR generalist	By mid-September