

# Two Rivers Public Charter School

## Title IX and Sexual Harassment Policies

Sexual harassment, sexual assault, stalking, domestic violence, and dating violence are strictly prohibited on school grounds, the 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 the 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, stalking, domestic violence, 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.

Taking any adverse action against students, volunteers, or staff members because they report sexual harassment, sexual assault, stalking, domestic violence, and dating violence, provide information about any such acts, witnesses any such acts, or testify, assist, participate or refuse to participate in an investigation, proceeding or hearing constitutes retaliation and is prohibited.

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

### 1. Title IX Coordinator

Two Rivers PCS has designated two individuals to coordinate the school's response to reports or complaints of sexual harassment, sexual assault, stalking, domestic violence, and dating violence and for overseeing the school's compliance with Title IX as it relates to students and employees. The contact information for the Title IX coordinators can be found below. Reports related to both students and employees should be reported to both Title IX Coordinators. Two Rivers' Title IX Policy is located at [tworiverspcs.org](http://tworiverspcs.org).

Nichel Bryant, Senior Director of Student Support/Title IX Coordinator  
[nbryant@tworiverspcs.org](mailto:nbryant@tworiverspcs.org) or 202-546-4477

Mary Gornick, Senior Director of Human Resources /Title IX Coordinator  
[mgornick@tworiverspcs.org](mailto:mgornick@tworiverspcs.org) or 202-810-5517

### 2. Response to Reports

Any individual may report sexual harassment, sexual assault, stalking, domestic violence, and dating violence – 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, sexual assault, stalking, domestic violence, and 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 appropriate Title IX Coordinator.

Any student or staff member who believes that they have been the target of sexual harassment, sexual assault, stalking, domestic violence, and dating violence or who is aware of such acts is strongly encouraged to promptly report the matter orally or in writing to the Title IX Coordinator an administrator, or to any other faculty or staff member or member with whom the student or staff member is comfortable speaking. Also, any student or staff member who is subject to retaliation in violation of this policy or who knows of another student or staff member who has been subject to retaliation is urged to report it as soon as possible. Staff members should never promise confidentiality or anonymity to someone who reports sexual misconduct to them because the staff member is required to report it.

Anyone else who witnesses or becomes aware of sexual harassment, sexual assault, stalking, domestic violence and 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 necessary in light of the known circumstances.

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 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.

A formal complaint may be filed by the complainant, the complainant's parent/legal guardian (for students), or the Title IX coordinator if he/she determines that a formal investigation is

needed.

### **3. 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.

### **4. Informal Resolution Processes**

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 or employment. 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.

### **5. Investigations of Formal Complaints**

Details on the investigations of formal complaints, information for complainants and respondents on the investigation process, the decision-making process, and the appeals process can be found in our Preventing and Addressing Sexual Abuse and Harassment policy and our Title IX policy, which can be found on our website.

## **Policy Against Workplace Discrimination & Retaliation**

### **1. Discrimination, Including Harassment, & Retaliation Prohibited**

In accordance with Title VI of the Civil Rights Act of 1964 (“Title VI”), Title IX of the Education Amendments of 1972 (“Title IX”), Section 504 of the Rehabilitation Act of 1973 (“Section 504”), Title II of the Americans with Disabilities Act of 1990 (“ADA”), and the Age Discrimination Act of 1975 (“The Age Act”), and the District of Columbia Human Rights Act of 1977, it is Two Rivers PCS’s policy that employees and their work environment should be free from all forms of prohibited discrimination, including harassment, and retaliation. Two Rivers PCS does not, and will not, permit employees to engage in prohibited discrimination, harassment, or retaliation. Discrimination, harassment (sexual or otherwise), and retaliation by any employee, administrator, or visitor of Two Rivers PCS is strictly prohibited.

It is the School’s policy that no employee is to engage in discrimination or harassment based upon race, color, sex (including pregnancy, childbirth or related medical conditions, breastfeeding, and reproductive health

decisions), national origin, religion, age, marital status, sexual orientation, gender identity or expression, disability, veteran status, genetic information, protected status (i.e., opposition to prohibited discrimination or participation in a statutory complaint process), or any other status protected by federal, state, or local law. Consequently, discrimination or harassment of any kind based upon verbal or physical conduct that denigrates or shows hostility towards an individual because of his/her race, color, sex (including pregnancy, childbirth or related medical conditions, breastfeeding, and reproductive health decisions), national origin, religion, age, marital status, sexual orientation, gender identity or expression, disability, veteran status, genetic information or other status protected by federal, state, or local law and that creates an intimidating, hostile, or offensive working environment, is strictly prohibited.

Prohibited discrimination and harassment may include, but is not limited to, epithets, slurs, jokes, or other verbal or physical conduct relating to an individual's race, color, sex (including pregnancy, childbirth or related medical conditions, breastfeeding, and reproductive health decisions), national origin, religion, age, marital status, sexual orientation, gender identity or expression, disability, veteran status, genetic information, or other status protected by federal, state, or local law.

Moreover, prohibited sexual harassment includes unwanted sexual advances, requests for sexual favors or visual, verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made a term or condition of employment; or
- Submission to or rejection of such conduct is used as a basis for employment decisions affecting the individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile or offensive working environment.

Sexual harassment is defined by the D.C. School Safety Omnibus Act as:

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:

- 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.

DC Law 22-94 § 38-952.02(5).

Sexual harassment is defined by Title IX of the Education Amendments of 1972 as:

- (1) the conditioning of an aid, benefit or service of the institution on an individual's participation in unwelcome sexual conduct (i.e. quid pro quo);
- (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 institution's education program or activity; and
- (3) sexual assault, dating violence, domestic violence and stalking."

34 C.F.R. § 106.30(a).

Sexual harassment includes various forms of offensive behavior. The following is a partial list:

- Unwanted sexual advances.
- Offering employment benefits in exchange for sexual favors.
- Making or threatening reprisals after a negative response to sexual advances.
- Visual conduct: leering, making sexual gestures, displaying sexually suggestive objects or pictures, cartoons, posters, websites, emails or text messages.
- Verbal conduct: making or using derogatory comments, epithets, slurs, sexually explicit jokes, comments about an employee's body or dress.
- Verbal sexual advances or propositions
- Verbal abuse of a sexual nature, graphic verbal commentary about an individual's body, sexually degrading words to describe an individual, suggestive or obscene letters, notes or invitations.
- Physical conduct: touching, assault, impeding or blocking movements.
- Retaliation for making harassment reports or threatening to report harassment.

This policy also protects employees from harassment by parents, vendors or other visitors. If harassment occurs on the job by someone not employed by Two Rivers PCS, the procedures in this policy should be followed. This policy applies to males who sexually harass females or other males, and for females who sexually harass males or other females. Additional details can be found in section EE. Sexual Harassment Policy.

## 2. Reporting Violations

Any employee who believes that he/she is being discriminated against, harassed or retaliated against by a coworker, administrator, visitor or another individual, whether employed by Two Rivers PCS or not, or who believes his/her employment is being adversely affected by such conduct, whether directed at that employee or another employee, must immediately report the concerns to their supervisor or the HR Team. All employees, including supervisors, have an obligation to stop all forms of discrimination, harassment, and retaliation from occurring and must report conduct which they observe that violates this Policy to their supervisor or the HR Team. If an employee believes it is not appropriate to discuss his/her situation or someone else's situation with their supervisor or the HR Team then the employee must inform the Executive Director, any other member of the administration with whom the employee feels comfortable, or current President of the Board of Trustees of Two Rivers PCS. The employee must provide their supervisor, the HR Team, the Executive Director, or President of the Board enough information so that he or she knows that the employee is making a complaint of discrimination, harassment and/or retaliation. The employee may initially make a verbal complaint of discrimination, harassment and/or retaliation, but it must be followed up in writing.

Two Rivers PCS's procedure for resolving complaints is available to all employees without fear of retaliation. All employees should be aware that they will not be subjected to any adverse and/or retaliatory action as a result of reporting any conduct believed to be in violation of this Policy Against Workplace Discrimination & Retaliation or being related to or in close association with a complaining employee. Further, Two Rivers PCS will not take action against any employee because he or she makes a good faith report of inappropriate conduct. However, an employee is still subject to performance management expectations and procedures. An employee who believes that retaliation has resulted from the reporting of prohibited conduct must immediately report this in the manner set forth above.

If you have a concern or problem, do not assume that Two Rivers PCS is aware of it. It is every employee's responsibility to bring complaints and concerns to Two Rivers PCS's attention so that the School can help resolve them.

## **Equal Employment Opportunity (EEO) Policy**

Two Rivers PCS is an equal opportunity employer. All employment decisions are made without regard to race, color, gender, sex (including pregnancy, childbirth or related medical conditions, breastfeeding, and reproductive health decisions) national origin, religion, citizenship, age, marital status (including a domestic partnership), sexual orientation, disability, veteran status, personal appearance, gender identity and expression, genetic information, familial status, family responsibilities, matriculation, political affiliation, lawful use of tobacco products, unemployment status, or any other basis prohibited by law. Any employee's failure to comply with the above policies could result in corrective action, including termination of his or her employment.

Two Rivers PCS includes "gender identity and expression" in its equal employment opportunity policy to clarify that discrimination against transgender and gender non-binary individuals is prohibited. This policy is consistent with our workplace philosophy that all employees should be treated fairly and with respect. "Gender identity and expression" is included in the list of characteristics that are protected under Two Rivers' policies and documents prohibiting discrimination, including but not limited to the Equal Employment Opportunity, and Policy Against Workplace Discrimination and Retaliation.

Two Rivers PCS's policy is that all employees shall be treated with respect and dignity. Acts of discrimination, including retaliation, by an administrator or co-worker will not be tolerated in the workplace under any circumstances.

Two Rivers PCS will make reasonable accommodations to the known physical or mental limitations of an otherwise qualified applicant or employee and to the religious obligations of an employee as required by law, unless to do so would cause an undue hardship on the operation of the School.

## **Drug and Alcohol Policy**

The School is dedicated to protecting the safety, health, and well-being of its employees and students. We recognize that drug and alcohol abuse poses a direct and significant threat to this safe workplace goal, and to the goal of providing a productive and efficient working environment for all employees. Through the implementation and enforcement of this policy, we seek to achieve a workplace free of the effects of substance abuse. In applying this policy, the School will comply with all relevant federal, state, and local laws.

1. It is the intent of Two Rivers PCS to provide a working environment free from the use of non-prescribed drugs and alcohol. Given the risks that arise if employees are attempting to perform their duties while using or having used drugs or alcohol, Two Rivers PCS has adopted a zero-tolerance policy. As such, Two Rivers PCS strictly prohibits the illegal sale, purchase, use, or possession of or reporting to work under the influence of any intoxicating substances, non-prescribed narcotics, hallucinogenic drugs, marijuana, or other non-prescribed controlled substances while on Two Rivers PCS's premises and/or property and/or during working hours. In addition, employees are prohibited from using alcohol during working hours and from reporting to work under the influence of alcohol. The violation of this policy is grounds for immediate dismissal.
2. To help ensure a safe and healthy working environment, employees may be asked to provide body substance samples (such as urine, saliva and/or blood) to determine the illicit or illegal use of drugs and alcohol. Refusal to submit to drug testing will be considered to be a positive result, with disciplinary action, up to and including termination of employment, as a consequence. A positive drug or alcohol test may also result in disciplinary action up to and including termination from employment. Additionally, employees may be asked to cooperate in personal and/or facility searches. Refusal to cooperate with these procedures may result in disciplinary action up to and including termination.
3. The proper use of medication prescribed by your physician is not prohibited; however, we do prohibit the misuse of prescribed medication. Employees' drug use may affect their job performance, such as by causing dizziness or drowsiness. It is the employee's responsibility to determine from his/her physician whether a prescribed drug may impair safe job performance and to notify the Executive Director or his/her supervisor of any job restrictions that should be observed as a result, so that a determination can be made regarding their capacity to perform the essential functions of their jobs, either with or without reasonable accommodation. Employees will not be required to disclose the medication they are on or the medical condition for which they are taking the medication except for job-related reasons and business necessity. To the extent possible, Two Rivers



PCS will keep this information confidential. The School reserves the right to transfer, reassign, and/or place on leave of absence an employee, or to take other appropriate action as necessary, during the time such employee uses medication that may affect his or her ability to safely perform assigned duties. The School will comply with all requirements pertaining to providing reasonable accommodations to the extent required by applicable law

## **Whistleblower Policy**

It is the intent of Two Rivers PCS to operate at all times in compliance with applicable federal, state and local laws and requirements as well as in compliance with the policies of the DC Public Charter School Board, and in an ethical manner. This policy is intended to encourage employees to raise any serious concerns with regard to compliance and/or ethical behavior, and thereby further this intent. Nothing in this Handbook prohibits an employee from reporting concerns, making lawful disclosures, or communicating with any governmental authority about conduct the employee believes violates any laws or regulations.

### **1. Reporting Responsibility**

It is the responsibility of all employees to report legal and ethical violations or suspected violations in accordance with this Whistleblower Policy.

### **2. Reporting Process**

If any employee reasonably believes that a practice or action of Two Rivers PCS is in violation of law or ethical behavior, and is not being addressed in accord with existing policies, e.g., the Staff Handbook, a formal verbal complaint citing the Whistleblower Policy must be made by the employee to the Executive Director or the President of the Board of Trustees. Within three (3) workdays, this formal verbal complaint must be put in writing by the employee and filed with the Executive Director or President of the Board of Trustees.

Any employee making such a complaint must be acting in good faith and have reasonable grounds to believe that the information disclosed indicates a violation. An allegation by an employee proven to be malicious or knowingly false will be viewed as a serious disciplinary offense and subject to established procedures.

### **3. Handling of Reported Violations and the Investigation Process**

The recipient of the written complaint, i.e. the Executive Director or the President of the Board of Trustees, must acknowledge receipt of the complaint to the sender, in writing, within five (5) workdays.

All complaints must be promptly investigated and appropriate actions must be taken as warranted by the investigation. No party charged in a complaint with a violation under the Whistleblower Policy may investigate that complaint. The Executive Director or the President of the Board of Trustees may employ outside resources to assist in the investigation if deemed necessary.

Reports of violations will be kept confidential to the extent possible, consistent with the need to conduct an investigation.

#### 4. **No Retaliation for Good Faith Reporting of Violations**

Two Rivers PCS will not retaliate against an employee who, in good faith, reports a legal or ethical violation or suspected violation, or against anyone participating in an investigation of an alleged violation. However, an employee is still subject to performance management expectations and procedures.

Any employee or Board member who retaliates against an individual who has reported a violation or suspected violation in good faith, or against anyone having participated in an investigation of an allegation, will be subject to discipline.

### **Problem Solving Policy**

If there is something about your job that is bothering you, you should get it out in the open and discuss it with the appropriate individuals. The School cannot address your concerns or questions unless you tell us what we can do to help.

Employees should feel free to discuss any work-related issues they wish with the administrators. If you have a problem, we recommend that you utilize the following steps to try to resolve it:

- You must first discuss any concerns with your supervisor. Your supervisor, most often, is in the best position to handle your concern(s).
- If your supervisor cannot resolve your concern(s), if you are not satisfied with the resolution offered by your supervisor, or you do not feel comfortable discussing the concern with your supervisor, you should discuss the matter with a member of the HR Team.
- If a member of the HR Team cannot resolve your concern(s), if you are not satisfied with the resolution, or you do not feel comfortable discussing your concern with a member of the HR Team, you should then discuss the matter with the Executive Director or any other member of the administration that you feel comfortable with.

In the event that you do not feel that you can discuss a problem with your supervisor, a member of the HR Team, or the Executive Director, you must contact the current President of the Board of Trustees, whose contact information may be obtained from the school's website.

If you inform us of any concern or problem, we will try to respond to it as quickly as possible under the circumstances and will keep any information shared during the process confidential

to the extent possible under the circumstances. The School will take whatever action it deems necessary or appropriate before, during, or after the procedures set forth in this Policy. The School's decision concerning the resolution of issues raised pursuant to this Policy is final.

This Problem Solving Policy is not intended to be a substitute for the normal employee-supervisor relationship, nor can it be substituted for a spirit of collaboration and goodwill. Ongoing communication remains the most effective way to develop and enhance favorable working relationships.

The procedures set forth in this Problem Solving Policy do not apply to incidents of discrimination, harassment, or retaliation. All incidents of discrimination, harassment, and retaliation must be reported to and will be investigated by the School in accordance with the procedures set forth in the School's Policy Against Workplace Discrimination & Retaliation.