

THE NEXT STEP PUBLIC CHARTER SCHOOL

Title IX Policy

Non-Discrimination Policy: In accordance with Title VI of the Civil Rights of 1964, Title IX of the Education Amendments Act of 1972, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, Title II Act of the Americans Disabilities Act of 1990, and the DC Human Rights Act of 1977, as amended, District of Columbia Official Code Section 2-1401.01 et seq. (Act) The Next Step PCS does not discriminate on the basis of actual or perceived race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, family status, family responsibilities, political affiliation, and disability. Sexual harassment is a form of discrimination that is prohibited by this policy.

Student on Student Sexual Harassment Policy Under Title IX

Sexual harassment, Sexual assault, and dating violence are strictly prohibited on school grounds, property immediately adjacent to school grounds, at school-sponsored or school-related activities, functions, and 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, leased, or used by the school.

Retaliation against a youth, volunteer, or staff member who reports sexual harassment, sexual assault, or dating violence, provides information of 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.

Title IX Coordinator

The Title IX Coordinator is responsible for coordinating the school's response to reports or complaints of sexual harassment, sexual assault, and dating violence. The coordinator will also oversee the school's compliance with Title IX as it relates to students.

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Response to Reports

Any individual may report sexual harassment, sexual assault, or dating violence. Reports do not have to be made by the victim. Reports can be made in person, by mail, by telephone, or by email, using the contact information listed for the Title IX coordinator.

All staff members are required to report any sexual 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 sexual 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 principal, a school administrator, the Title IX Coordinator or any other faculty or staff 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 sexual 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 complainant of the availability of supportive measures with or without the filing of a formal complaint;
- Explain to the complainant the process for filing a formal complaint

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

Any supportive measures provided to the complainant or respondent will be maintained confidential, to the extent that maintaining such confidentiality would not impair the school's ability to provide the supportive measures.

Supportive measures will be provided on a case-by-case basis and may include, but are not limited to the following:

- Providing counseling or referring to external therapy services;
- Providing referrals to community-based services;
- Developing a safety plan;
- Class or schedule changes;
- Leave of absence;

- Providing increased monitoring or supervision at the locations where the misconduct occurred;
- Providing training and education materials for students and employees;
- Distributing the school's policies on sexual misconduct.

The Next Step Public Charter School will not impose disciplinary sanctions (or other sanctions that are not “supportive measures”) against the respondent without conducting a formal investigation.

However, the school may remove a respondent on an emergency basis if:

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

A formal complaint may be filed by the complainant, the complainant's parent/legal guardian, 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 of an allegation of sexual assault, sexual abuse, child abuse, or child neglect, in addition to its own response, the school will contact The DC Child and Family Services Agency (CFSA) and/or Metropolitan Police Department (MPD) pursuant to mandatory reporting requirements.

Informal Resolution Process

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 sexual harassment
- The school will not require the parties to participate in an informal resolution process and will not offer an informal resolution process unless a formal complaint is filed.

At any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the investigation process with respect to the formal complaint.

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 sexual 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 protect the safety of complainants and promote 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 Next Step PCS 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 sexual 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 the Title IX coordinator or their designee. Once the investigation is complete, a decision will be rendered based on all of the evidence available. The decision-maker will be the respondent's school Principal or the Head of School.

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 the 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 sexual 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 the 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 sexual 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

Investigations

Complaints of sexual 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-makers 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 the 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 to be 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 Head of School, or if the Head of School was the decision-maker, to the Chairperson of the Board of Trustees. 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 Sexual Harassment, Sexual Assault, or Dating Violence Occurred

Disciplinary measures, as determined necessary, will be applied in accordance with the discipline policy on a graduated basis determined by the nature of the offense, the disciplinary history of the student(s) involved, and the age and developmental status of the student(s) involved. These measures may be up to and including suspension or expulsion.

Counseling and Intervention for Respondents

The Next Step PCS will work with its wellness and mental health providers to identify appropriate counseling and intervention strategies for students alleged to have committed acts of sexual 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 Sexual Harassment, Sexual Assault or Dating Violence

Students and families affected by sexual harassment, sexual assault or dating violence may be eligible for school-based support. For more information about the availability of such support, please contact your student's case manager.

Outside Resources:

1. RAINN (National number to reach counselors anywhere in the country) - 1-800-656-HOPE (4673)
2. National Sexual Violence Resource Center (Provides information about sexual violence) - 1-877-739-3895; www.nsvrc.org
3. DC Rape Crisis Center - 202-333-RAPE (7273)
4. Safe Shores (DC Children's Advocacy Center) - (202) 645-3200

Definitions

Report: Allegation of sexual harassment shared with the school but not yet submitted as a formal complaint.

Complaint: Means an individual who is alleged to be the victim of conduct that could constitute sexual

Formal Complaint: Means a document filed by a complainant, complainant's parent/guardian, or by the Title IX coordinator alleging sexual harassment against a respondent and requesting that the recipient investigate the allegation of sexual harassment

Respondent: means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

Sexual Harassment: is defined differently in local and Federal law. The Next Step PCS will consider both definitions in determining whether sexual harassment occurred.

The District of Columbia School Safety Omnibus Amendment Act ("School Safety Act") defines sexual 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 reasonable predicted to:

- A. Place the victim in reasonable fear of physical harm to his or her person;
- B. Cause a substantial detrimental effect on 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 sexual 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 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. The Next Step PCS will consider both definitions in determining whether sexual assault occurred.

The District of Columbia School Safety Omnibus Amendment Act ("School Safety Act") defines sexual 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 reasonable predicted to:

- A. Place the victim in reasonable fear of physical harm to his or her person;
- B. Cause a substantial detrimental effect on 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.

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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.

Dating Violence: is defined differently in local and Federal law. The Next Step PCS 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.

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.

Relation: is intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual 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 sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX.

Allegation: Assertion that someone has engaged in sexual harassment.

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 sexual 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.