



The SEED School of Washington, D.C.
a public charter school

Sexual Harassment Complaint Procedure

Sexual harassment of any kind serves no legitimate purpose and has a disruptive effect on the employee's ability to perform the employee's job properly. SEED takes allegations of harassment very seriously and will actively investigate all complaints. If it is determined that harassment has occurred, management will take appropriate action against the offending persons, up to and including termination of employment.

If an employee believes that he or she has been harassed or has witnessed the harassment of others, he or she needs to bring the concerns to the attention of management immediately in any of the following ways:

- Report the conduct to the employee's immediate manager;
- Report the conduct to the employee's manager's manager;
- Report the conduct to the Human Resources Department; or
- Report the conduct to any member of management with whom the employee feels comfortable.

IMPORTANT NOTE: If the particular circumstances make a discussion with or a complaint to the employee's own manager inappropriate (for example the complaint involves the employee's manager), the employee should not hesitate to immediately bring the matter to the attention of the Human Resources Department or any member of senior management.

It is the School's policy that all such matters will be handled with appropriate care and discretion and receives a thorough investigation. When an employee brings a complaint to the attention of any member of management, the Human Resources Manager will be notified and an investigation of the allegations will be undertaken promptly. Such investigation shall generally include, at a minimum, interviews with all persons identified as having direct and personal knowledge of the incident(s) in question.

If the investigation reveals that inappropriate workplace conduct has occurred, management will take prompt and effective remedial action. Such measures are designed to put an immediate stop to the inappropriate conduct as well as prevent its recurrence. Therefore, management retains the right to take whatever action it believes appropriate under the circumstances, up to and including terminating the employment of the offending person.

Reporting Discrimination

An employee who believes that they are being unlawfully subject to discrimination, or who may have observed or received a complaint of discrimination should immediately report the incident(s) to their supervisor or directly to Human Resources. Any supervisor who receives a complaint of harassment or discrimination must report it to Human Resources.



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Any person found to have unlawfully harassed another employee will be subject to appropriate disciplinary action, up to and including termination.

Retaliation Prohibited

In addition, retaliation against employees for reporting or complaining of sexual harassment, or for cooperating in the investigation of a report or complaint, is unlawful and will not be tolerated. Retaliation in this context refers to adverse conduct taken because employees reported an actual or perceived violation, opposed practices prohibited, or participated in the reporting and investigation process. Any retaliation will warrant disciplinary action, up to and including terminating the employment of the offending person.

Legal Information

Sexual harassment and the other forms of harassment described above are unlawful under both federal and state law. SEED is committed to responding quickly and effectively to any report of harassment and hopes that employees will feel comfortable coming forward and allowing the School to pursue an internal investigation and resolution of the matter. In addition to the School's internal complaint procedure, an employee may also pursue a complaint of sexual harassment by contacting the federal and state agencies listed below:

The United States Equal Employment Opportunity Commission ("EEOC")
1400 L Street, N.W.
Washington, DC 20005
(202) 275-7377 or (800) 669-4000

The District of Columbia Office of Human Rights
441 4th Street, N.W.
Suite 570
Washington, DC 20001
(202) 727-4559

Both of these agencies can be contacted by employees who wish to file a formal charge of harassment. However, as stated above, SEED is committed to responding quickly and effectively to any report of harassment and hopes that all employees will feel comfortable coming forward and allowing us to pursue a resolution of the matter internally.



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Non-Harassment Policy

It is SEED's policy that all employees should be able to enjoy a work environment free of discrimination and harassment. This requires that each employee treat with courtesy and respect every other employee and individual with whom the employee has contact in the course of the employee's employment. SEED strictly forbids discrimination or harassment of any kind, including discrimination based on race, color, religion, sex (including pregnancy, childbirth, related medical conditions, breastfeeding or reproductive health decisions), gender identity or expression, national origin, age, marital status, ancestry, physical or mental disability, sexual orientation, personal appearance, genetic information, family responsibilities, matriculation, political affiliation, military or veteran status, or any other category protected under applicable federal, state or local law. This policy extends to each and every level of our operation. Accordingly, any form of harassment, whether by a fellow employee, manager, supervisor, or by a third party doing business with SEED, will not be tolerated.

If an employee believes that he or she has been the subject of discrimination or harassment or that he or she has witnessed it in the workplace, the employee should immediately bring concerns to the attention of their supervisor, Human Resources, or any member of management with whom the employee is comfortable.

Acts that may constitute harassment include, but are not limited to:

- Jokes
- Verbal abuse and epithets
- Degrading comments
- The display of offensive objects and pictures
- Other conduct that the individual might reasonably find offensive.

Policy Against Sexual Harassment

SEED DC's policy is to provide its employees with a work environment free from harassment, which includes but is not limited to, harassment on the basis of sex. Sexual harassment is a form of sex discrimination that the School will not tolerate and is against the law. Sexual harassment may include the following conduct where it is unwelcome to the recipient-employee:

- Verbal comments or propositions of a sexual nature,
- The display or circulation of sexually suggestive or explicit visual or printed material, or
- Physical conduct of a sexual nature.

Every employee is expected to be aware of this policy and of the types of conduct that may constitute unlawful harassment, as well as the avenues of assistance provided by SEED for addressing complaints of sexual harassment.



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This policy extends to each and every level of the School's operations. Accordingly, sexual harassment, whether by a fellow employee, manager, or non-employee doing business with the School (whether of the same sex or the opposite sex), will not be tolerated. In furtherance of SEED DC's policy to provide each employee with a work environment free from harassment, SEED DC requires that each of its managers be responsible for the prevention and elimination of all forms of harassment within their respective departments.

Acts that are considered to constitute sexual harassment include, but are not limited to, unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature where:

- Submission to such conduct is either an express or implied term or condition of employment;
- Submission to or rejection of such conduct is used as a basis for an employment decision affecting the harassed person;
- The purpose of such conduct is to substantially interfere with the affected individual's work performance, or to create an intimidating, hostile or offensive work environment; or
- The effect of such conduct is to substantially interfere with the affected individual's work performance or create an intimidating, hostile, or offensive work environment.

Examples of conduct that, if unwelcome, may constitute sexual harassment depending upon the totality of the circumstances, including the severity of the conduct and its pervasiveness, include:

- Direct or implied requests by a manager for sexual favors in exchange for actual or promised job benefits (favorable reviews, promotions, salary increases);
- Touching any part of another employee's body;
- Derogatory or provoking remarks about or relating to an employee's gender, sexual orientation or sexual activity;
- Displaying or transmitting sexually suggestive materials or using sexually explicit language or gestures;
- Continuing to ask an employee to socialize on or off duty when that person has indicated an unwillingness to do so;
- Coerced sexual acts;
- Off-duty conduct which falls within the above definition and affects the work environment.

Please note that while this policy is set forth by the Department of Human Resources of promoting a workplace that is free of sexual harassment, the policy is not designed or intended to limit the School's authority to discipline or take remedial action for unacceptable workplace conduct, regardless of whether that conduct satisfies the definition of sexual harassment.



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A copy of this policy will be provided to every employee upon hire, and extra copies will be available from the Human Resources Department.

Preventing and Addressing Sexual Abuse by Staff

I. Sexual Abuse and Harassment Prohibited

Sexual abuse, contact, misconduct, harassment and sexually suggestive conduct by staff of any kind are strictly prohibited. This policy applies to all school staff and students enrolled in The SEED Public Charter School of Washington, D.C., regardless of sexual orientation or gender identity. All employees, contractors, and agents of the school must adhere to this policy. The policy applies to all actions that occur between school staff and students. The school takes seriously all allegations of such acts. When the school knows or reasonably should know that such an act has occurred, the school will take immediate action and follow the procedures outlined in this policy. The school will act upon any knowledge of abuse, regardless of whether the student who was abused has filed a complaint or has otherwise notified the school.

This policy does not replace The SEED Public Charter School of Washington, D.C.'s human resources policies for investigating and taking personnel action for misconduct.

Mandatory Reporting

Suspicious or allegations of such acts will also result in a referral to CFSA and/or MPD in accordance with mandatory reporting requirements. School staff should always contact the CFSA hotline at (202) 671-SAFE or MPD at 911 if they are uncertain about whether a mandatory report is required.

II. Definitions

Sexual Abuse is defined as engaging in, or attempting to engage in, a sexual act or sexual contact with a child; causing or attempting to cause a child to engage in sexually explicit conduct; or exposing a child to sexually explicit conduct committed against a student of a school. Sexual abuse also includes any of the following acts committed by a school staff member against a student of 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.
- 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



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persuaded, enticed, or abducted from their home or usual abode or from the custody and control of the child's parents or guardian.

- 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.
- 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.
- 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



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substantially impairs the ability of that other person to appraise or control his or her conduct.

- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.



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- 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.
- 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.
- 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.
- 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.
- Attempts to commit sexual offenses: Attempting to commit any offense defined above.

Sexual Act is defined as:



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- (A) The penetration, however slight, of the anus or vulva of another by a penis;
- (B) Contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus; or
- (C) The penetration, however slight, of the anus or vulva by a hand or finger or by any object, with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.
- (D) The emission of semen is not required for the purposes of subparagraphs (A)-(C) of this paragraph.

Sexual Contact is defined as 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.

Sexual Misconduct is defined as 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.

Sexual harassment is defined as 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, 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.

Sexually Suggestive Conduct is defined as 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.

III. Informing the School Community About the Policy



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Pursuant to The SEED Public Charter School of Washington, D.C.'s Parent Information and Training Policy, The SEED Public Charter School of Washington, D.C. provides training and information for parents regarding sexual misconduct, student sexual abuse, and child abuse at least annually. This policy will also be published in the student/family handbook and made 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 office of the Title IX Coordinator. See Parent Information and Training Policy for further details.

Students will also be informed about this policy in a developmentally appropriate manner.

Pursuant to The SEED Public Charter School of Washington, D.C. Staff Training Policy, The SEED Public Charter School of Washington, D.C. provides staff training at the time of hiring and at least every two years thereafter on sexual misconduct, student sexual abuse, and child abuse, in addition to mandated reporter training. This policy will be included in the staff handbook. See Staff Training Policy for further details.

IV. Interactions between School Staff and Students

Any sexual activity between school staff, contractors, volunteers, and agents of the school and any student below the age of 20 enrolled in the school is considered unwelcome and nonconsensual and is strictly prohibited.

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.
- 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 supervisor and/or the students' parent/guardian. Document and immediately report any communication from a student that is inappropriate or may be misinterpreted.

The following are examples of contact between school staff and students that are inappropriate. 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.



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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



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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
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V. Prohibition Against Assisting Employment of Perpetrators of Child Sexual Abuse Offenses

Pursuant to The SEED Public Charter School of Washington, D.C. 's Policy on Assisting Employment of Perpetrators of Sexual Abuse, no employee, contractor or agent of The SEED Public Charter School of Washington, D.C. may assist an individual in obtaining a job involving direct interaction with minors if they know or have probable cause to believe that the individual engaged in sexual misconduct or sexual abuse. See Policy on Assisting Employment of Perpetrators of Sexual Abuse for further details.

VI. Addressing Student Sexual Abuse by School Staff

A. Reporting

1. Student, Parent, and Guardian Reporting

Students, parents, guardians, and other individuals are encouraged to file complaints as soon as possible after the alleged act. A complaint may be filed at any time. Complaints, including anonymous complaints, may occur through any form of communication, including in writing, via telephone, or via in-person conversation. Any staff member that receives such a complaint will immediately follow mandated reporter requirements to alert MPD by calling 911 and notify the Title IX Coordinator and Head of School unless the Title IX Coordinator and/or Head of School is the subject of the allegations. In that instance, school staff will promptly alert Ken Arndt, Managing Director.

Complaints may also be filed directly with the Title IX Coordinator, Dianna Armstrong, Office of Human Resources, 4300 C. Street, S.E. Washington, D.C. 20019 or via email at hrseed@seedschooldc.org .

Reporting students, parents, guardians, or other individuals may choose to simultaneously alert MPD, CFSA or other agencies. Even if an outside agency is investigating, the school will continue its own investigation because the school is required to conduct its own investigation even if an outside agency is investigating. The school will not delay their investigation while the outside agency investigation occurs. In an effort not to compromise the integrity of the law enforcement and child protective services



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investigation, the timing and manner of the school's investigation will be coordinated with those entities.

If a victim decides against filing a formal complaint, the school must still investigate and take appropriate steps to resolve the situation and ensure the safety of all students. Furthermore, the school will investigate any incidents of misconduct involving direct observation by school staff, regardless of whether a complaint is filed or action is requested by the victim.

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 \(OHR\)](#).^{1,2}

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

2. Mandated Reporting

All school staff have the duty to report complaints, concerns or observations of inappropriate contact between staff and students to appropriate school officials. Additionally, all mandated reporters 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. For more information on mandated reporter requirements, consult CFSA's [Mandated Reporter Training](#)³. CFSA should 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 must file the report with MPD by calling 911.

¹ Office for Civil Rights: <https://www2.ed.gov/about/offices/list/ocr/complaintprocess.html>

² Office of Human Rights: <https://ohr.dc.gov/service/file-discrimination-complaint>

³ <https://cfsa.dc.gov/service/mandated-reporter-training>



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The report will 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.

A referral to MPD/CFSA must be made regardless of whether the report is substantiated. It is not the responsibility of the mandated reporter to prove that the student has been a victim of sexual misconduct or to determine whether the student is in need of protection. Criminal/child abuse and neglect investigations are the responsibility of CFSA and MPD.

Interviews with the student or suspected abuser may not be conducted by school personnel before a referral to MPD/CFSA is made. Notes of voluntary or spontaneous statements by the student must 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. The school will not conduct any interviews before consulting with CFSA/MPD to ensure that nothing is done by the school to jeopardize their investigations. The school is permitted to conduct its own investigation, which may include interviews, subsequent to referral to and consultation with MPD/CFSA.

School staff will cooperate with CFSA and MPD personnel authorized to investigate reports of sexual misconduct, to the extent permitted by law. The school will also provide access to the school for sexual assault victim advocates or sexual assault youth victim advocates, as appropriate.

The school will 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.

3. Confidentiality

The school shall discuss confidentiality standards and concerns with the reporting student. Every effort shall be taken to protect the confidentiality of reporting students in accordance with Title IX of the Education Amendments of 1972. 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, as long as doing so does not prevent the school from responding effectively to the complaint and preventing the action from recurring with other students.



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4. 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.

B. 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.

1. Immediate Steps

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

a. Acknowledgement of Receipt of Complaint

As soon as possible and within three business days of receipt of the complaint, the Title IX Coordinator will acknowledge in writing receipt of the complaint and inform the reporting student, parent, guardian, or staff member of the steps of the investigatory process.

b. 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 will take immediate actions to interrupt or stop the occurrence, prevent its recurrence, and address its effects. The school will schedule a meeting with the family to discuss and agree upon these interim measures. These actions will occur regardless of whether the incident is the subject of criminal investigation. Responsive measures will be designed to minimize, as much as possible, the burden on the reporting student. In order to protect, as much as possible, the confidentiality of the reporting student, responsive measures will only be shared with school staff who are actively involved in their implementation. The school will 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 will always be given to maintaining the reporting student's schedule and modifying the accused staff member's schedule;
- Changing locker locations;



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- 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.

2. Informing the School Community

The SEED Public Charter School of Washington, D.C. will 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. The SEED Public Charter School of Washington, D.C. will take care not to compromise the investigation by releasing information. Once it is determined that a communication can be released, it may contain the following information:

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

In order to ensure the integrity of the investigation and to comply with confidentiality requirements, the school will 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). Publicized accusations, if ultimately found to be false, may nevertheless irreparably damage the reputation of the accused staff member.

3. Impartial Procedures for Investigating Complaints

Complaints, reports or suspicion of student sexual abuse will be investigated in an adequate, reliable and impartial manner. Each investigation will include, as necessary and appropriate, interviewing witnesses, obtaining documents and allowing the complainant, alleged victim and accused to present evidence. The complainant, alleged victim and accused will have the same opportunity to have others present on their behalf during any school disciplinary proceeding and to be accompanied to any proceeding by an advisor or advocate of their choice. This investigation may happen in coordination with any human resources investigation that takes place.

Within fifteen (15) school days of receiving a report of student sexual abuse, the [title of individual responsible for investigations] will conduct the investigation and respond to the alleged victim and accused in writing, summarizing the course and outcome of the investigation and identifying an appropriate resolution. This timeline may be extended as necessary in coordination with MPD or other outside agency investigation.



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If it is determined that student sexual abuse has occurred, appropriate corrective and remedial action will be taken. The SEED Public Charter School of Washington, D.C. will make determinations as to whether a reported incident constitutes student sexual abuse based on all of the facts and circumstances surrounding the incident. The SEED Public Charter School of Washington, D.C. will use a preponderance of the evidence standard (i.e., more likely than not that sexual harassment, sexual assault or dating violence occurred) when resolving complaints.

The SEED Public Charter School of Washington, D.C. will take steps to provide the alleged victim and a The SEED Public Charter School of Washington, D.C. accused with periodic updates on the status of the investigation. Once a determination has been made, The SEED Public Charter School of Washington, D.C. will notify the alleged victim and accused about the outcome of the investigation and the appeal process via Determination Letters.

Disciplinary action shall be instituted and resolved immediately upon completion of the investigation, in accordance with The SEED Public Charter School of Washington, D.C. grievance procedures and staff handbook.

Appeals

Any party who not satisfied with the outcome of the initial investigation and response from The SEED Public Charter School of Washington, D.C. may appeal in writing to the [title of who appeals will go to]. Appeals must be made within 30 days of the conclusion of the initial investigation. The secondary investigation shall be completed within 30 days of receipt of an appeal, unless: (1) circumstances require additional time to complete a thorough investigation; (2) the higher-level authority sets forth those circumstances in writing; (3) the additional time is not to exceed 15 days. Upon completion of the appeal, the complainant, victim and accused will be notified in writing of the outcome of the appeal, any change to the result of the initial investigation and when such results become final.

4. Resources for Affected Students and Families

Students and families affected by student sexual abuse may be eligible for school-based supports. For more information about the availability of such supports, please contact Sherita Wallace-Reid, Director of Student Support Services at swallace@seedschooldc.org , or Rashida Holman-Jones, Director of Family and Community Engagement at rholmanjones@seedschooldc.org .

Other information and resources available outside of school include:



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- DC Victim Hotline (available 24/7 by telephone, text, or online chat to provide comprehensive information, resources, and referrals in the District of Columbia) - , dial or text 1-844-4HELPDC (1-844-443-5732) or access the online chat at www.DCvictim.org/Chat
- Department of Behavioral Health's (DBH) Behavioral Resource Directory - <https://dbh.dc.gov/page/behavioral-health-resource-directory>
- MPD's Sexual Assault Resources List - <https://mpdc.dc.gov/node/137932>
- MPD's Victim Specialists Unit - <https://mpdc.dc.gov/node/141392>
- OSSE's Supporting Mental Health in Schools Resources List - <https://osse.dc.gov/page/supporting-mental-health-schools>
- RAINN (National number to reach counselor anywhere in the country) - 1-800-656-HOPE (4673)
- Network for Victim Recovery of DC (NVRDC) (Provides free, holistic, and comprehensive case management and legal services to victims of all types of crime regardless of income.) - (202) 742-1727
- Safe Shores (DC Children's Advocacy Center) - (202) 645-320
- Wendt Center (offers individual and group counseling) – 202-204-5021

Equal Employment Opportunity Policy

SEED DC is an equal opportunity employer and follows a policy of administering all employment decisions and personnel actions without regard to race, color, religion, creed, national origin, sex, age, marital status, veteran status, personal appearance, sexual orientation, gender identity or expression, physical or mental disability, genetic disposition or carrier status, pregnancy, childbirth or related medical conditions, family responsibilities, matriculation, political affiliation, or any other characteristic protected under applicable federal, state or local law.

This policy of non-discrimination applies to but is not limited to the following activities: recruitment, employment, promotions, demotions, transfers, layoffs, compensation, benefits, training, disciplinary actions, and all other terms and conditions of employment. SEED is committed to providing equal employment opportunities to all qualified individuals.

Any employees with questions or concerns about any type of discrimination in the workplace are encouraged to bring these issues to the attention of their immediate supervisor or the Human Resources Department. Employees can raise concerns and make reports without fear of reprisal. Anyone found to be engaging in any type of unlawful discrimination or inappropriate conduct will be subject to disciplinary action, up to and including termination of employment.

Procedures

SEED DC administers our EEO policy fairly and consistently by:



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- Posting all required notices regarding employee rights under EEO laws in areas highly visible to employees.
- Advertising for job openings with the statement "We are an equal opportunity employer and all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, sexual orientation, gender identity or expression, pregnancy, age, national origin, disability status, genetic information, protected veteran status, or any other characteristic protected by law."
- Forbidding retaliation against any individual who files a charge of discrimination, opposes a practice believed to be unlawful discrimination, reports harassment, or assists, testifies or participates in an EEO agency proceeding.
- Requires SEED DC employees to report to a member of management, Human Resources Department or the general counsel any apparent discrimination or harassment. The report should be made within 48 hours of the incident.
- SEED DC will promptly notify the general counsel of all incidents or reports of discrimination or harassment and take other appropriate measures to resolve the situation.

Policy for an Alcohol and Drug-Free School Environment

Purpose

The prevalence of drug and alcohol abuse in our society is threatening the health, safety, morale, and productivity of our community and especially its children, young adults, and public schools. It is the mission of SEED to prepare its students, both academically and socially, for success in college and the professional world beyond. We owe our students, at least, a safe learning environment. Since we are both professionals and role models, we should carry out our duties in a sober, drug-free, and otherwise appropriate manner.

The consumption of legal over-the-counter or prescription drugs that do not impair your ability to perform your job safely and productively is not a violation of this policy ("the Policy"). For those School employees who live on campus, the lawful consumption of over-the-counter or prescription drugs that could impair your ability to perform your job safely and productively or of alcohol when you are in your private living quarters, not on duty, and have no responsibility for managing and supervising students, are not violations of this Policy. The School is implementing this Policy to prevent drug and alcohol abuse in our school. This Policy is applicable to all regular and temporary, full-time and part-time employees of the School.

Definitions

- A. "alcohol" means any substance that has alcohol content in excess of .5% by volume.
- B. "drugs" means any substance, other than alcohol, capable of altering the user's judgment, perception or mood, or impairing the user's physical reactions. This



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definition includes, without limitation, marijuana, as well as illegal drugs and the misuse of prescription or over-the-counter drugs.

- C. "SEED Representative" is defined as a person in a management position or one who otherwise supervises School employees.
- D. "Reasonable suspicion" is defined as a good-faith basis to suspect that you are in possession of or under the influence of illegal drugs or, except when in your living quarters, not on duty, and not responsible for managing and supervising students, of alcohol.

Policy Statement

The use, distribution, dispensation, manufacture, sale, purchase, transfer, possession or consumption of alcohol, drugs, or drug paraphernalia on SEED DC premises, at SEED DC events, or otherwise while on SEED business is strictly prohibited. SEED DC premises include all land, property, buildings, structures, installations, dormitories, sports facilities, parking lots, means of transportation owned by or leased to SEED DC or otherwise being utilized for SEED DC business and private vehicles parked on SEED DC premises.

Employees are further prohibited from reporting to work or working under the influence of alcohol or drugs (including, without limitation, marijuana), except if the controlled substances are taken pursuant to the instructions of a licensed health care provider and do not interfere with an employee's ability to safely perform the essential functions of the employee's job. "Under the influence" of a controlled substance, illegally-used drug or alcohol under this policy shall mean affected in any detectable manner, a blood alcohol content of .02% or higher (the equivalent of one alcoholic beverage), or a positive drug test.

It is the responsibility of each employee taking medications to consult with appropriate medical providers to ascertain whether the medication(s) may interfere with the safe performance of their job. If the use of the medication may affect judgment, performance, or behavior of the employee while representing or conducting business for the School, it is the employee's responsibility to promptly inform their supervisor, and to use appropriate personnel procedures (e.g., call in sick, use leave, request change of duty). Any violations of this Policy are cause for discipline up to and including termination of employment. In addition, any such substances found during the course of enforcing this policy may be turned over to the appropriate law enforcement authorities and may result in prosecution.

Assistance

It is your responsibility to seek assistance before drug or alcohol use leads to problems in your work. It is the School's policy to offer referrals to appropriate health service organizations and rehabilitation programs that emphasize education, prevention, counseling, and treatment to you if you disclose to the School that you are suffering from drug or alcohol abuse. The School strongly encourages employees who believe they may have a problem involving alcohol or drugs to seek assistance before an incident



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occurs, or a pattern of behavior develops that may affect their job performance or may otherwise adversely affect School. The School will not take disciplinary action against employees who seek assistance before a job-related problem or incident occurs. There can be no assurance of a second chance—that is, an employee who has already been found in violation of this policy may well not be afforded an opportunity to participate in a rehabilitation program as an alternative to termination.

Testing of Current Employees

Reasonable Suspicion Drug and/or Alcohol Testing

When the school has a reasonable suspicion that you are under the influence of drugs or alcohol, or using drugs or alcohol on the job as prohibited under this policy, you will be required to take a drug or alcohol test. The decision to require you to submit to a drug or alcohol test shall be made upon the recommendation of a SEED Representative. Once the decision is made to proceed with testing, you will be notified. At that time, you may be suspended without pay pending the receipt of test results and the completion of any investigation conducted by the School.

The good faith belief of a SEED Representative as to the existence of reasonable suspicion shall be conclusive.

Post-Accident Drug and/or Alcohol Testing

Employees who are involved in an accident during SEED DC business, on SEED DC premises or while using a SEED DC vehicle resulting in any of the following will be tested as soon as possible following the accident: (1) a fatality; (2) a bodily injury resulting in immediate medical treatment away from the scene of the accident; (3) serious damage to machinery or equipment; (4) one or more motor vehicles incurring disabling damage requiring the vehicle to be towed away; or (5) any other indicia that would lead to a reasonable suspicion that drug and/or alcohol use may have caused or contributed to the accident. In the event of an accident, employees should contact their supervisor as soon as possible after the accident.

Follow-up Drug and/or Alcohol Testing

Employees who participate in a treatment program for substance abuse or who test positive for drug use and/or alcohol use prohibited under this policy, and who remain employed by the School, must submit to unannounced follow-up drug and alcohol testing. Follow-up alcohol testing will be conducted if it is job-related and consistent with business necessity, including when there is reasonable suspicion that the employee has consumed alcohol. The employee must submit to follow-up testing for two years following their return to work.

Random Testing

SEED DC reserves the right to require employees to submit to random drug tests throughout the school year.



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Refusal to Submit to Drug or Alcohol Testing

Your refusal to submit to an alcohol or drug test will be considered insubordination and will subject you to discipline, up to and including termination of employment. If you fail to provide adequate breath, blood, urine or other specimens for alcohol or drug testing without a valid medical explanation, or engage in conduct that obstructs or impedes the testing process, or is designed to render test results inaccurate, the School will consider you to have refused to submit to an alcohol or drug test.

Consequences of Positive Results

The School has established this drug and alcohol policy to ensure the safety, productivity, health, and well-being of its employees, students and the School. Any violation of this policy may result in disciplinary action, up to and including termination of employment, even for a first offense. At the School's sole discretion, an employee may be permitted to return to work at such time as SEED administers another drug and/or alcohol test that is confirmed to be negative. The employee will be subject to unannounced and unscheduled alcohol and/or drug testing for approximately two years and the employee must satisfactorily participate in and complete any drug and/or alcohol abuse evaluation, treatment, and/or rehabilitation program approved for such purposes by the School and recommended by SEED DC.

Testing Protocol

All testing under this Policy shall be in accordance with standard and customary scientific methods that authorized testing facilities, including labs, hospitals, clinics or other approved diagnostic organizations regularly use.

Employee Notification

Employees must notify Human Resources of any criminal drug or alcohol statute conviction for a violation occurring in the workplace (which includes School premises or while the employee is on School business) no later than five (5) days after such conviction. An employee that fails to make the required report will be subject to disciplinary measures, up to and including termination.

Inspections

Employees suspected of being under the influence of, possessing or using alcohol, illegal narcotics, drugs (including, without limitation, marijuana) or other controlled substances (other than controlled substances that are taken pursuant to the instructions of a licensed healthcare provider) at the workplace are subject to inspection and search, with or without notice. Employee's personal belongings, including any bags, purses, briefcases, and clothing, and all School property, also are subject to inspection and search, with or without notice.

Smoking

No smoking is allowed on school premises. The School's intent to provide a safe and healthful work environment includes no smoking in all campus public areas such as the faculty lounge, grounds, including personal vehicles parked on campus, and personal living quarters. This policy applies equally to all employees, students, parents, and visitors. Employees who are found in violation of this policy will



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be subject to disciplinary action, up to and including termination of employment. Never, under any circumstances, is smoking permitted in the presence of students, including during off-campus school trips or events.

Whistleblower Policy

SEED requires all employees to observe high standards of business and personal ethics in the conduct of their duties and responsibilities. As representatives of SEED, employees are expected to practice honesty and integrity in fulfilling our responsibilities. This policy is intended to encourage and enable employees to raise serious concerns internally so that SEED can address and correct inappropriate and unethical conduct and actions.

A whistleblower as defined by this policy is an employee of SEED who reports an activity that he/she considers to be illegal or dishonest. The whistleblower is not responsible for investigating any activities or for determining fault. Appropriate management officials are charged with this responsibility and are expected to take corrective measures.

If an employee has knowledge of a concern or illegal and/or dishonest fraudulent activity, the employee should contact their supervisor or Human Resources immediately. If the employee is not comfortable with or not satisfied with the response provided, employees are encouraged to speak with the Head of School, Assistant Head of School, or the Managing Director. Employees may also confidentially report illegal or dishonest behavior confidentially by mailing a letter to the attention of the Human Resources Manager.

Anyone reporting a violation or suspected violation must be acting in good faith and have reasonable grounds for believing the information disclosed indicates a violation of the conflict of interest policy or of applicable laws and regulations. Any allegations that prove not to be substantiated and which prove to have been made maliciously or knowingly to be false will be viewed as a serious disciplinary offense. An individual who makes allegations that are not substantiated, in good faith, is fully protected by this policy.

To the extent practicable, confidentiality will be maintained consistent with the needs to conduct an adequate investigation. This whistleblower policy is intended to encourage and enable employees to raise concerns within the organization for investigation and appropriate action. With this goal in mind, no employee who, in good faith, reports a concern shall be subject to retaliation. Moreover, an employee who retaliates against someone who has reported a concern in good faith is subject to discipline up to and including dismissal from the volunteer position or termination of employment. Any whistleblower who believes he/she is being retaliated against should contact Human Resources immediately.

Employees with any question regarding this policy should contact Human Resources.



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Staff Complaint Resolution Process

Purpose

It is the School's policy to be responsive to its employees and their concerns. Therefore, an employee who is confronted with a problem may use the procedure described below to resolve or clarify his or her concerns.

The purpose of this policy is to provide a quick, effective and consistently applied method for a nonsupervisory employee to present his or her concerns to management and have those concerns internally resolved.

Procedures

Step 1: Discussion with supervisor:

- a. Employees will bring their concerns or complaints to their immediate supervisor. If the complaint involves the employee's supervisor, the employee will schedule an appointment with that supervisor to discuss the problem that gave rise to the complaint within five working days of the date the incident occurred.
- b. The immediate supervisor will respond in writing to the complaint within five days of the meeting held with the complainant employee.

Step 2: Written complaint and decision:

1. If the discussion with the immediate supervisor does not resolve the problem to the mutual satisfaction of the employee and the supervisor, or if the supervisor does not respond to the complaint, the employee may submit a written complaint to the employee's director/department head. Employees may request assistance with writing their complaints from the Human Resource Department.

The employee's director/department head should forward a copy of the complaint to the Human Resource Department. The submission of the written complaint is due within five working days of the response from the supervisor. The complaint should include:

- The problem and the date when the incident occurred.
 - Suggestions on ways to resolve the problem.
 - A copy of the immediate supervisor's written response or a summary of his or her verbal response and the date when the employee met with the immediate supervisor. If the supervisor provided no response, the complaint should state this.
2. Upon receipt of the formal complaint, the director/department head must schedule a meeting with the employee within five working days to discuss the complaint. Within approximately five working days after the discussion, the director/department head should issue a decision both in writing and orally to the employee filing the complaint.



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Step 3: Appeal of Decision:

- a. If the employee is dissatisfied with the decision of the director/department head, the employee may, within five working days, appeal this decision in writing to the Human Resource Department.
- b. The Human Resource Department may call a meeting with the parties directly involved to facilitate a resolution or refer complaints to a review committee if it believes that the complaint raises serious questions of fact or interpretation of policy. The Human Resource Department will gather further information from involved parties.

Additional Guidance

If an employee fails to appeal from one level to the next level of this procedure within the time limits set forth above, the problem should be considered settled on the basis of the last decision, and the problem should not be subject to further consideration.

Because problems are best resolved on an individual basis, the conflict resolution procedure may be initiated only by individual employees and not by groups of employees. All complaints must be made in good faith.

The School reserves the right to impose appropriate disciplinary action for any conduct it considers to be disruptive or inappropriate. The circumstances of each situation may differ, and the level of disciplinary action may also vary, depending on factors such as the nature of the offense, whether it is repeated, the employee's work record and the impact of the conduct on the organization.

Retaliation Prohibited

In addition, retaliation against employees for cooperating in the investigation of a report or complaint, is unlawful and will not be tolerated. Retaliation in this context refers to adverse conduct taken because employees reported an actual or perceived violation, opposed practices prohibited, or participated in the reporting and investigation process. Any retaliation will warrant disciplinary action, up to and including terminating the employment of the offending person.