Student on Student Sex-Based Harassment Policy

Sex-based harassment Prohibited

Sex-based harassment is strictly prohibited on school grounds, property immediately adjacent to school grounds, at school sponsored or school related activities, functions or programs whether on or off school grounds, on or off school bus or other vehicles owned, leased or used by the school, or through the use of technology or an electronic device owned, leased or used by the school.

Sex-based harassment also prohibited at a location, activity, function or program that is not school related or through the use of technology or an electronic device that is not owned, leased or used by the school, if the act or acts in question create a hostile environment at school for the victim, infringe on the rights of the victim at school or materially and substantially disrupt the education process or the orderly operation of a school.

Retaliation against a student, volunteer or staff member who reports sex-based harassment, provides information about any such acts, witnesses any such acts, or who testifies, assists, participates or refuses to participate in an investigation, proceeding or hearing is also prohibited.

Administrators will make expectations clear to students and staff that sex-based harassment will not be tolerated and will be the grounds for disciplinary action up to and including suspension and dismissal for students.

Title IX Coordinator

The individual designated to coordinate the school's response to reports or complaints of sex-based harassment and for overseeing the school's compliance with Title IX as it relates to students is:

Queenesha Herbert
qherbert@girlsglobalacademy.org
202-600-4822

Definitions

Complainant means:

- A student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX; or
- A person other than a student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX and who was participating or attempting to participate in the school's education program or activity at the time of the alleged sex discrimination.

Formal complaint means a document filed by a complainant, complainant's parent/guardian or by the Title IX coordinator alleging sex-based harassment against a respondent and requesting that the recipient investigate the allegation of sex-based harassment.

Respondent means an individual who has been reported to be the perpetrator of conduct that could constitute sex-based harassment.

sex-based harassment is defined differently in local and Federal law. will consider both definitions in determining whether sex-based harassment occurred.

The District of Columbia School Safety Omnibus Amendment Act ("School Safety Act") defines sex-based harassment as any unwelcome or uninvited sexual advances, sexual favors, sexually motivated physical conduct, stalking, or other verbal or physical conduct of a sexual nature that can be reasonably predicted to:

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

Title IX of the Education Amendments of 1972 ("Title IX") defines sex-based harassment as conduct on the basis of sex that satisfies one or more of the following:

1. An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct;
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity; or

3. "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v)[1], "dating violence" as defined in 34 U.S.C. 12291(a)(10)[2], "domestic violence" as defined in 34 U.S.C. 12291(a)(8)[3], or "stalking" as defined in 34 U.S.C. 12291(a)(30)[4].

Sexual assault is defined differently in local and Federal law. Girls Global Academy will consider both definitions in determining whether sexual assault occurred.

Title IX defines sexual assault as an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

District of Columbia law defines sexual assault as any of the following offenses:

A. First degree sexual abuse (DC Code 22-3002) - engaging in or causing another person to engage in or submit to a sexual act[5] in the following manner:
    a. By using force[6] against that other person;
    b. By threatening or placing that other person in reasonable fear that any person will be subjected to death, bodily injury[7], or kidnapping;
    c. After rendering that other person unconscious; or

[1] An offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

[2] Violence committed by a person—

(A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and

(B) where the existence of such a relationship shall be determined based on a consideration of the following factors:

(i) The length of the relationship.

(ii) The type of relationship.

(iii) The frequency of interaction between the persons involved in the relationship.

[3] Includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

[4] Means engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

(A) fear for his or her safety or the safety of others; or

(B) suffer substantial emotional distress.

[5] "Sexual act" means:

(A) The penetration, however slight, of the anus or vulva of another by a penis;

(B) Contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus; or

(C) The penetration, however slight, of the anus or vulva by a hand or finger or by any object, with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.

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

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

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

d. After administering to that other person by force or threat of force, or without the knowledge or permission of that other person, a drug, intoxicant, or other similar substance that substantially impairs the ability of that other person to appraise or control his or her conduct.

B. Second degree sexual abuse (DC Code 22-3003) - engaging in or causing another person to engage in or submit to a sexual act in the following manner:
   a. By threatening or placing that other person in reasonable fear (other than by threatening or placing that other person in reasonable fear that any person will be subjected to death, bodily injury, or kidnapping); or
   b. Where the person knows or has reason to know that the other person is:
      i. Incapable of appraising the nature of the conduct;
      ii. Incapable of declining participation in that sexual act; or
      iii. Incapable of communicating unwillingness to engage in that sexual act.

C. Third degree sexual abuse (DC Code 22-3004) – engaging in or causing sexual contact[8] with or by another person in the following manner:
   a. By using force against that other person;
   b. By threatening or placing that other person in reasonable fear that any person will be subjected to death, bodily injury, or kidnapping;
   c. After rendering that person unconscious; or
   d. After administering to that person by force or threat of force, or without the knowledge or permission of that other person, a drug, intoxicant, or similar substance that substantially impairs the ability of that other person to appraise or control his or her conduct.

D. Fourth degree sexual abuse (DC Code 22-3005) - engaging in or causing sexual contact with or by another person in the following manner:
   a. By threatening or placing that other person in reasonable fear (other than by threatening or placing that other person in reasonable fear that any person will be subjected to death, bodily injury, or kidnapping); or
   b. Where the person knows or has reason to know that the other person is:
      i. Incapable of appraising the nature of the conduct;
      ii. Incapable of declining participation in that sexual contact; or
      iii. Incapable of communicating unwillingness to engage in that sexual contact.

E. Misdemeanor sexual abuse (DC Code 22-3006) - engaging in a sexual act or sexual contact with another person and who should have knowledge or reason to know that the act was committed without that other person's permission

[8] "Sexual contact" means the touching with any clothed or unclothed body part or any object, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.

F. Attempts to commit sexual offenses (DC Code 22-3018) - attempting to commit any of the above offenses.

Dating violence is defined differently in local and Federal law. Girls Global Academy will consider both definitions in determining whether dating violence occurred.

District of Columbia law defines dating violence as abusive or coercive behavior where a dating partner uses threats of, or actually uses, physical, emotional, economic, technological, or sexual abuse to exert power or control over a current or former dating partner[9].

Title IX defines dating violence as violence committed by a person—

(A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and

(B) where the existence of such a relationship shall be determined based on a consideration of the following factors:

(i) The length of the relationship.

(ii) The type of relationship.

(iii) The frequency of interaction between the persons involved in the relationship.

Retaliation is intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sex-based harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sex-based harassment, for the purpose of interfering with any right or privilege secured by Title IX.

Supportive measures means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the recipient's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the recipient's educational environment, or deter sex-based harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

Response to Reports

[9] "Dating partner" means any person who is involved in a relationship with another person that is primarily characterized by social interaction of a sexual, romantic, or intimate nature, whether casual, serious, or long-term.

Any individual may report sex-based harassment, sexual assault or dating violence – reports do not have to be made by the victim. Such reports can be made in person, by mail, by telephone, or by email, using the contact information listed for the Title IX coordinator or by any other means that result in the Title IX coordinator receiving the report.

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

Any student who believes that they have been the target of sex-based harassment, sexual assault or dating violence or who is aware of such acts is strongly encouraged to promptly report the matter orally or in writing to the Title IX Coordinator Queenisha Herbert 733 8th St. NW or 202-600-4822, an administrator, or to any other faculty or staff member or member with whom the student is comfortable speaking. Also, any student who is subject to retaliation in violation of this policy or who knows of another student who has been subject to retaliation is urged to report it as soon as possible.

Anyone else who witnesses or becomes aware of sex-based harassment, sexual assault or dating violence is also strongly urged to promptly notify the Title IX Coordinator.

When a report is made without a formal complaint, the Title IX coordinator will:

- Promptly contact the complainant to discuss the availability of supportive measures;
- Consider the complainant's wishes with respect to supportive measures;
- Inform the complaint of the availability of supportive measures with or without the filing of a formal complaint;
- Explain to the complainant the process for filing a formal complaint.

If the complainant does not wish to proceed with a formal complaint, the complainant's wishes will be respected unless the Title IX Coordinator determines that initiating an investigation over the wishes of the complainant is not clearly unreasonable in light of the known circumstances.

The school will maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the school's ability to provide the supportive measures.

The school may not impose disciplinary sanctions (or other sanctions that are not "supportive measures") against the respondent without conducting a formal investigation. However, the school may remove a respondent on an emergency basis if:

- It undertakes an individualized safety and risk analysis;

- Determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sex-based harassment justifies removal; and
- Provides the respondent with notice and an opportunity to challenge the decision immediately following the removal.

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

Mandatory Reporting

If the school becomes aware of a report or allegation of sexual assault or sexual abuse, in addition to its own response, the school will also make a referral to CFSA and/or MPD pursuant to mandatory reporting requirements.

Informal Resolution Processes

The Title IX Coordinator may offer and facilitate informal resolution options, such as mediation or restorative justice, so long as both parties give voluntary, informed, written consent to attempt informal resolution. The school will not require participation in informal resolution as a condition of enrollment. The school will not condition informal resolution on the waiver of the right to a formal investigation and adjudication of formal complaints of sex-based harassment. The school will not require the parties to participate in an informal resolution process and will not offer an informal resolution process unless a formal complaint is filed. At any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the investigation process with respect to the formal complaint.

Training

Title IX personnel involved in the informal resolution process and/or reporting and investigation processes will receive training on the following:

- The definition of sex-based harassment;
- The scope of the school's education program or activity;
- How to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes that protects the safety of complainants and promotes accountability;
- How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias; and
- Issues of relevance, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant.

Investigations of Formal Complaints

The school will promptly investigate any formal complaints received. Respondents will be presumed to be not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the investigation process.

Once an investigation is concluded, further steps will be taken as needed to interrupt or stop each specific act of sex-based harassment, sexual assault or dating violence, prevent its recurrence, and address its effects, regardless of whether the incident is the subject of a criminal investigation.

Formal complaints will be investigated by Brianey Winslow, Dean of Students. Once the investigation is complete, a decision will be rendered based on all of the evidence available. The decision-makers will be Jaymes Bradley, Director of Culture and Tasliym Lester, Director of Operations.

Information for Complainants

Within two (2) business days of receipt of a formal complaint, the Title IX Coordinator will provide information to the complainant about:

- The investigation process and informal resolution process including a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of investigation process;
- The allegations including sufficient details known at the time including the identities of the parties involved in the incident, the conduct allegedly constituting sex-based harassment, sexual assault and/or dating violence, and the date and location of the alleged incident, if known;
- The complainant's right to have an advisor of his/her choice who may be, but is not required to be, an attorney;
- The right to inspect and review evidence;
- The prohibition against knowingly making false statements or knowingly submitting false information during the investigation process; and
- Available services and advocacy organizations, about the investigation process, about their rights under Title IX of the Education Amendments of 1972, the District of Columbia Human Rights Act of 1977, and crime victims' rights.

Information for Respondents

Within two (2) business days of receipt of a formal complaint, the Title IX Coordinator will provide information to the respondent about:

- The investigation process and informal resolution process including a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of investigation process;
- The allegations including sufficient details known at the time including the identities of the parties involved in the incident, the conduct allegedly constituting sex-based harassment, sexual assault and/or dating violence, and the date and location of the alleged incident, if known;
- The respondent's right to have an advisor of his/her choice who may be, but is not required to be, an attorney;
- The right to inspect and review evidence; and
- The prohibition against knowingly making false statements or knowingly submitting false information during the investigation process.

Investigation

Complaints of sex-based harassment, sexual assault or dating violence will be investigated in an adequate, reliable and impartial manner. The school will make every effort to complete the investigation within thirty (30) days of receipt of a formal complaint. Extensions of this timeline will be permitted for good cause. If such an extension is exercised, the investigator will notify each party in writing of the reason for the extension. At the conclusion of the investigation period, the investigator will prepare an investigative report to share with the parties and decision-maker as outlined below.

The school will make every effort to protect confidentiality during the course of the investigation. The individual responsible for conducting the investigation will be responsible for making determinations about confidentiality.

Each investigation will include an objective evaluation of all relevant evidence, including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness. The school will bear the burden of gathering evidence to reach a determination regarding responsibility for the alleged conduct. This investigation will include, as necessary, interviewing witnesses, obtaining documents, and allowing the complainant and respondent to present any inculpatory and exculpatory evidence including witnesses.

The complainant and respondent will have the same opportunity to have others share information on their behalf during any investigative proceeding and to be supported during any proceeding by an advisor of their choice who may be, but is not required to be, an attorney. The parties will be provided written notice if they are invited to participate in any investigative proceeding in person. The notice will include the date, time, location, participants, and purpose of any such proceeding, with sufficient time for the party to prepare to participate.

Each party will have the same opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised so that each party can meaningfully respond to the evidence prior to conclusion of the investigation. The evidence will be sent to each party in electronic format or hard copy at least 10 days prior to the completion of an investigative report so that the parties have an opportunity to submit a written response.

Upon its completion, the investigator will send to each party and the decision-maker an investigative report that fairly summarizes relevant evidence. The parties will be given at least ten (10) days to respond to the investigative report as outlined below.

Decision Making

At least ten (10) days prior to a decision being rendered, each party will have an opportunity to submit a written response to the investigative report which may include written, relevant questions that a party wants asked of any other party or witness. The decision maker will gather responses to those questions and provide those responses in writing to each party. The parties will have three (3) additional days to submit additional, limited follow-up questions. The decision-maker will make determinations about what questions are relevant. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

The decision-maker will review all evidence gathered through the investigative report and responses from each party and will make a determination as to responsibility for the alleged conduct. The decision-maker will use a clear and convincing standard (i.e., clear and convincing evidence establishes that the allegation is substantially more likely than not true) to determine responsibility. Once a determination is made, a written decision will be issued to both parties and will include the following:

- Summary of the allegations;
- Summary of the course and outcome of the investigation including any notifications to the parties, interviews with parties and witnesses, and other methods used to gather evidence;
- Findings of fact supporting the determination;
- Conclusions regarding the application of the policy and code of conduct to the facts;
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions to be imposed on the

respondent, and what other supportive measures will be made available to the complainant;
- Information about the procedures for appeal.

The decision-maker may notify appropriate law enforcement agencies if school staff determine that the behavior cannot be safely and appropriately handled through school-based disciplinary action. Law enforcement agencies will be notified if mandatory reporting requirements are triggered.

Appeals

Any party who is not satisfied with the outcome of the investigation may appeal in writing to the Principal, DeyJah Chappell. Appeals must be made within 30 days of the conclusion of the initial investigation. When an appeal is made, both parties will be notified of the appeal and will be given an opportunity to respond. The decision-maker for the appeal will not be the same decision-maker that reached the determination regarding responsibility, the investigator or the Title IX Coordinator.

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 and respondent will be notified in writing of the outcome of the appeal and the rationale for the result, any change to the result of the initial investigation and when such results become final.

Possible Responses When it is Determined that sex-based harassment, Sexual Assault or Dating Violence Occurred:

Counseling and Interventions for Respondents

Girls Global Academy will work with its wellness and mental health providers to identify appropriate counseling and intervention strategies for students alleged to have committed acts of sex-based harassment, sexual assault or dating violence, and to determine whether it is a referral to the Child and Family Services Agency is required where the accused's behavior indicates that he or she may be the victim of child sexual abuse or child abuse.

Resources for Students and Families Affected by sex-based harassment, Sexual Assault or Dating Violence

Students and families affected by sex-based harassment, sexual assault or dating violence may be eligible for school-based supports. For more information about the availability of such supports, please contact Restorative Intervention Specialist Jackie Sylvain 202-600-4822.

Other information and resources available outside of school include:

- RAINN (National number to reach counselor anywhere in the country) - 1-800-656-HOPE (4673)
- National Sexual Violence Resource Center (Provides information about sexual violence) - 1-877-739-3895; www.nsvrc.org
- DC Rape Crisis Center - 202-333-RAPE (7273)
- Network for Victim Recovery of DC (NVRDC) (Provides free, holistic, and comprehensive case management and legal services to victims of all types of crime regardless of income.) - (202) 742-1727
- Men Can Stop Rape (Outreach and education and prevention work with men and boys.) - (202) 265-6530
- Safe Shores (DC Children's Advocacy Center) - (202) 645-320
- Wendt Center (offers individual and group counseling) – 202-204-5021