



## **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 Girls Global Academy, 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 Girls Global Academy 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 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:

- o By using force against that other person;
  - o By threatening or placing that other person in reasonable fear that any person will be subjected to death, bodily injury, or kidnapping;
  - o After rendering that other person unconscious; or
  - o 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:
    - o 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
    - o 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:
    - o By using force against that other person;
    - o By threatening or placing that other person in reasonable fear that any person will be subjected to death, bodily injury, or kidnapping;
    - o After rendering that person unconscious; or
    - o 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.
- Fourth degree sexual abuse: Engaging in or causing sexual contact with or by another person in the following manner:
    - o 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
    - o 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.
- Enticing a child or minor:
  - o 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.
  - o 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:

- (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**

Pursuant to Girls Global Academy' Parent Information and Training Policy, Girls Global Academy 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 Girls Global Academy' Staff Training Policy, Girls Global Academy 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.

| Mode of Contact                | Examples of Inappropriate Interactions  |
|--------------------------------|---|
| Physical Contact               | <ul style="list-style-type: none"> <li>● Kisses</li> <li>● Showing affection in isolated areas</li> <li>● School staff sleeping in a bed with a student</li> <li>● Allowing students older than kindergarten-age to sit on personnel's knees</li> <li>● Wrestling</li> <li>● Piggyback rides</li> <li>● Tickling</li> <li>● Allowing a student to cling to a school staff member's leg</li> <li>● Any type of massage given by or to a student</li> <li>● Any form of affection that is unwanted by the student</li> <li>● Touching stomach, bottom, chest, or genital areas</li> </ul> |
| Verbal Interactions            | <ul style="list-style-type: none"> <li>● Compliments related to physique or body development</li> <li>● Discussing sexual encounters or in any way involving students in the personal problems or issues of school staff</li> <li>● Off-color or sexual jokes</li> </ul>  |
| Interactions Outside of School | <ul style="list-style-type: none"> <li>● Taking one student on an outing, even with the parent/guardian's written permission</li> <li>● Visiting one student in the student's home, without a parent/guardian present</li> <li>● Entertaining one student in the staff member's home</li> <li>● Students spending the night in the staff member's home</li> </ul>   |

|   |  |
|---|--|
| <p style="text-align: center;">Electronic and Telephonic Interactions</p> | <ul style="list-style-type: none"> <li>● 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</li> <li>● Posting pictures of students on personal social media sites</li> <li>● Adding students as friends on personal social media sites</li> <li>● Any private telephonic communication, including texting, voice calls, and video calls</li> </ul> |
|---|--|

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

Pursuant to [Girls Global Academy’] Policy on Assisting Employment of Perpetrators of Sexual Abuse, no employee, contractor or agent of Girls Global Academy 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.

**V. 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 the [designate alternative administrator].

Complaints may also be filed directly with the Title IX Coordinator [*Insert name and contact information*].

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 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 \(OHR\)](#).<sup>1,2</sup>

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](mailto: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](mailto: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](#)<sup>3</sup>. 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.

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.

---

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

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

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



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.

### **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. 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 schedule a meeting with family to discuss and agree upon the interim measures. 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;
- 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

*Girls Global Academy* 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. *Girls Global Academy* 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.

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

Girls Global Academy will take steps to provide the alleged victim and accused with periodic updates on the status of the investigation. Once a determination has been made, Girls Global Academy will notify the alleged victim and accused about the outcome of the investigation and the appeal process.

Disciplinary action shall be instituted and resolved immediately upon completion of the investigation, in accordance with the Girls Global Academy grievance procedures and staff handbook.

#### Appeals

Any party who not satisfied with the outcome of the initial investigation and response from Girls Global Academy 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 [name and contact info].

Other information and resources available outside of school include:

- 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](http://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