



Public Charter High School

STUDENT ON STUDENT SEXUAL HARASSMENT PREVENTION POLICY

This policy is intended to comply with Title IV and other related portions of the DC School Safety Omnibus Act of 2018 (“SSOA”).

Sexual Harassment Prohibited

Sexual harassment, sexual assault and dating violence are 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 a school.

Retaliation against a youth, volunteer or staff member who reports sexual harassment, sexual assault and dating violence, provides information about any such acts, or witnesses any such acts is also prohibited.

Administrators will make expectations clear to students and staff 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.

Definitions

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

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

Sexual assault is defined as any of the following offenses:

- A. First degree sexual abuse (DC Code 22-3002) - engaging in or causing another person to engage in or submit to a sexual act¹ in the following manner:
 - a. By using force² against that other person;
 - b. By threatening or placing that other person in reasonable fear that any person will be subjected to death, bodily injury³, or kidnapping;
 - c. After rendering that other person unconscious; or
 - d. 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.
- B. Second degree sexual abuse (DC Code 22-3003) - engaging in or causing another person to engage in or submit to a sexual act in the following manner:
 - a. 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
 - b. Where the person knows or has reason to know that the other person is:
 - i. Incapable of appraising the nature of the conduct;
 - ii. Incapable of declining participation in that sexual act; or
 - iii. Incapable of communicating unwillingness to engage in that sexual act.
- C. Third degree sexual abuse (DC Code 22-3004) – engaging in or causing sexual contact⁴ with or by another person in the following manner:
 - a. By using force against that other person;
 - b. By threatening or placing that other person in reasonable fear that any person will be subjected to death, bodily injury, or kidnapping;
 - c. After rendering that person unconscious; or
 - d. 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.

¹ "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.

² "Force" means the use or threatened use of a weapon; the use of such physical strength or violence as is sufficient to overcome, restrain, or injure a person; or the use of a threat of harm sufficient to coerce or compel submission by the victim.

³ "Bodily injury" means injury involving loss or impairment of the function of a bodily member, organ, or mental faculty, or physical disfigurement, disease, sickness, or injury involving significant pain.

⁴ "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.

- D. Fourth degree sexual abuse (DC Code 22-3005) - engaging in or causing sexual contact with or by another person in the following manner:
 - a. 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
 - b. Where the person knows or has reason to know that the other person is:
 - i. Incapable of appraising the nature of the conduct;
 - ii. Incapable of declining participation in that sexual contact; or
 - iii. Incapable of communicating unwillingness to engage in that sexual contact.
- E. Misdemeanor sexual abuse (DC Code 22-3006) - engaging in a sexual act or sexual contact with another person and who should have knowledge or reason to know that the act was committed without that other person's permission
- F. Attempts to commit sexual offenses (DC Code 22-3018) - attempting to commit any of the above offenses.

Dating violence is defined as abusive or coercive behavior where a dating 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 partner⁵.

Retaliation is any form of intimidation, reprisal, or harassment directed against a student who reports any of the above acts, provides information during an investigation of said acts, or witnesses or has reliable information about such acts.

Investigations

Incidents of sexual harassment, sexual assault, or dating violence that Thurgood Marshall Academy knows of will be immediately and promptly investigated by the Executive Director or a designee. School officials designated to investigate such incidents will receive annual training on issues related to student-on-student acts of sexual harassment, sexual assault and dating violence and how to conduct an investigation that protects the safety of complainants and promotes accountability.

Prior to the investigation of an incident, the Executive Director will take steps to ensure the safety of the alleged victim referenced in a reported incident. Once an investigation is concluded, further steps will be taken as needed to interrupt or stop each specific act of sexual harassment, sexual assault or dating violence, prevent its recurrence, and address its effects, regardless of whether the incident is the subject of a criminal investigation.

⁵ "Dating partner" means 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.

Reporting Incidents

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

Any student who believes that they have been the target of sexual harassment, sexual assault or dating violence or who is aware of such acts is strongly encouraged to promptly report the matter orally or in writing to **Raymond Weeden, Executive Director of Thurgood Marshall Academy, 2427 Martin Luther King Jr. Ave., SE, Washington, DC, 20020, 202-563-6862, rweeden@tmapchs.org**, an administrator, or to any other faculty or staff member or member of Thurgood Marshall Academy 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 strongly urged to promptly notify the Executive Director (contact information appears in the paragraph above).

Mandatory Reporting

If Thurgood Marshall Academy becomes aware of a report or allegation of sexual assault or sexual abuse, in addition to conducting its own investigation pursuant to this policy, PCS will also make a referral to CFSA and/or MPD pursuant to mandatory reporting requirements.

Information for Complainants

Upon receipt of a complaint, Thurgood Marshall Academy will provide information to complainants about 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 Accused

Upon receipt of a complaint, Thurgood Marshall Academy will provide information to the accused about the investigation process.

Investigation

Complaints or reports of acts of sexual harassment, sexual assault or dating violence will be investigated in an adequate, reliable and impartial manner. Each investigation will include, as necessary, interviewing witnesses, obtaining documents and allowing the complainant and accused to present evidence. The complainant and accused will have the same opportunity to

have others present on their behalf during any school disciplinary proceeding and to be accompanied to any proceeding by an advisor or advocate of their choice.

Within fifteen (15) school days of receiving a report of sexual harassment, sexual assault or dating violence, the Executive Director or a designee will—unless otherwise instructed by city authorities in applicable cases—conduct the investigation and respond to the parents of the students involved in writing, summarizing the course and outcome of the investigation and identifying an appropriate resolution. If it is determined that sexual harassment, sexual assault or dating violence has occurred, appropriate corrective and remedial action will be taken. Thurgood Marshall Academy will make determinations as to whether a reported incident constitutes sexual harassment, sexual assault or dating violence based on all of the facts and circumstances surrounding the incident. Thurgood Marshall Academy will use a preponderance of the evidence standard (i.e., more likely than not that sexual harassment, sexual assault or dating violence occurred) when resolving complaints.

Steps will be taken as necessary to protect suspected victims of sexual harassment, sexual assault or dating violence during the course of the investigation process. Thurgood Marshall Academy 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.

Thurgood Marshall Academy will take steps to provide the complainant and accused with periodic updates on the status of the investigation. Once a determination has been made, Thurgood Marshall Academy will notify the complainant and accused about the outcome of the investigation, the result of any school disciplinary proceeding that results and the appeal process. The Executive Director (or designee) will determine if parents or guardians should be informed prior to or after the investigation of the incident.

Thurgood Marshall Academy 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 as required if mandatory reporting requirements are triggered.

Appeals

Any party who is not satisfied with the outcome of the initial investigation and response from Thurgood Marshall Academy may appeal in writing to the Chair of the Board of Trustees of Thurgood Marshall Academy. Appeals must be made within 30 days of the conclusion of the initial investigation. 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. Upon completion of the appeal, the complainant, victim and accused will be notified in writing of the outcome of the appeal, any change to the result of the initial investigation and when such results become final.

Counseling and Interventions for Accused Students

Thurgood Marshall Academy 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 it is 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.

Health Class Curriculum

Thurgood Marshall Academy's health class curriculum shall provide developmentally-appropriate, evidence-based culturally responsive instruction on (1) sexual misconduct; (2) personal boundaries; (3) communicating misconduct to adults; (4) consent; (5) healthy relationships as described in Section 403 of the SSOA.

Resources for Students and Families Affected by Sexual Harassment, Sexual Assault or Dating Violence

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 Director of Special Education or a Thurgood Marshall Academy Clinical Social Worker.

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