

## **PARENT INFORMATION AND TRAINING POLICY**

### **School Safety Omnibus Amendment Act Parent Information and Training Policy**

Pursuant to the School Safety Omnibus Amendment Act of 2018 (“School Safety Act”), PCS provides parent information and training as follows:

#### **Student Abuse**

At least once a year, PCS provides training and information for parents regarding sexual misconduct, student sexual abuse, and child abuse. The training includes the following:

1. Recognizing and reporting sexual misconduct, student sexual abuse and child abuse;
2. Receiving disclosures of such abuse in a “supportive, appropriate and trauma-informed manner;”
3. Prevention, warning signs and effects of such abuse;
4. “Effective, developmentally-appropriate methods” for discussing such abuse;
5. School and community resources available to assist with the prevention of and response to such abuse.

#### **Student-on-Student Sexual Harassment, Sexual Assault, and Dating Violence**

At least once a year, Paul PCS provides students, families and school staff, contractors and volunteers with its Student on Student Sexual Harassment Policy and information about where complaints of sexual harassment, sexual assault and dating violence can be submitted. This policy is also 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/or school social worker, in the office of the Title IX Coordinator and in the parent/student handbooks. Paul PCS also informs students about this policy in a developmentally appropriate manner.

At least once a year, Paul PCS also provides training and information for parents on recognizing the warning signs of student-on-student acts of sexual harassment, sexual assault, and dating violence as well as effective, age appropriate methods for discussing such topics with students. Paul PCS will maintain a record of the following for each training:

- Date of training;
- Substance of training;
- Dates and methods of notifying parents of the training;
- Parent participation at the training.

## Policies and Procedures

### STUDENT ON STUDENT SEXUAL HARASSMENT

#### **Student on Student Sexual Harassment Policy**

##### **Sexual Harassment Prohibited**

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 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.

Sexual harassment, sexual assault and dating violence are 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 youth, volunteer or staff member who reports sexual harassment, sexual assault and dating violence, provides information about any such acts, or witnesses any such acts is also prohibited.

Administrators will make expectations clear to students and staff that sexual harassment, sexual assault and dating violence will not be tolerated and will be the grounds for disciplinary action up to and including suspension and dismissal for students.

##### **Definitions**

Sexual harassment is defined 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.

Sexual assault is defined 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<sup>1</sup> in the following manner:

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<sup>1</sup> "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.

- a. By using force<sup>2</sup> 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<sup>3</sup>, or kidnapping;
- c. After rendering that other person unconscious; or
- 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<sup>4</sup> 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;

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<sup>2</sup> "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.

<sup>3</sup> "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.

<sup>4</sup> "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.

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

Dating violence is defined 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<sup>5</sup>.

Retaliation is any form of intimidation, reprisal, or harassment directed against a student who reports any of the above acts, provides information during an investigation of said acts, or witnesses or has reliable information about such acts.

## **Investigations**

Incidents of sexual harassment, sexual assault, or dating violence that [PCS] knows or reasonably should know of will be immediately and promptly investigated by [title of individual responsible for investigations] or a designee. School officials designated to investigate such incidents will receive annual training on issues related to student-on-student acts of sexual harassment, sexual assault and dating violence and how to conduct an investigation that protects the safety of complainants and promotes accountability.

Prior to the investigation of an incident, the [title of individual responsible for investigations] will take steps to ensure the safety of the alleged victim referenced in a reported incident. 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.

## Reporting Incidents

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 of individual responsible for investigations] or other administrator on duty.

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<sup>5</sup> “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 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 [title of individual responsible for investigations] [include contact information – office address, email address and phone number], an administrator, or to any other faculty or staff member or member of [PCS] 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 strongly urged to promptly notify the [title of individual responsible for investigations] [include contact information – office address, email address and phone number].

#### Mandatory Reporting

If PCS becomes aware of a report or allegation of sexual assault or sexual abuse, in addition to conducting its own investigation pursuant to this policy, PCS will also make a referral to CFSAs and/or MPD pursuant to mandatory reporting requirements.

#### Information for Complainants

Upon receipt of a complaint, [PCS] will provide information to complainants about 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 Accused

Upon receipt of a complaint, [PCS] will provide information to the accused about the investigation process.

#### Investigation

Complaints or reports of acts of sexual harassment, sexual assault or dating violence will be investigated in an adequate, reliable and impartial manner. Each investigation will include, as necessary, interviewing witnesses, obtaining documents and allowing the complainant and accused to present evidence. The complainant 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.

Within fifteen (15) school days of receiving a report of sexual harassment, sexual assault or dating violence, the [title of individual responsible for investigations] will conduct the

investigation and respond to the parents of the students involved in writing, summarizing the course and outcome of the investigation and identifying an appropriate resolution. If it is determined that sexual harassment, sexual assault or dating violence has occurred, appropriate corrective and remedial action will be taken. [PCS] will make determinations as to whether a reported incident constitutes sexual harassment, sexual assault or dating violence based on all of the facts and circumstances surrounding the incident. [PCS] 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.

Steps will be taken as necessary to protect suspected victims of sexual harassment, sexual assault or dating violence during the course of the investigation process. [PCS] 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.

[PCS] will take steps to provide the complainant and accused with periodic updates on the status of the investigation. Once a determination has been made, [PCS] will notify the complainant and accused about the outcome of the investigation, the result of any school disciplinary proceeding that results and the appeal process. [title of individual responsible for investigations] will determine if parents or guardians should be informed prior to or after the investigation of the incident.

[PCS] 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 initial investigation and response from [PCS] 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.

## **Counseling and Interventions for Accused Students**

[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 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:

- 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](http://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

**Policy on Assisting Employment of Perpetrators of Sexual Abuse**

Pursuant to the School Safety Omnibus Amendment Act of 2018 ("School Safety Act"), no employee, contractor or agent of PCS 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 regarding a child or student in violation of DC or federal law. This prohibition does not apply if the information giving rise to probable cause has been properly reported to law enforcement and any other authorities as required by Federal, State, or local law; AND

- i. the matter has been officially closed or the prosecutor or police with jurisdiction over the alleged misconduct has investigated the allegations and notified school officials that there is insufficient information to establish probable cause that the school employee, contractor, or agent engaged in sexual misconduct regarding a minor or student in violation of the law;
- ii. the school employee, contractor, or agent has been charged with, and acquitted or otherwise exonerated of the alleged misconduct; or
- iii. the case or investigation remains open and there have been no charges filed against, or indictment of, the school employee, contractor, or agent within 4 years of the date on which the information was reported to a law enforcement agency.

In order to ensure compliance with this policy, the following steps will be taken:

All employees will be notified in writing of this policy and the prohibition against assisting employment of perpetrators of sexual abuse upon hiring and at least annually;

- All PCS board members will be notified in writing of this policy and the prohibition against assisting employment of perpetrators of sexual abuse upon appointment to the board and at least annually;
- All contractors will be notified in writing of this policy and the prohibition against assisting employment of perpetrators of sexual abuse upon hiring and at least annually;
- All employees will be required to certify that they have reviewed the written notice of the prohibition against assisting employment of perpetrators of sexual abuse and commit to abiding by this policy.
- All PCS board members will be required to certify that they have reviewed the written notice of the prohibition against assisting employment of perpetrators of sexual abuse and commit to abiding by this policy.
- All contractors will be required to certify that they have reviewed the written notice of the prohibition against assisting employment of perpetrators of sexual abuse and commit to abiding by this policy.

Any school employee, contractor, or agent who knowingly assists another school employee, contractor, or agent who is known or believed to have engaged in sexual misconduct regarding a minor or student shall be subject to appropriate disciplinary action in accordance with the Paul PCS Employee Handbook, up to and including termination of employment.

The Talent/Human Resources department shall maintain records of all allegations of sexual misconduct, child abuse, or the failure to report child abuse, as well as the

outcome of any subsequent investigation for all school employees, contractors, or agents. The Talent/Human Resources department shall provide this information when contacted by another LEA or school that is considering hiring the applicant.

### **Policy on Assisting Employment of Perpetrators of Sexual Abuse**

Pursuant to the School Safety Omnibus Amendment Act of 2018 (“School Safety Act”), Paul PCS provides staff training as follows:

All Paul PCS staff will receive the following training at the time of hiring and at least every two (2) years thereafter:

- Sexual misconduct, student sexual abuse, and child abuse – this training will include the following:

- o Recognizing and reporting sexual misconduct, student sexual abuse and child abuse;
- o Receiving disclosures of such abuse in a supportive, appropriate and trauma-informed manner;
- o Prevention, warning signs and effects of such abuse;
- o Communicating with students and parents regarding reporting and preventing such abuse; and
- o Other related topics deemed appropriate by Paul PCS.

- Student on Student Harassment:

- o This training will use evidence-based standards and be developed in consultation with community-based sexual violence and abuse experts and will address the following topics:

- Identifying, responding to, and reporting student-on-student acts of sexual harassment, sexual assault, and dating violence;

- Mandatory reporting requirements;

- Communicating universal prevention techniques to students that increase their ability to set and communicate about appropriate boundaries, respect boundaries set by others, and build safe and positive relationships; and

- Receiving reports and disclosures from students regarding student-on-student acts of sexual harassment, sexual assault, and dating violence in a supportive, appropriate and trauma-informed manner.

In order to ensure compliance with these training requirements the aforementioned trainings will be provided to all staff at the time they are hired and will be conducted at least annually during summer professional development.

Paul PCS will maintain a record of the substance of each training and staff participation at each training.