



SY22-23 Employee Policies (Excerpt, Board Approved)

Section 2: Employment Policies

Equal Employment Opportunity

DC Scholars is an equal opportunity employer. This EEO policy statement reinforces our commitment to a diverse workplace built on equality. This policy applies to all terms and conditions of employment including, but not limited to, hiring, promotion, compensation, termination, leaves of absence, training, and advancement. This policy applies to current and prospective employees, internal and external community and business partners, consultants, and vendors. Equal opportunity should and does apply to everyone, we also understand that it is especially important for people in groups that have historically been subjected to unfair treatment in the workplace. We are committed to avoiding discrimination based on conscious or unconscious biases and ensuring all qualified job applicants and employees are treated fairly, regardless of:

race, ethnicity, color, ancestry, sex, religious beliefs, immigration status, marital/domestic partnership/civil union status, familial status, family responsibilities, political affiliation, pregnancy, childbirth or related medical conditions, breastfeeding and reproductive health decisions, domestic and sexual violence victim status, national origin, nationality, age, physical or mental health related disabilities, affectional or sexual orientation, veteran status, military service, genetic information, gender, gender identity, gender expression, personal appearance, matriculation, credit information, lawful use of tobacco products, and unemployment status.

DC Scholars complies with all applicable laws, rules, and regulations preventing discrimination against job applicants and employees. Any employee of DC Scholars who violates this policy may be subject to disciplinary action, up to and including termination.

Management's Responsibility

At DC Scholars, all types of discrimination and harassment is prohibited. All employees, including management at DC Scholars, are responsible for:

- Implementing this policy and taking steps to prevent harassment.
- Ensuring employees under their supervision are familiar with and understand the policy.
- Promptly report complaints to Human Resources.



Open Door Policy

We encourage employees to ask questions, share ideas, voice concerns, and share problems when necessary. Please feel free to talk to a supervisor or any member of the management team. We cannot solve the problem if we do not know about it.

Employment-At-Will

While we anticipate a long and mutually rewarding relationship, an employee may terminate the employment relationship with or without cause or notice at any time, and DC Scholars may terminate the employment relationship with or without cause or notice, at any time.

Please be advised that Employment-At-Will cannot be waived or altered except by a written agreement signed by the Board Chair of DC Scholars or authorized designee. In this regard, employees should not construe any oral statement as guaranteeing employment for a specific period.

Genetic Information Nondiscrimination Act of 2008 (GINA)

In accordance with the Genetic Information Nondiscrimination Act of 2008 (GINA), DC Scholars does not request or require from its employees genetic information of any individual or family member of the individual, except as may be specifically allowed by law. To comply with this law, DC Scholars asks that employees refrain from providing any genetic information when responding to any request for medical information. "Genetic information," as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

Title IX of the Education Amendments of 1972 (Title IX)

The U.S. Department of Education's Office for Civil Rights (OCR) enforces, among other statutes, Title IX of the Education Amendments of 1972. Title IX protects people from discrimination based on sex in education programs or activities that receive federal financial assistance. Title IX states:

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.



Title VII of The Civil Rights Act of 1964 (Title VII)

Title VII includes federal laws against employment discrimination and harassment. These laws make it illegal for employers to discriminate against a person based on a number of characteristics, including prohibitions based on race, color, religion, sex (including pregnancy, sexual orientation, and gender identity), or national origin. Below are some of the laws enforced by the EEOC under Title VII.

Age Discrimination in Employment Act (ADEA)

The Age Discrimination in Employment Act (ADEA) forbids age discrimination against people who are age 40 or older. The ADEA prohibits employers from making decisions to hire, fire, or promote employees based on their age.

Fair Credit Reporting Act (FCRA)

All background checks are conducted in conformity with the Federal Fair Credit Reporting Act, and any other applicable state and federal laws. Background reports are kept confidential and are only viewed by individuals involved in the hiring process. In accordance with the FCRA, if information is obtained in a background check that may lead to denial of employment, an explanation of any adverse decision will be provided along with a copy of the report and the applicant will have the opportunity to dispute the report's accuracy.

In accordance with The National Child Protection Act of 1993, as amended, the DC Criminal Background Checks for the Protection of Children Act of 2004, and the DC School Safety Omnibus Amendment Act of 2018, all DC Scholars employees must submit to a criminal background check before the date of hire. The criminal background check is conducted in accordance with the Fair Credit Reporting Act.

Fair Labor Standards Act (FLSA)

The Fair Labor Standard Act (FLSA) is a federal law that sets minimum wage, overtime, and minimum age requirements for employers and employees. The FLSA creates two classifications of employees for the purpose of minimum wage and overtime. The two classifications are exempt employees and non-exempt employees. FLSA minimum wage and overtime requirements apply differently to employees depending on how they are classified. It is also important to note that the FLSA standards may not be the only legal standards that apply to employers.



The Pregnancy Discrimination Act (PDA)

The Pregnancy Discrimination Act forbids discrimination based on pregnancy regarding any aspect of employment, including hiring, firing, pay, job assignments, promotions, layoff, training, fringe benefits, such as leave and health insurance, and any other term or condition of employment.

Nursing and Breastfeeding Employees

Laws at the state and federal level, e.g., DC Human Rights Act and FLSA require employers to provide nursing employees with:

- Reasonable daily unpaid break periods, as required by the employee to express breast milk. If any break period, paid or unpaid, is already provided, the nursing break period runs concurrent with the break already provided.
- An employer shall make reasonable efforts to provide a sanitary room or location (not a bathroom or toilet stall) near the work area to express breast milk in privacy and security.

The Equal Pay Act

Requires that people in the same workplace be given equal pay for equal work. The jobs must be substantially equal, not identical. Job content (not titles) determines if jobs are substantially equal.

Health Insurance Portability and Accountability Act (HIPAA)

DC Scholars sponsors group benefit plans that are subject to the Health Insurance Portability and Accountability Act (HIPAA). Because of that law, privacy regulations apply to certain protected health information (PHI). PHI includes health status, medical condition, claims experience, medical history, genetic information, and evidence of insurability.

Personnel Files

Access to personnel records is governed in most cases by state law. DC Scholars will defer to regulatory statutes about employees' access to their personnel files.

Medical Information

Documents relating to medical certifications, recertifications or medical histories of employees or employees' family members will be maintained separately and treated by DC



Scholars as confidential medical records. Information is shared in compliance with HIPAA regulations and on an as needed basis, e.g., benefit census data, FMLA forms and other circumstances.

Americans with Disabilities Act (ADA)

In compliance with the ADA Amendments Act of 2008 and the Americans with Disabilities Act of 1990, DC Scholars is committed to providing individuals with disabilities equal access to all employment opportunities. DC Scholars does not discriminate in its hiring and employment practices against qualified individuals with disabilities who can perform the essential job functions with or without a reasonable accommodation. A reasonable accommodation is any modification, change, or adjustment to the process of applying, the work environment, or a workflow making it possible for the individual with a disability to perform essential job functions.

Reasonable Accommodation Requests

Employees who need a reasonable accommodation should inform their supervisor and Human Resources as soon as possible.

ADA Interactive Process

Upon receiving a request from an employee for a reasonable accommodation, Human Resources, the employee, and their supervisor will begin an interactive process. The "interactive process" is a timely, good-faith communication between the employer and the employee to:

- Review the essential functions of the job.
- Assess if the employee needs a reasonable accommodation for a disability.
- Determine how the employee can be accommodated.

The interactive process begins with:

- Identifying specific limitations and needs.
- Assess if the information provided by an employee is sufficient to determine what accommodation may be needed.

If additional information is needed:



- The employee may be asked to provide supporting documentation including suggestions from a treating provider.
- This may include authorized communication with the employee's medical provider, or other treating provider.

Upon identification of an employee's specific limitations, essential job functions are reviewed to determine whether a reasonable accommodation will remove the workplace barrier, enabling the employee to perform job functions. A reasonable accommodation might include:

- Special equipment.
- Restructuring the job.
- Modifying the work schedule.
- Reassigning the employee, etc.

DC Scholars will determine what constitutes a reasonable accommodation. If there are several options, and one is less expensive, DC Scholars may choose that option if it effectively removes the workplace barrier. DC Scholars cannot require an employee to accept an accommodation. An employee who declines an effective accommodation may not be qualified to remain in their job. DC Scholars will monitor the accommodation to ensure it has enabled the ability to perform essential job functions. Information obtained concerning the medical condition of an applicant or employee will be treated as confidential and disclosed only as permitted by law and, if needed, during the interactive process.

DC Scholars will make reasonable accommodations to enable a qualified disabled individual to perform essential job functions unless doing so will create an undue hardship for DC Scholars. DC Scholars prohibits retaliation against employees requesting accommodations. Accommodations provided are documented and evaluated periodically for effectiveness. Any employee found to have engaged in retaliation against an employee may be subject to disciplinary actions.

Religious Observance Accommodation

Title VII of the Civil Rights Act prohibits discrimination based on religion. DC Scholars will provide a reasonable accommodation for employees' religious beliefs, observances, and practices.

A religious accommodation is an adjustment to the work environment that allows an employee to practice their religion. DC Scholars will work with employees to accommodate



religious beliefs and practices, unless doing so would cause more than a minimal burden on the school's operations. If an employee believes they may need an accommodation for religious observance purposes, the employee should contact their supervisor or human resources for assistance with evaluation and identifying an accommodation.

If an accommodation requires time away from work on a day or days during the school year, employees should request leave as early as possible. For religious observance accommodations resulting in time away from work, employees may use paid time off.

Discrimination and Harassment Prevention

It is the policy of DC Scholars to provide a work environment free from harassment and discrimination. This policy covers conduct of all DC Scholars employees, applicants and third parties including, but not limited to:

- All instances of harassment and discrimination at and away from work while conducting DC Scholars business, attending events, or in any way connected to DC Scholars.
- The use of school-provided business systems, such as electronic mail, voicemail, instant messages, social media, and the Internet.

Discrimination can occur when someone means to treat a person differently, or less favorably, based on protected characteristics, (e.g., race, color, religion, and disability). Examples of discriminatory behavior can include unfair treatment, harassment, and retaliation.

Although the law does not prohibit offhand comments, or isolated incidents that are not serious, harassment is illegal when it is so frequent or severe that it creates a hostile or offensive work environment or when it results in an adverse employment decision. Disagreements, discussions regarding work performance and expectations, or other work-related conflicts may not be considered harassment.

Harassment is a Form of Discrimination

Harassment involves conduct, whether verbal, physical, or visual, that is unwelcome, sexual in nature, based on: *race, color, religion, sex, pregnancy, childbirth, or related conditions, reproductive health decisions, breastfeeding, gender identity, gender expression, nationality, national origin immigration status, ancestry, age, marital status, domestic partnership statutes, civil union status, familial status, family responsibilities, political affiliation, domestic and sexual violence victim status, sexual orientation, physical or mental disability, veteran status, genetic characteristics, veteran status, military service, matriculation, credit*



information, lawful use of tobacco products personal appearance, unemployment status other status protected by applicable federal, state, and local laws or policy.

Different Types of Discrimination and Harassment

Sexual Harassment

Sexual harassment is a form of discrimination and is prohibited. Sexual harassment is generally defined as conduct that is unwelcome and can include physical, verbal, and visual conduct, sexual advances, requests for sexual favors, and other unwanted behaviors sexual in nature. Sexual harassment can also be based on sex, gender, gender identity, gender expression, etc.

Examples of prohibited conduct include:

- Sexual propositions and repeated unwanted sexual flirtations, advances, or invitations.
- Implying sexual favors are a condition of employment or continued employment.
- Treatment/promises of preferential treatment for submitting to sexual conduct.
- Unwanted physical contact (touching, grabbing, kissing, or brushing against).
- Verbal conduct, sex jokes, teasing, sounds, and comments about a person's body.
- Questions and discussions of another person's or one's own sexual experiences.
- Sexually oriented derogatory or stereotypical comments.
- Verbal abuse of a sexual nature or based on sex or gender.
- Offensive leering, flirtatious eye contact, staring at a person's body, sexual gestures.
- Display and distribution of sexual, offensive, or sexually suggestive objects, images, electronic(soft)copy, websites, and hard copy materials, drawings, cartoons, graffiti, calendars, posters, and clothing.
- Communications, whether in writing, via text, voicemail, and email, that is offensive or sexually explicit, including cartoons, jokes, and viewing adult websites.

Even if sexual harassment is not directed specifically at an employee, the employee may still be a victim of sexual harassment when the harassment is pervasive in the work environment, affects employee's terms and conditions of employment, and/or creates an intimidating, hostile, or offensive work environment.

Sexual Harassment:

- May occur between persons of the same or different genders.
- Can take different forms and may be overt or subtle.
- Involves behavior that is not welcome or is personally offensive.
- Fails to respect the rights of others.



Sexual Harassment is considered unlawful when:

- Submission to conduct is explicitly or implicitly a term or condition of employment.
- Submission to or rejection of conduct is used as the basis for an employment decision.
- The conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

The same legal standards used to define hostile environment and sexual harassment are applicable to other forms of unlawful harassment. Below are examples of other types of discrimination.

Sex and Gender Based Discrimination

This type of discrimination involves treating someone (an applicant or employee) unfavorably because of that person's sex, including sexual orientation, gender, gender identity, and pregnancy. For example, it is illegal to harass a transgender person by making offensive comments about transgender people in general.

National Origin Discrimination

This type of discrimination can include harassment can include offensive or derogatory remarks about a person's national origin, accent, or ethnicity. For example, mocking, ridiculing, or mimicking another culture, accent, appearance, or customs and making offensive comments about the ethnicity of a colleague or demoting or terminating an employee because of national origin is prohibited.

Age-Based Discrimination

Limiting an employee's opportunity to privileges and terms of employment in any way that denies or excludes any individual based on age (40+) is considered age discrimination and is prohibited. Age-based harassment can include, for example, offensive or derogatory remarks from an employee's own or other supervisor, a co-worker, or someone who is not an employee.

Race- and Color-Based Discrimination

Race-based discrimination involves treating an individual unfavorably because of race or because of personal characteristics associated with race, such as hair texture, skin color, or facial features. Color discrimination involves treating an individual unfavorably because of skin color or complexion. Discrimination can occur between individuals of the same race or



color. Harassment can include, racial slurs, offensive and derogatory remarks about a person's race or color, or the display of racially offensive symbols.

Reporting Harassment and Discrimination

DC Scholars is committed to resolving complaints of discrimination and harassment. All reports of alleged harassment and discrimination are taken seriously and investigated.

An employee submitting a complaint or concern and reporting an alleged violation can expect to be treated courteously and have the matter handled swiftly and as confidentially as possible. It is understood that it is common for reports of harassment to be based on one person's word against another person's word. If an employee believes harassment of any kind has occurred, they should contact a supervisor, Human Resource, or the Head of School. As part of the process, a written statement may be requested.

Process for Investigating Complaints

In general, complaint handling follows a process to ensure consistent handling. The below steps may be involved as part of an investigation.

1. After a complaint is received (e.g., alleged harassment, policy violation, or other problematic behaviors) additional inquiries may be needed to better understand the circumstances and determine if further investigation is necessary.
 - If an investigation is the appropriate next step, it may be handled internally or an external third-party investigator may be used.
2. The investigation process will involve notifying those involved and gathering additional information. The person(s) who submitted a complaint, the individual about whom a complaint(s) was made, and witnesses, may be asked to participate in follow-up conversations.

Information gathered in an investigation is confidential. The complainant and individual who is the subject of a complaint is **not** entitled to the names of witnesses, interview notes, or other investigation related information.

3. After the information is reviewed, a determination is made as to whether the complaint can be substantiated.
 - In some cases, an investigation finding is inconclusive, e.g., insufficient, or conflicting information.



- If it is determined that a violation did occur, corrective and disciplinary action may be taken. The course of action taken depends on the nature and severity of the conduct, and prior complaints.

4. At the conclusion of an investigation, the individual that reported a complaint is entitled to know the outcome, such as, if the reported complaint, behavior, or violation was substantiated, and if action is underway to address the issue. However, confidentiality must be maintained for all those involved in an investigation and the details of corrective action are confidential.

5. After an investigation is completed, Human Resources and/or the Head of School will meet with the individual that submitted a complaint, to notify them of the findings. Human Resources and/or the Head of School will also meet separately with the person who is the subject of the complaint regarding any corrective actions.

Confidentiality

DC Scholars is committed to maintaining confidentiality for all those involved in an investigation. Every effort will be made to maintain confidentiality. However, confidentiality cannot be guaranteed in every instance, but will be protected to the extent possible under the circumstances. Notes or documents received by those investigating will be kept confidential to the extent possible according to existing state or federal law. To discuss confidentiality, an incident, or seek information, employees are encouraged to contact their supervisor, Human Resources, or the Head of School.

See Something, Say Something

Any employee or applicant who is subjected to, witnesses, or has knowledge of actions or conduct violating DC Scholars EEO Policy or that could be perceived as harassment, or behaviors prohibited by the Discrimination and Harassment Prevention Policy should report it promptly to their Supervisor, Human Resources, or the Head of School.

Non-retaliation

It is unlawful to retaliate against an individual because they reported, or plan to report, a complaint, violation, perceived violation, or participated in an investigation. Making a report in good faith will in no way be used against an employee, nor will it have an adverse impact on the employee, even if the allegations cannot be substantiated.

Examples of retaliation can include demotion, reassignment to a less desirable position, an evaluation that is lower than it should be, making a person's work difficult (e.g., changing a schedule to conflict with responsibilities).



DC Scholars will not tolerate any retaliation against an employee that reports a violation or perceived violation or participates in an investigation. However, making a knowingly false or malicious report is prohibited and may be subject to discipline, up to and including termination.

Whistleblower Policy

DC Scholars requires employees to observe high standards of business and personal ethics in the conduct of their duties and responsibilities. Employees and representatives of DC Scholars must practice honesty and integrity in fulfilling their responsibilities and comply with all applicable laws and regulations. This policy is intended to encourage and enable employees to raise serious concerns internally so DC Scholars can address inappropriate conduct and actions. Employees will not be fired, demoted, suspended, harassed, denied promotion, or experience any other kind of discrimination because of reporting.

In accordance with the Sarbanes-Oxley Act, any report of alleged impropriety within DC Scholars fiscal management is treated as confidential and anonymous. It is the responsibility of all Board members, employees, and volunteers to report violations or suspected violations in accordance with this Policy. Supervisors and managers are required to report complaints or concerns about suspected ethical and legal violations to the Head of School, who has the responsibility to investigate all reported complaints. Examples of what should be reported to the Head of School, includes, and is not limited to:

- A reasonable belief or suspicion that fraud exists.
- Any cause for concern regarding DC Scholars' business operations quality and integrity.
- A reasonable belief or concern that an employee has witnessed legal or regulatory compliance violations.

Complaints can be submitted on a confidential, anonymous basis directly to Human Resources, by email to HR-DC@dcscholars.org, or by mail:

*Human Resources
DC Scholars Public Charter School
5601 E. Capitol Street, SE
Washington, DC 20019*

Confidentiality of Reported Violations

- All reports are investigated, and appropriate corrective action is taken if warranted.



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

Sarbanes-Oxley Whistleblower Protection against Retaliation

- Any employee who in good faith submits information under DC Scholars Whistleblower policy will not be subject to retaliation.
- An employee who retaliates against an individual who reported information about fraud is subject to discipline, up to and including termination.

Confidentiality of DC Scholars School Records

Confidentiality is especially important with respect to student education records, which are protected from disclosure by federal privacy laws. Under the Family Educational Rights and Privacy Act (FERPA), DC Scholars employees are expected to keep student records, including, but not limited to, student registration forms, graded papers, and social security numbers, confidential. DC Scholars must have written permission from a parent or eligible student to release information from a student's record, except to the parties listed and under the following conditions:

- School officials with legitimate educational interest.
- Other schools to which a student is transferring.
- Specified officials for audit or evaluation purposes and accrediting organizations.
- Appropriate parties in connection with financial aid to a student.
- Organizations conducting certain studies for or on behalf of the school.
- To comply with a judicial order or lawfully issued subpoena.
- Officials in case of health and safety emergencies, state and local authorities, within a juvenile justice system, pursuant to State law.

Employees should consult with the Head of School before disclosing student information. Employees who have access to confidential information due to job responsibilities should not disclose such information for any reason, except as required to complete job duties e.g., social security numbers, driver's license, resident identification numbers, account numbers, credit or debit card numbers, security and access codes or passwords that permit access to medical, financial, or other legally protected information.

Confidential Information does not include information lawfully acquired by non-management employees about wages, hours or other terms and conditions of employment, if used by them for purposes protected by §7 of the National Labor Relations Act such as



joining or forming a union, collective bargaining, or other concerted activity for their mutual aid or protection.

Employees leaving DC Scholars should ensure student records are returned and safeguarded to preserve the confidentiality of the information. Files and documents should be saved on the shared drive in the appropriate folder to ensure that other employees can have access to documents.

Non-Disclosure of Proprietary Information

It is vital to the continued success of the school that its proprietary information, intellectual property, and trade secrets are kept confidential. DC Scholars prohibits sharing materials, handbooks, templates, documents, etc. as they relate to work at DC Scholars with outside individuals and organizations without first obtaining the approval of the Head of School.

Both during and after employment, employees may not directly or indirectly use or disclose DCSPCS confidential information, except as authorized and necessary to perform duties for the school.

All material (writings, works of authorship, technology, inventions, discoveries, ideas and work product of any nature) and other Intellectual Property Rights (defined as all trade secrets, copyrights, trademarks, patents and other intellectual property recognized by the laws of any jurisdiction) written, created or developed by any employee within DC Scholars through the use of DC Scholars resources or facilities, or supported by funds administered by DC Scholars during the course of employment will be and remain the sole property of DC Scholars.

Nothing in this Employee Handbook prohibits an employee from communicating with any governmental authority or making a report in good faith and with a reasonable belief of any violations of law or regulation to a governmental authority, or disclosing Confidential Information which the employee acquired through lawful means in the course of employment to a governmental authority in connection with any communication or report, or from filing, testifying or participating in a legal proceeding relating to any violations, including making other disclosures protected or required by any whistleblower law, the Department of Labor, or any other appropriate government authority. Under the 2016 Defend Trade Secrets Act (DTSA):

(1) no individual will be held criminally or civilly liable under Federal or State trade secret law for the disclosure of a trade secret (Economic Espionage Act) that: (A) is made in confidence to a Federal, State, or local government official, direct or indirect, or to an attorney; and for the purpose of reporting or investigating a suspected violation of law; or (B)



is made in a complaint or other document filed in a lawsuit or other proceeding, if such filing is made under seal so that it is not made public; and,

(2) an individual who pursues a lawsuit for retaliation by an employer for reporting a suspected violation of the law may disclose the trade secret to the attorney of the individual and use the trade secret information in the proceeding, if the individual files any document containing the trade secret under seal, and does not disclose the trade secret, except as permitted by order in that proceeding.

Drug and Alcohol Policy

DC Scholars provides a drug-free workplace and intends to comply with the Federal Drug-Free Workplace Act of 1988. DC Scholars prohibits the use, sale, attempted sale, conveyance, distribution, manufacture, purchase, attempted purchase, possession, cultivation and/or transfer of alcohol or illegal drugs, or any other controlled substances, as defined in the Drug-Free Workplace Act of 1988, while on duty, on the premises of DCSPCS, or on DC Scholars business. "Illegal drugs" means all drugs whose use or possession is regulated or prohibited by federal, state, or local law. These include prescription medication that is used in a manner inconsistent with the prescription or for which the individual does not have a valid prescription.

DC Scholars also prohibits employees from having illegal drugs or controlled substances in their system when present on DC Scholars premises or on DC Scholars business. The use of alcohol or controlled substances while on school property or during the school day is forbidden and is cause for immediate discharge. As a narrow exception to this general prohibition, an employee over age 21 may consume limited quantities of alcohol off school premises in connection with DC Scholars -sponsored activities, provided that the consumption is limited to amounts of alcohol which will not result in the employee being legally under the influence of alcohol.

Reasonable Suspicion and Drug Testing

If there is reasonable suspicion that an employee is under the influence during the workday, DC Scholars reserves the right to request that the employee undergo an immediate drug test at the expense of DC Scholars. Failure to undergo the test if requested will result in the employee being asked to leave DC Scholars for the day and will not be allowed to return to work until the drug test is completed. A positive drug test or refusal to submit to a drug test is grounds for further disciplinary action, up to and including termination from DC Scholars.

An employee who believes that he or she may have a drug and/or alcohol problem is encouraged to seek help.



No Smoking Policy

In keeping with DC Scholars' intent to provide a safe and healthful work environment, smoking is prohibited throughout the indoor workplace. DC Scholars is a non-smoking campus.

Under the District of Columbia's Department of Health Functions Clarification Amendment Act of 2006, smoking in the workplace is prohibited. This includes all work areas, employee lounges, restrooms, conference rooms, classrooms, employee cafeterias, and hallways.

This means that smoking and the use of all tobacco-related products, including but not limited to, smoking, the use of chewing tobacco and the use of e-cigarettes is prohibited inside the building, and in the event that construction is being done on campus, smoking is prohibited on the worksite. Employees that observe smoking should contact their manager, the Head of School, or Human Resources. For employees seeking assistance with smoking cessation, contact [DC Breathe, which offers](#) counseling, mobile apps, and other services. Visit online: <https://breathedc.org/cessation/>



Appendix D: Preventing & Addressing Student Sexual Abuse by DC Scholars Staff

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Introduction

The School Safety Omnibus Amendment Act of 2018 (SSOAA) requires schools to adopt and implement a policy that prevents and addresses student sexual abuse by school staff.¹ It also requires schools to provide training for staff at the time of hiring and at a minimum every two years thereafter on sexual misconduct, student sexual abuse, and child abuse. Additionally, schools must provide training and information for parents/guardians on an annual basis regarding child abuse, sexual misconduct, and student sexual abuse. *DC Scholars Public Charter School* is committed to implementing best practices to prevent and respond to student sexual abuse. *DC Scholars Public Charter School* policy includes requirements for preventing student sexual abuse as well as procedures for responding to allegations of student sexual abuse. For a list of definitions of key terms used throughout this policy, please consult [Appendix A](#).

Scope of Policy

This policy applies to all schools within *DC Scholars Public Charter School* and all school staff and students enrolled in *DC Scholars Public Charter School*, regardless of sexual orientation or gender identity. All employees, contractors, and agents of the school shall adhere to this policy. The policy applies to all actions that occur between school staff and students.

This policy describes steps that *DC Scholars Public Charter School* staff are required to take when they possess knowledge of actual or alleged sexual misconduct, sexual abuse, sexual contact, and/or sexual acts between students and staff, consistent with DC Official Code § 4-1321.01, *et seq.*² This policy does not replace *DC Scholars Public Charter School* human resources policies for investigating and taking personnel action for misconduct that does not rise to the level of an investigation by the Child and Family Services Agency (CFSA) or the Metropolitan Police Department (MPD).

Prohibition of Student Sexual Abuse by School Staff

DC Scholars Public Charter School prohibits actions of student sexual abuse by school staff. Any behavior by school staff toward a student that is unwelcome conduct of a sexual nature and would reasonably cause the student to feel uncomfortable is prohibited, regardless of whether such behavior is complained of by the student, the behavior is overtly sexual, or such behavior could constitute a crime. These behaviors may include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature.³ The school takes seriously all allegations of student sexual abuse. When the school knows or reasonably should know that such an act has

occurred, the school shall take immediate action and follow the procedures outlined in this policy. The school shall act upon any knowledge of abuse, regardless of whether the student who was abused has filed a complaint or has otherwise notified the school.

¹ School Safety Omnibus Amendment Act of 2018: <http://lms.dccouncil.us/Download/40929/B22-0951-SignedAct.pdf>. Codified at DC Official Code § 38-951.01, *et seq.*
Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/38/chapters/9A/>.

² DC Official Code § 4-1321.01, *et seq.* Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/4/chapters/13/subchapters/II/>

³ Adapted from: US Department of Education Office for Civil Rights (January 2001). *Revised Sexual Harassment Guidance: Harassment of Students by Schools Employees, Other Students, or Third Parties: Title IX, 2*. Retrieved from: <https://www2.ed.gov/about/offices/list/ocr/docs/shguide.pdf>

Key Considerations

Situations that involve allegations of student sexual abuse by school staff are sensitive and often complex. Schools shall always contact the CFSA hotline at (202) 671-SAFE or MPD at 911 if they are uncertain about how to proceed with a situation. CFSA and MPD are available to consult with schools, and the two agencies closely collaborate with each other to ensure the proper response and protection of students.

Preventing Student Sexual Abuse by School Staff 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. 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.⁴ Schools shall inform students of this policy in a developmentally appropriate manner. Schools are encouraged to use health curricula to open conversations related to safety and sexual abuse.⁵ This policy shall also be included in the *DC Scholars Public Charter School* staff handbook.

Training

DC Scholars Public Charter School recognizes the importance of educating its employees and families regarding the prevention of sexual abuse between staff and students.

In addition to [mandated reporter training](#),⁶ school staff shall receive training on sexual misconduct, sexual abuse, and child abuse upon hiring and biennially thereafter.⁷ Staff training shall include instruction on the following:

- Recognizing and reporting sexual misconduct, student sexual abuse, and child abuse.
- Receiving disclosures of sexual misconduct, student sexual abuse, and child abuse in a supportive, appropriate, and trauma-informed manner.
- Prevention, warning signs, and effects of sexual misconduct, student sexual abuse, and child abuse; and
- Communicating with students and parents regarding reporting and preventing sexual misconduct, student sexual abuse, and child abuse.⁸

⁴ Adapted from: US Department of Education Office for Civil Rights (January 2001). *Revised Sexual Harassment Guidance: Harassment of Students by Schools Employees, Other Students, or Third Parties: Title IX*, 20. Retrieved from: <https://www2.ed.gov/about/offices/list/ocr/docs/shguide.pdf>

⁵ Please see OSSE’s “Curricula Guide for Meeting DC Health Education Standards and School Safety Omnibus Amendment Act of 2018 (SSOAA) Requirements” for a list of curricula that meet SSOAA’s requirements:
<https://osse.dc.gov/page/school-safety-omnibus-amendment-act-2018-ssoaa#resources>

⁶ Mandated Reporter Training: <https://cfsa.dc.gov/service/mandated-reporter-training> ⁷ DC Official Code § 38-951.02(c)(1). Retrieved from:
<https://code.dccouncil.us/dc/council/code/titles/38/chapters/9A/>

Training and information on sexual misconduct, sexual abuse, and child abuse shall also be made available for parents/guardians annually.⁹ Training for parents/guardians shall include instruction on the following:

- Recognizing and reporting sexual misconduct, student sexual abuse, and child abuse.
- Receiving disclosures of sexual misconduct, student sexual abuse, and child abuse in a supportive, appropriate, and trauma-informed manner.
- Prevention, warning signs, and effects of sexual misconduct, student sexual abuse, and child abuse.

Effective, developmentally appropriate methods for discussing sexual misconduct, student sexual abuse, and child abuse; and School and community resources available to assist with the prevention of, and response to, sexual misconduct, student sexual abuse, and child abuse.¹⁰

Interactions between School Staff and Students

DC Scholars Public Charter School shall always view any sexual activity between any teacher, counselor, principal, coach, or other person of authority and any student below the age of 20 years enrolled in the school or school system as unwelcome and nonconsensual.¹¹

When meeting or communicating with a student one-on-one, school staff shall follow the following guidelines:

- To the maximum extent possible, meet in a public place where both the staff member and the student are in full view of others.
- Avoid physical contact that can be misinterpreted.

If meeting in a room or office, leave the door open or move to an area that can be clearly observed by others if passing by. If the door must be closed due to a confidential setting (e.g., a mental health counseling session), then ensure that the window is not blocked so that anyone walking by can view into the room.

⁸ DC Official Code § 38-951.02(c)(1). Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/38/chapters/9A/>

⁹ DC Official Code § 38-951.02(c)(2). Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/38/chapters/9A/>

¹⁰ DC Official Code § 38-951.02(c)(2). Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/38/chapters/9A/>

¹¹ DC Official Code § 22-3009.03-04. Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/22/chapters/30/>

Document and immediately report any unusual incidents, including disclosures of abuse or maltreatment, behavior problems and how they were handled, injuries, or any interactions that might be misinterpreted. Always email students from school-issued email addresses. When sending or replying to emails and text messages from students, copy a manager and/or the students' parent/guardian. The following sections are adapted from the DC Public Charter School Board's *Model D.C. Public Charter School Student Protection Policy* and outline examples of types of contact between school staff and students that are inappropriate.¹² While these lists are not exhaustive, they serve as a guide for conduct. Ultimately, each situation will be considered on a case-by-case basis.

Mode of Contact	Examples of Inappropriate Interactions
Physical Contact	<ul style="list-style-type: none"> Kisses Showing affection in isolated areas School staff sleeping in a bed with a student Allowing students older than kindergarten-age to sit on personnel's knees Wrestling Piggyback rides Tickling Allowing a student to cling to a school staff member's leg Any type of massage given by or to a student Any form of affection that is unwanted by the student Touching stomach, bottom, chest, or genital areas
Verbal Interactions	<ul style="list-style-type: none"> Compliments related to physique or body development Discussing sexual encounters or in any way involving students in the personal problems or issues of school staff Off-color or sexual jokes
Interactions Outside of School	<ul style="list-style-type: none"> Taking one student on an outing, even with the parent/guardian's written permission Visiting one student in the student's home, without a parent/guardian present Entertaining one student in the staff member's home Students spending the night in the staff member's home
Electronic and Telephonic Interactions	<ul style="list-style-type: none"> Any private electronic communication or image sharing, including via text, instant message, personal email accounts, or the use of social networking websites for direct messaging students Posting pictures of students on personal social media sites Adding students as friends on personal social media sites Any private telephonic communication, including texting, voice calls, and video calls

¹² Praesidium (2018). *Model D.C. Public Charter School Student Protection Policy*.

Prohibition Against Assisting Employment of Perpetrators of Child Sexual Abuse Offenses In

addition to the prohibition outlined in SSOAA,¹³ the Every Student Succeeds Act (ESSA) also includes provisions that prevent school staff from assisting in the employment of perpetrators of child sexual abuse.¹⁴ School employees, contractors, and agents are prohibited from assisting a school employee, contractor, or agent in obtaining a new job, apart from the routine transmission of administrative and personnel files, if the individual or agency knows, or has probable cause to believe, that such school employee, contractor, or agent engaged in sexual misconduct regarding a minor or student in violation of the law.¹⁵ This means that employees may not help perpetrators by giving recommendations to prospective employers. This prohibition shall not apply if the information giving rise to probable cause has been reported to a law enforcement agency with jurisdiction over the alleged sexual misconduct or sexual assault and any other appropriate authorities as required by federal and District law and one of the following conditions is true:

The matter has been officially closed, or the United States Attorney's Office for the District of Columbia or MPD has investigated the allegations and notified school officials that there is insufficient information to establish probable cause that the employee, contractor, or agent engaged in sexual misconduct or sexual abuse regarding a minor or student in violation of District or federal law; or the employee, contractor, or agent has been charged with and acquitted or otherwise exonerated of the alleged misconduct or abuse; or
The case or investigation remains open and there have been no charges filed against, or indictment of, the employee, contractor, or agent within four years of the date on which the information was reported to the United States Attorney's Office for the District of Columbia or the MPD.

Any school employee, contractor, or agent who knowingly assists another school employee, contractor, or agent who is known or believed to have engaged in sexual misconduct regarding a minor or student shall be subject to appropriate disciplinary action in accordance with the *DC Scholars Public Charter School* staff handbook, up to and including termination of employment.

The *DC Scholars Public Charter School* human resources department shall maintain records of all allegations of sexual misconduct, child abuse, or the failure to report child abuse, as well as the outcome of any subsequent investigation for all school employees, contractors, or agents. The *DC Scholars Public Charter School* human resources department shall provide this information when contacted by another LEA or school that is considering hiring the applicant.¹⁶

¹³ DC Official Code § 32.1131.01, *et seq.* Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/32/chapters/11A/#>

¹⁴ 20 US Code § 7926. Retrieved from: <http://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title20-section7926&num=0&edition=prelim>

¹⁵ 20 US Code § 7926. Retrieved from: <http://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title20->

[section7926&num=0&edition=preli](#) m

¹⁶

DC Official Code § 38-951.03(b). Retrieved from:

<https://code.dccouncil.us/dc/council/code/titles/38/chapters/9A/>

Addressing Student Sexual Abuse by School Staff

The following sections detail avenues and requirements for reporting as well as key considerations for schools.

Reporting Student Sexual Abuse 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 the *DC Scholars Public Charter School* Title IX Coordinator at hr-dc@dcscholars.org. The name, office address, and contact information for the Title IX Coordinator shall also be available in the main office. If a student, parent, guardian, or other individual files a report of student sexual abuse with a school staff member other than the Title IX Coordinator, then that school staff member shall immediately follow mandated reporter requirements to alert MPD by calling 911. 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 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, regardless of whether the student files a report or requests any action.¹⁷ 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.

17 This paragraph adapted from: US Department of Education Office for Civil Rights (January 2001). *Revised*

Sexual Harassment Guidance: Harassment of Students by Schools Employees, Other Students, or Third Parties: Title IX, 15.

Retrieved from: <https://www2.ed.gov/about/offices/list/ocr/docs/shguide.pdf>

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 \(OHR\)](#).^{18,19}

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

¹⁸ Office for Civil Rights: <https://www2.ed.gov/about/offices/list/ocr/complaintprocess.html> ¹⁹ Office of Human Rights: <https://ohr.dc.gov/service/file-discrimination-complaint>

²⁰ This sentence adapted from: US Department of Education Office for Civil Rights (January 2001). *Revised Sexual Harassment Guidance: Harassment of Students by Schools Employees, Other Students, or Third Parties: Title IX*, 13. Retrieved from: <https://www2.ed.gov/about/offices/list/ocr/docs/shguide.pdf>

²¹ DC Official Code § 4-1321.02. Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/4/chapters/13/subchapters/II/>

²² DC Official Code § 22-3020.52 (Pertaining to reporting requirements involving child victims of sexual abuse). Retrieved from: <https://code.dccouncil.us/dc/council/code/sections/22-3020.52.html>

²³ Mandated Reporter Training: <https://cfsa.dc.gov/service/mandated-reporter-training>

Mandated Reporting by School Staff

All school staff have the duty to report the complaint to appropriate school officials.²⁰ Additionally, all mandated reporters of *DC Scholars Public Charter 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.^{21,22} For more information on mandated reporter requirements, consult CFSA's [Mandated Reporter Training](#).²³ 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 staff member 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 needs 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 after 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 2019.²⁴

²⁴

DC Official Code § 23-1908. Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/23/chapters/19/subchapters/II/>, as amended by the Sexual Assault

Victims' Rights Amendment Act of 2019. Retrieved from: <http://ims.dccouncil.us/Legislation/B23-0067> ²⁵ DC Official Code § 22-3020.55 Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/22/chapters/30/subchapters/II-A/>

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.²⁵

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. In an instance where the Title IX Coordinator and/or the head of school is the subject of the report, the school shall designate an alternative reporting person.

Confidentiality

Education Amendments of 1972.²⁶ 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, if doing so does not prevent the school from responding effectively to the complaint and preventing the action from recurring with other students.²⁷

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 a party engaged in retaliatory behavior shall be 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 or criminal 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 or the designated alternative reporting person.

Responding to Allegations of Student Sexual Abuse by School Staff

The school shall adhere to the following procedures when responding to allegations of student sexual abuse by school staff.

Immediate Steps

After a report has been filed with CFSA or MPD and the Title IX Coordinator, then the school shall immediately begin the following protocol.

Acknowledgement of Receipt of Complaint

Within a reasonable number of days, but in no case more than three 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, parent, guardian, or staff member of the steps of the investigatory process.

Interim Measures to Protect the Safety of the Student Experiencing Alleged Student Sexual Abuse

Upon becoming aware of any allegation of student sexual abuse, 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 criminal investigation. Responsive measures shall be designed to minimize, as much as possible, the burden on the reporting student. 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 staff member'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 staff member'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
- Placing the staff member on administrative leave while the investigation occurs.

²⁶ 20 US Code §§ 1681, *et seq.* Retrieved from: <http://uscode.house.gov/view.xhtml?path=/prelim@title20/chapter38&edition=prelim>

²⁷ This paragraph adapted from: US Department of Education Office for Civil Rights (January 2001). *Revised Sexual Harassment Guidance: Harassment of Students by Schools Employees, Other Students, or Third Parties: Title IX*, 17. Retrieved from: <https://www2.ed.gov/about/offices/list/ocr/docs/shguide.pdf>

Informing the School Community

DC Scholars Public Charter School shall work with MPD to determine when it is appropriate to notify the school community, including parents/guardians, of a complaint. Each complaint will be considered on a case-by-case basis, and the appropriate communication will then be developed. *DC Scholars Public Charter School* shall take care not to compromise the investigation by releasing information prior to being instructed to do so by MPD. Once MPD has determined that a communication can be released, it may contain the following information:

- A statement that an investigation into sexual misconduct is taking place at the school; and
- Information about the administrative action taken by the school to ensure that the alleged offender, at a minimum, has no unsupervised contact with students.

To ensure the integrity of the investigation and to comply with confidentiality requirements, the school shall make every effort to prevent disclosure of the name of the reporting student, the name of the accused staff member, and the name(s) of any witness(es), except as instructed by MPD.²⁸ Publicized accusations, if ultimately found to be false, may nevertheless irreparably damage the reputation of the accused staff member.²⁹

²⁸ US Department of Education Office for Civil Rights (January 2001). *Revised Sexual Harassment Guidance: Harassment of Students by Schools Employees, Other Students, or Third Parties: Title IX*, 16. Retrieved from: <https://www2.ed.gov/about/offices/list/ocr/docs/shguide.pdf>

²⁹ This paragraph from: US Department of Education Office for Civil Rights (January 2001). *Revised Sexual Harassment Guidance: Harassment of Students by Schools Employees, Other Students, or Third Parties: Title IX*, 18. Retrieved from: <https://www2.ed.gov/about/offices/list/ocr/docs/sheguide.pdf>

Impartial Procedures for Investigating Complaints

Schools shall comply with Title IX guidance to complete the school's investigation of complaints.³⁰ Disciplinary action shall be instituted and resolved immediately upon completion of the investigation, in accordance with the *DC Scholars Public Charter School* grievance procedures and staff handbook.

Resources for Affected Students and Families

The DC Victim Hotline is available 24/7 by telephone, text, or online chat.³¹ 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 sexual abuse.

Department of Behavioral Health's (DBH) Behavioral Resource Directory;³²

MPD's Sexual Assault Resources List;³³

MPD's Victim Specialists Unit;³⁴ and

OSSE's Supporting Mental Health in Schools Resources List.³⁵

³⁰ See US Department of Education Office for Civil Rights (January 2001). *Revised Sexual Harassment Guidance: Harassment of Students by Schools Employees, Other Students, or Third Parties: Title IX*, 16. Retrieved from: <https://www2.ed.gov/about/offices/list/ocr/docs/shguide.pdf>

³¹ DCVictimHotline: <https://ovsjg.dc.gov/page/dc-victim-hotline-now-available>

³² DBH's Behavioral Resource Directory: <https://dbh.dc.gov/page/behavioral-health-resource-directory> ³³ MPD's Sexual Assault Resources List: <https://mpdc.dc.gov/node/137932>

³⁴ MPD's Victim Specialists Unit: <https://mpdc.dc.gov/node/141392>

³⁵ OSSE's Supporting Mental Health in Schools Resources List: <https://osse.dc.gov/page/supporting-mental-health-schools>

Definitions

The following key terms and definitions apply to this policy to prevent and address student sexual abuse by school staff.

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.³⁶

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.³⁷

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.³⁸ *DC Scholars Public Charter School* shall always view as unwelcome and nonconsensual any sexual activity between any teacher, counselor, principal, coach, or other person of authority and any student below the age of 20 years enrolled in the school or school system.³⁹

Minor

For the purposes of this policy, a minor is any student who has not attained the age of 18.⁴⁰

Reporting Student

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

³⁶ DC Official Code § 38-951.01. Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/38/chapters/9A/>³⁷ DC Official Code § 38-951.01.

Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/38/chapters/9A/>³⁸ DC Official Code § 38-824.02. Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/38/chapters/8A/subchapters/IV/>

³⁹ DC Official Code § 22-3009.03-04. Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/22/chapters/30/>

⁴⁰ Even if a student is no longer a minor, student-teacher relationships under the age of 20 are improper and defined as sexual abuse under DC Official Code § 22-3009.03-04. Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/22/chapters/30/>

Sexual Act

A sexual act means the penetration, however slight, of the anus or vulva of another by a penis.

Contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus; or

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.

The emission of semen is not required for the purposes of subparagraphs (A)-(C) of this paragraph.⁴¹

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.⁴²

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.⁴³

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.⁴⁴ The terms "school staff" and "school personnel" are used interchangeably throughout this document.

⁴¹ DC Official Code § 22–3001(8). Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/22/chapters/30/>

⁴² DC Official Code § 22–3001.9. Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/22/chapters/30/> ⁴³ DC Official Code § 38-

951.01. Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/38/chapters/9A/> ⁴⁴ DC Official

Code § 38-951.01. Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/38/chapters/9A/>⁴⁵ DC Official Code § 22-1834. Retrieved from: <https://code.dccouncil.us/dc/council/code/sections/22-1834.html>

Student Sexual Abuse

Student sexual abuse means any of the following acts committed by a school staff member against a student at 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.⁴⁵
 - **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.⁴⁶
 - **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.⁴⁷
 - **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.⁴⁸
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⁴⁶ DC Official Code § 22-2704. Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/22/chapters/27/>

⁴⁷ DC Official Code § 22-3002. Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/22/chapters/30/>

⁴⁸ DC Official Code § 22-3003. Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/22/chapters/30/>

- **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.⁴⁹
- **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.⁵⁰
- **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.⁵¹
- **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.⁵²
- **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.⁵³
- **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.⁵⁴
- **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.⁵⁵
- **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.⁵⁶

⁴⁹ DC Official Code § 22–3004. Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/22/chapters/30/>

⁵⁰ DC Official Code § 22–3005. Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/22/chapters/30/>

⁵¹ DC Official Code § 22–3006. Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/22/chapters/30/>

⁵² DC Official Code § 22–3008. Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/22/chapters/30/>

⁵³ DC Official Code § 22–3009. Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/22/chapters/30/>

⁵⁴ DC Official Code § 22–3009.01. Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/22/chapters/30/>

⁵⁵ DC Official Code § 22–3009.02. Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/22/chapters/30/>

- **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.⁵⁷ 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.⁵⁸
- **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.⁵⁹
- **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.⁶⁰
- **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.⁶¹
- **Attempts to commit sexual offenses:** Attempting to commit any offense defined above.⁶²
- 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.⁶³I acknowledge that I received training regarding the prevention on this policy and anti-harassment in September 2020. I agree to abide by the principles that were explained in this

training. I understand that if I have any questions that were not addressed in training or if I encounter any problems, I can contact Human Resources.

- 56 DC Official Code § 22–3009.03. Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/22/chapters/30/>
- 57 DC Official Code § 22–3009.04. Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/22/chapters/30/>
- 58 DC Official Code § 22–3010. Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/22/chapters/30/>
- 59 DC Official Code § 22–3010.01. Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/22/chapters/30/>
- 60 DC Official Code § 22–3010.02. Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/22/chapters/30/>
- 61 DC Official Code § 22–3102. Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/22/chapters/31/>
- 62 DC Official Code § 22–3018. Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/22/chapters/30/>
- 63 DC Official Code § 22–3010.01(b). Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/22/chapters/30/>