



Washington Latin Public Charter Schools

Student on Student Sexual Harassment Policy

Sexual Harassment Prohibited

Sexual harassment is 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 is 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 a school.

Retaliation against a youth, volunteer or staff member who reports sexual harassment, 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 staff that sexual harassment 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 individual designated to coordinate the school's response to reports or complaints of sexual harassment and for overseeing the school's compliance with Title IX as it relates to students is:

Lawrence Liu, Title IX Coordinator, Washington Latin PCS
5200 2nd Street NW, Washington, DC 20011
(202) 223-1111
lliu@latinpcs.org

Definitions

Complainant means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

Formal complaint means 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 means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

Sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

1. An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct;
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity; or
3. "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v)¹, "dating violence" as defined in 34 U.S.C. 12291(a)(10)², "domestic violence" as defined in 34 U.S.C. 12291(a)(8)³, or "stalking" as defined in 34 U.S.C. 12291(a)(30)⁴.

Sexual assault means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

Dating violence means violence committed by a person—

(A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and

(B) where the existence of such a relationship shall be determined based on a consideration of the following factors:

- (i) The length of the relationship.
- (ii) The type of relationship.
- (iii) The frequency of interaction between the persons involved in the relationship.

Retaliation means intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX.

Supportive measures means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the

¹ An offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

² Violence committed by a person—

(A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and
(B) where the existence of such a relationship shall be determined based on a consideration of the following factors:

- (i) The length of the relationship.
- (ii) The type of relationship.
- (iii) The frequency of interaction between the persons involved in the relationship.

³ Includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

⁴ Means engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

- (A) fear for his or her safety or the safety of others; or
- (B) suffer substantial emotional distress.

respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the recipient's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the recipient's educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

Response to Reports

Any individual may report sexual harassment – reports do not have to be made by the victim. Such reports can be made in person, by mail, by telephone, or by email, using the contact information listed for the Title IX coordinator or by any other means that result in the Title IX coordinator receiving the report.

All staff members are required to report any sexual harassment they witness or are made aware of. Staff members should immediately record all such incidents in accordance with school procedures and notify the Title IX Coordinator or other administrator on duty.

Any student who believes that they have been the target of sexual harassment or who is aware of such acts is strongly encouraged to promptly report the matter orally or in writing to the Title IX Coordinator, Lawrence Liu, Washington Latin PCS, 5200 2nd Street NW, Washington, DC 20011, (202) 223-1111

lliu@latinpcs.org, an administrator, or to any other faculty or staff member or member with whom the student is comfortable speaking. Also, any student who is subject to retaliation in violation of this policy or who knows of another student who has been subject to retaliation is urged to report it as soon as possible.

Anyone else who witnesses or becomes aware of sexual harassment, sexual assault or dating violence is also strongly urged to promptly notify the Title IX Coordinator.

When a report is made without a formal complaint, the Title IX coordinator will:

- Promptly contact the complainant to discuss the availability of supportive measures;
- Consider the complainant's wishes with respect to supportive measures;
- Inform the complainant of the availability of supportive measures with or without the filing of a formal complaint;
- Explain to the complainant the process for filing a formal complaint.

If the complainant does not wish to proceed with a formal complaint, the complainant's wishes will 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.

Supportive Measures

Supportive measures will be offered to complainants as appropriate and will vary depending on the circumstances. Supportive measures may include but are not limited to:

- counseling;
- extensions of deadlines and other course-related adjustments;
- campus escort services;
- increased security and monitoring of certain areas of the campus;
- restrictions on contact applied to one or more parties;
- leaves of absence; changes in class, work, housing, or extracurricular or any other activity, regardless of whether there is or is not a comparable alternative; and
- training and education programs related to sex-based harassment.

The school will maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the school's ability to provide the supportive measures.

The school may not impose disciplinary sanctions (or other sanctions that are not "supportive measures") against the respondent without conducting a formal investigation. However, the school may remove a respondent on an emergency basis if:

- It undertakes an individualized safety and risk analysis;
- Determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal; and
- Provides the respondent with notice and an opportunity to challenge the decision immediately following the removal.

Investigations of Formal Complaints

The school will promptly investigate any formal complaints received. Respondents will be presumed to be not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the investigation process.

Once an investigation is concluded, further steps will be taken as needed to interrupt or stop each specific act of sexual harassment, prevent its recurrence, and address its effects, regardless of whether the incident is the subject of a criminal investigation.

Formal complaints will be investigated by Caroline Gifford, Chief of Schools; Bob Eleby-El, Director of Athletics; or Diana Smith, Chief of Classical Education. Once the investigation is complete, a decision will be rendered based on all of the evidence available. The decision-maker will be James Kelly, Principal, 2nd Street Campus; or Khashiffa Roberts, Principal, Anna Julia Campus.

Who Can Make Complaints

A formal complaint may only be made by the following individuals:

- Complainant

- Parent, guardian or authorized representative with a legal right to act on behalf of the complainant;
- The Title IX Coordinator

Dismissal of Complaints

A formal complaint may be dismissed for the following reasons:

- The conduct alleged, even if proved, would not constitute sexual harassment;
- The alleged conduct did not occur in the school's education program or activity;
- The alleged conduct did not occur against a person in the United States;
- The complainant notifies the Title IX Coordinator in writing that they would like to withdraw the formal complaint;
- The respondent is no longer enrolled in the school;
- Specific circumstances prevent the school from gathering evidence sufficient to reach a determination as to the formal complaint.

If the complaint is dismissed, Washington Latin will promptly notify the complainant of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, then Washington Latin will also notify the respondent of the dismissal and the basis for the dismissal. This notice will include information about the options to appeal the dismissal of a complaint.

Either party may appeal the dismissal of a complaint by submitting a written appeal to the Title IX Coordinator within three (3) school days of receiving written notice of the dismissal.

Dismissals may be appealed on the following bases:

- Procedural irregularity that would change the outcome;
- New evidence that would change the outcome and that was not reasonably available when the dismissal was made; and
- The Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.

If the dismissal is appealed, Washington Latin will:

- Notify the parties of any appeal, including notice of the allegations if notice was not previously provided to the respondent;
- Implement appeal procedures equally for the parties;
- Ensure that the decision-maker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint;
- Ensure that the decision-maker for the appeal has been trained as required;
- Provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
- Notify the parties of the result of the appeal and the rationale for the result within thirty (30) days of the submission of the appeal.

Informal Resolution Processes

If a formal complaint is initiated, the Title IX Coordinator may offer and facilitate informal resolution options, such as mediation or restorative justice, so long as both parties give voluntary, informed, written consent to attempt informal resolution. The school will not require participation in informal resolution as a condition of enrollment. The school will not condition informal resolution on the waiver of the right to a formal investigation and adjudication of formal complaints of sexual harassment. The school will not require the parties to participate in an informal resolution process and will not offer an informal resolution process unless a formal complaint is filed. At any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the investigation process with respect to the formal complaint.

Information for Complainants

Within two (2) business days of receipt of a formal complaint, the Title IX Coordinator will provide information to the complainant about:

- The investigation process and informal resolution process including a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of investigation process;
- The allegations including sufficient details known at the time including the identities of the parties involved in the incident, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known;
- The complainant's right to have an advisor of his/her choice who may be, but is not required to be, an attorney;
- The right to inspect and review evidence;
- The prohibition against knowingly making false statements or knowingly submitting false information during the investigation process; and
- Available services and advocacy organizations, about the investigation process, about their rights under Title IX of the Education Amendments of 1972, the District of Columbia Human Rights Act of 1977, and crime victims' rights.

Information for Respondents

Within two (2) business days of receipt of a formal complaint, the Title IX Coordinator will provide information to the respondent about:

- The investigation process and informal resolution process including a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of investigation process;
- The allegations including sufficient details known at the time including the identities of the parties involved in the incident, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known;
- The respondent's right to have an advisor of his/her choice who may be, but is not required to be, an attorney;
- The right to inspect and review evidence; and

- The prohibition against knowingly making false statements or knowingly submitting false information during the investigation process.

Investigation

Complaints of sexual harassment will be investigated in an adequate, reliable and impartial manner. The school will make every effort to complete the investigation within thirty (30) days of receipt of a formal complaint. Extensions of this timeline will be permitted for good cause. If such an extension is exercised, the investigator will notify each party in writing of the reason for the extension. At the conclusion of the investigation period, the investigator will prepare an investigative report to share with the parties and decision-maker as outlined below.

The 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.

Each investigation will include an objective evaluation of all relevant evidence, including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness. The school will bear the burden of gathering evidence to reach a determination regarding responsibility for the alleged conduct. This investigation will include, as necessary, interviewing witnesses, obtaining documents, and allowing the complainant and respondent to present any inculpatory and exculpatory evidence including witnesses, so long as that evidence is relevant and not otherwise impermissible.

The following types of evidence, and questions seeking that evidence, are impermissible (i.e., will not be accessed or considered, except by Washington Latin to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:

- Evidence that is protected under a privilege recognized by Federal or State law, unless the person to whom the privilege is owed has voluntarily waived the privilege;
- A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless Washington Latin obtains that party's or witness's voluntary, written consent for use in its investigation; and
- Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.

The complainant and respondent will have the same opportunity to have others share information on their behalf during any investigative proceeding and to be supported during any proceeding by an advisor of their choice who may be, but is not required to be, an attorney. The parties will be provided written notice if they are invited to participate in any investigative proceeding in person. The notice will include the date, time, location, participants, and purpose of any such proceeding, with sufficient time for the party to prepare to participate.

Each party will have the same opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised so that each party can meaningfully respond to the evidence prior to conclusion of the investigation. The evidence will be sent to each party in electronic format or hard copy at least ten (10) days prior to the completion of an investigative report so that the parties have an opportunity to submit a written response.

Upon its completion, the investigator will send to each party and the decision-maker an investigative report that fairly summarizes relevant evidence.

Decision Making

Prior to a decision being rendered, each party will have an opportunity to submit written, relevant questions that a party wants asked of any other party or witness. These questions must be submitted to the decision-maker within five (5) days of the issuance of the investigative report. Within five (5) business days of receiving any such questions, the decision-maker will gather responses and provide them in writing to each party. The parties will have two (2) additional days to submit additional, limited follow-up questions. The decision-maker will have three (3) additional business days to gather and provide responses to any additional questions.

The decision-maker will make determinations about what questions are relevant. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

Within ten (10) days of the close of the question-and-answer period described above, the decision-maker will review all evidence gathered through the investigative report and any additional information gathered in response to party questions and will make a determination as to responsibility for the alleged conduct. The decision-maker will use a preponderance of the evidence standard (more likely than not to be true; greater than 50% chance) to determine responsibility. Once a determination is made, a written decision will be issued to both parties and will include the following:

- Summary of the allegations;
- Summary of the course and outcome of the investigation including any notifications to the parties, interviews with parties and witnesses, and other methods used to gather evidence;

- Findings of fact supporting the determination;
- Conclusions regarding the application of the policy and code of conduct to the facts;
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions to be imposed on the respondent, and what other supportive measures will be made available to the complainant;
- Information about the procedures for appeal.

The decision-maker may notify appropriate law enforcement agencies if school staff determine that the behavior cannot be safely and appropriately handled through school-based disciplinary action. Law enforcement agencies will be notified if mandatory reporting requirements are triggered.

Appeals

Any party not satisfied with the outcome of the investigation may appeal in writing to Peter Anderson, Head of Schools. Appeals must be made within five (5) business days of the written decision.

Decisions may be appealed on the following bases:

- Procedural irregularity that would change the outcome;
- New evidence that would change the outcome and that was not reasonably available when the dismissal was made; and
- The Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.

If the decision is appealed, Washington Latin will:

- Notify the parties of any appeal;
- Implement appeal procedures equally for the parties;
- Ensure that the decision-maker for the appeal did not take part in an investigation of the allegations or decision-making and is not the Title IX Coordinator;
- Ensure that the decision-maker for the appeal has been trained as required;
- Provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
- Notify the parties of the result of the appeal and the rationale for the result within thirty (30) days of the submission of the appeal.

The appeal decision will be rendered 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.

Possible Responses When it is Determined that Sexual Harassment, Sexual Assault or Dating Violence Occurred

Possible disciplinary sanctions and remedies include, but are not limited to suspension, suspension with conditions, detention, mandatory service, restrictions of access to space, resources, and activities, disciplinary probation, counseling/training, i.e., sensitivity training.

Counseling and Interventions for Respondents

Washington Latin will work with its wellness and mental health providers to identify appropriate counseling and intervention strategies for students alleged to have committed acts of sexual harassment, sexual assault or dating violence, and to determine whether a referral to the Child and Family Services Agency is required where the accused's behavior indicates that he or she may be the victim of child sexual abuse or child abuse.

Resources for Students and Families Affected by Sexual Harassment

Students and families affected by sexual harassment, sexual assault or dating violence may be eligible for school-based supports. For more information about the availability of such supports, please contact the Title IX Coordinator, Lawrence Liu, Washington Latin PCS, 5200 2nd Street NW, Washington, DC 20011, (202) 223-1111, lliu@latinpcs.org.

Other information and resources available outside of school include:

- RAINN (National number to reach counselor anywhere in the country) - 1-800-656-HOPE (4673)
- National Sexual Violence Resource Center (Provides information about sexual violence) - 1-877-739-3895; www.nsvrc.org
- DC Rape Crisis Center - 202-333-RAPE (7273)
- Network for Victim Recovery of DC (NVRDC) (Provides free, holistic, and comprehensive case management and legal services to victims of all types of crime regardless of income.) - (202) 742-1727
- Men Can Stop Rape (Outreach and education and prevention work with men and boys.) - (202) 265-6530
- Safe Shores (DC Children's Advocacy Center) - (202) 645-320
- Wendt Center (offers individual and group counseling) – 202-204-5021

Training

Title IX personnel will receive training on the following:

- The definition of sexual harassment;
- The scope of the school's education program or activity;

- How to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes that protects the safety of complainants and promotes accountability;
- How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias; and
- Issues of relevance, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant.

Mandatory Reporting

If the school becomes aware of a report or allegation of sexual assault or sexual abuse, in addition to its own response, the school will also make a referral to CFSA and/or MPD pursuant to mandatory reporting requirements.