



Friendship Public  
Charter School  
GRADES PRE-K3 TO 12

## **Friendship Public Charter School**

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### Student Protection Policy

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## POLICIES & PROCEDURES

### Introduction

Friendship Public Charter School believes that every child can thrive and achieve to the highest standards. To achieve this mission, Friendship Public Charter School is committed to the well-being, safety, and protection of all students. The Friendship PCS community recognizes students are a vulnerable population, and they require special attention and protection. This policy establishes the Friendship PCS minimum standards and expectations for the protection of students. This policy also defines: the screening, training, appropriate levels of supervision, and reporting requirements for the adults involved; and the oversight and compliance of all policies and procedures relating to students at Friendship PCS.

Compliance with this policy does not eliminate or absolve performance of additional requirements that Programs must meet as outlined in other federal, state, local law, or Friendship PCS policy.

### Scope

This policy conveys Friendship PCS requirements regarding the prevention of student sexual abuse by staff, as informed by applicable law, including the School Safety Omnibus Amendment Act of 2018 (“School Safety Act”).<sup>1</sup> The term staff, broadly defined by the School Safety Act and below, means an employee or volunteer of a school, an employee of an entity with whom the school contracts, or an employee or volunteer of an entity with whom the school partners through a Memorandum of Agreement or a Memorandum of Understanding; who acts as an agent of the school or activities sponsored by the school.

### I. Authority and Applicable Law

Source	Citation
Federal Law	Every Student Succeeds Act of 2015, 129 Stat. 2120, 20 U.S.C. §7926  Title IX of the Education Amendments Act of 1972 (Title IX), 20 U.S.C. §1681 <i>et seq.</i>
DC Law	School Safety Omnibus Amendment Act of 2018 (D.C. Law 22-294, D.C. Code §38-951.01, <i>et seq.</i> )  Anti-Sexual Abuse Act of 1994 (D.C. Law 10-257; D.C. Code §22-3001, <i>et seq.</i> )  Mandated Reporting Requirements (D.C. Code §4-1321.02)  D.C. Official Code §4-1501 <i>et seq.</i> (Criminal Background Checks for Government Services to Children)  D.C. Human Rights Act of 1977, D.C. Code §2-1401 <i>et seq.</i>
DC Regulations	6-B DCMR §400 <i>et seq.</i> (Government Personnel Suitability Requirements)

### II. General Definitions

**Students** are any individuals enrolled in school or as participants in programs at Friendship PCS, regardless of age.

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<sup>1</sup> D.C. Code §38-951.01, *et seq.*

**Program** is defined in this policy as any activity, event, recital, lesson, class, or other interaction involving a student, including programs sponsored or operated in whole or in part by the school, on or off campus, during and outside of school hours.

**Child abuse** means the:

- (A) infliction of physical or mental injury upon a child;
- (B) **sexual abuse**, as that term is defined below, or exploitation of a child; or
- (C) negligent treatment or maltreatment of a child. (D.C. Code §38-951.01(1))

**Minor** means a person who has not yet attained the age of 18 years. (D.C. Code §22-3001 (5A))

**Sexual Abuse** means, as defined by the Anti-Sexual Abuse Act of 1994 (D.C. Law 10-257; D.C. Code 3020.51 (4)), any action that is a violation of:

- (A) D.C. Code §22-1834 (sex trafficking of children);
- (B) D.C. Code §22-2704 (abducting or enticing a child from his or her home for purposes of prostitution; harboring such child);
- (C) D.C. Code §22-3001, et seq. (sexual abuse), including but not limited to child sexual abuse, sexual abuse of a minor, sexual abuse of a secondary education student, enticing a child or minor, or arranging for sexual contact with a real or fictitious child; or
- (D) D.C. Code §22-3102 (sexual performance using minors).<sup>2</sup>

**Sexual misconduct** means 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, including:

- (A) A sexual invitation;
- (B) Dating or soliciting a date;
- (C) Engaging in sexual dialogue;
- (D) Making sexually suggestive comments;
- (E) Describing prior sexual encounters; or
- (F) Physical exposure of a sexual or erotic nature. (D.C. Code § 38-951.01(4))

**Staff** means an employee or volunteer of a school, an employee of an entity with whom the school contracts, or an employee or volunteer of an entity with whom the school partners through a Memorandum of Agreement or a Memorandum of Understanding; who acts as an agent of the school at the school or activities sponsored by the school (see D.C. Code §38-951.01(5)).

**Student sexual abuse** means **sexual abuse**, as defined above and by the Anti-Sexual Abuse Act of 1994 (D.C. Law 10-257; D.C. Code 3020.51(4)). Committed against a student of a school. (D.C. Code § 38-951.01(6)).

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<sup>2</sup> Please see Appendix A for relevant excerpts from all local laws referenced in this definition.

**Authorized Adult** means individuals, paid or unpaid, who instruct, interact with, supervise, chaperone, or otherwise oversee or interact with students in educational settings, in program activities, or in recreational or residential facilities and spaces. This includes but is not limited to faculty, staff, volunteers, interns, contractors, alumni, and other third-parties.

**Access** means **Authorized Adults** who interact with, and have access to students who are classified in these policies as having high or low contact, whether or not they are employees of Friendship PCS.

(A) **Individuals with high contact with students.**

Authorized adults with high access to students include any individual who:

- Is involved with the care, supervision, guidance or control of minors and/or students;
- Has routine interaction with minors and/or students;
- Works with or around students in any school program;
- Works with or around students on a program that meets regularly or involves multiple interactions;
- Has potential for one-on-one access with a student;
- Is responsible for supervising students; or
- Is a consistent and regular volunteer for programs involving minors and students;
- Interacts with minors and/or students on a frequent basis.

Examples of individuals with high contact with students include:

- Administrators, teachers (full-time, substitute, or student), instructors, nurses, mentors, tutors, aides, paraprofessionals, coaches and their assistants, counselors, security guards, custodians, and/or other school staff;
- Individuals who provide community services to students in a home setting; regularly engage in volunteer opportunities that involve students; individuals who have contact or interactions with students via social media or electronic communications; individuals who transport students (on campus or on field trips); supervise overnight programs (on or off campus).

(B) **Individuals with low contact with students.**

Authorized adults with low access to students include any full or part-time individual who:

- Works with or around students for a one-time program (but not programs that meet regularly or involve multiple interactions);
- Is always supervised by another authorized adult when interacting with students;
- Is not responsible for supervising students.

Examples of individuals with low contact with minors include:

- Individuals who work solely with or around other authorized adults and no students; volunteers who are not left alone with minors;

(C) **Infrequent visitors**

- Examples of infrequent visitors include occasional campus visitors who remain with a group (i.e., 3 or more individuals) or with a permanent school employee at

all times, for example one-time career day volunteers, individuals making deliveries to the school (such as UPS or USPS), or attendees at school events.

### **Friendship PCS-Wide Policies**

#### **III. Enforcement**

This policy will be implemented and strictly enforced by the Friendship PCS Chief of Staff or his/her designee. Failure to comply will result in corrective action, up to and including termination from Friendship PCS. Violations may also lead to civil or criminal liability.

#### **IV. Screening and Selection**

All programs must adhere to screening and selection criteria required by the school. All steps must be completed before an Authorized Adult is released to work with minors in a paid or unpaid position. The school reserves the right to repeatedly conduct background screening any time after employment or volunteer services have begun for cause or without cause.

##### **A. Individuals with High Access to Students**

Screening and selection of individuals who have high access to minors will include the following:

1. A standard application designed to screen applicants for the potential to abuse. The application must include:
  - a. Contact information for the applicants' current employer
  - b. All previous employers for the previous 20 years;
2. Signed school Code of Conduct;
3. A multi-state criminal background check that includes county or city-level information;
4. A national sex offender registry check;
5. Face-to-face interviews using behaviorally-based standardized questions designed to assess for potential risk to abuse; and
6. A minimum of three references, at least one of which is a character reference, using behaviorally-based questions that assess abuse risk.

##### **B. Individuals with Low Access to Students**

Screening and selection of individuals who have low access to minors should include:

1. A standard application designed to screen applicants for the potential to abuse;
2. Signed school Code of Conduct;
3. A national sex offender registry check; and
4. A multi-state criminal background check that includes county-level information (unless a criminal background check is not required by District law or by the school's charter).

##### **C. Infrequent Visitors**

Infrequent visitors are not required to undergo screening of any sort, provided they remain with a group (i.e., 3 or more individuals) or with a permanent school employee at all times.

## **V. Training Requirements**

For any child abuse prevention policy to be effective, the Authorized Adults providing services to students must have adequate, continuous education and training in abuse prevention. All Authorized Adults must annually complete school-approved child abuse prevention and mandatory reporting training courses.

The training must cover, at a minimum: how offenders operate, how abuse happens at educational institutions like Friendship PCS, the impact of abuse, how to protect youth from abuse, how to prevent false allegations of abuse, how to manage high risk situations, and how to respond and report a range of concerns internally and externally as appropriate (including inappropriate behaviors and policy violations, suspected child abuse and neglect, and youth-to-youth sexual behaviors and abuse).

Completion of all training requirements is required annually at a minimum. The following information includes staff training and conduct requirements, the process for responding to an allegation of student sexual abuse committed by staff, public awareness and parent training, resources, and other prohibited actions.

### **A. Staff Training and Conduct Requirements**

#### **1. Staff training requirement**

The Friendship PCS Community Office is responsible for developing required staff training on sexual misconduct, student sexual abuse, and child abuse that will include instruction on:

- (A) Recognizing and reporting sexual misconduct, student sexual abuse, and child abuse;
- (B) Receiving disclosures of sexual misconduct, student sexual abuse, and child abuse in a supportive, appropriate, and trauma-informed manner;
- (C) Prevention, warning signs, and effects of sexual misconduct, student sexual abuse, and child abuse;
- (D) Communicating with students and parents regarding reporting and preventing sexual misconduct, student sexual abuse, and child abuse; and
- (E) Other appropriate topics identified by the school community.

Beginning no later than the first day of the 2020-21 school year, all staff must complete required training on prevention, recognition, and reporting of sexual misconduct, student sexual abuse, and child abuse. Thereafter, this required training must be completed for new hires at the time of hiring and at a minimum every two years for all staff. Completion of this required staff training will be tracked by the Friendship PCS Chief of Staff Office. The principal of each Friendship PCS campus is responsible for verifying, in coordination with the Friendship PCS Human Resources Department, that all school staff are in compliance with this requirement.

#### **2. Staff Background Check Requirements**

All adults, including all staff covered by this policy, who may have unsupervised access to children must be cleared through the Friendship PCS Human Resources Office before working with Friendship PCS students.<sup>3</sup> The clearance process includes a fingerprint-based criminal background check. Except under

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<sup>3</sup> All background checks must be conducted by means of fingerprint and National Criminal Information Center checks conducted by the Mayor and the Federal Bureau of Investigations (FBI). DC Code §4-1501.05(b). Background checks are valid for two years from fingerprinting date. DC Code § 4-1501.05(e).

limited circumstances for volunteers with active secret or top-secret federal security clearance, no other clearances will be accepted. Background checks are valid for two years from the fingerprinting date.<sup>4</sup>

### 3. Staff Conduct Requirements

Staff are strictly prohibited from engaging in any behavior that is, or could be perceived as, sexual misconduct, sexual abuse, or child abuse.<sup>5</sup>

Staff are strictly prohibited from engaging in, encouraging, or entertaining sexual or romantic relationships with students, regardless of the employee's or student's age. Staff are prohibited from transporting students in their personal vehicles or meeting with students off school grounds and outside of school hours without the knowledge and consent of the student's parent or guardian. Any staff who engages in such prohibited conduct will be subject to discipline.

### 4. Communication between Staff and Students Outside of School

When Friendship PCS employees are required to contact a student outside of school hours, communication may occur as follows:

- (A) Via email: Friendship PCS employees are required to use their Friendship PCS-issued email accounts.
- (B) Via phone: Friendship PCS employees with Friendship PCS-issued mobile phones are required to use those devices or other Friendship PCS phones. All other Friendship PCS employees are encouraged to use a Friendship PCS telephone if possible.
- (C) Via text: Friendship PCS employees with Friendship PCS-issued mobile phones are required to use those devices.

No employees of entities with whom Friendship PCS contracts (referred to as "Friendship PCS contractors" in this section) or partners through a Memorandum of Agreement or a Memorandum of Understanding (referred to as "partners" in this section) are permitted to contact a student outside of school hours without written permission from the school principal to do so. If written permission is given, communication may only occur as follows:

- (A) Via email: Friendship PCS contractors and partners are required to use Friendship PCS-issued email accounts, if issued, or official email accounts issued by the contracting or partnership entity.
- (B) Via phone: Friendship PCS contractors and partners with Friendship PCS-issued mobile phones are required to use those devices or other Friendship PCS phones. All other Friendship PCS contractors are encouraged to use a Friendship PCS telephone if possible.
- (C) Via text: Friendship PCS contractors and partners with Friendship PCS-issued mobile phones are required to use those devices.

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<sup>4</sup> Volunteers and Friendship PCS employees are also required to notify their supervisor and the personnel authority whenever they are arrested or charged with any criminal offense. This notification must be done within no more than seven (7) days of the arrest or service of a criminal complaint, or its equivalent, on the volunteer or employee. Failure to do so is cause for disciplinary action. 6-B DCMR §416.4.

<sup>5</sup> See also Title IX of the Education Amendments Act of 1972 ("Title IX") prohibiting discrimination on the basis of sex in schools, and the DC Human Rights Act of 1977 ("DC Human Rights Act") prohibiting discrimination on the basis of sex and gender identity or gender expression.



No Friendship PCS volunteers are permitted to contact a student outside of school hours without written permission from the school principal and the student's parent or guardian to do so.

Staff shall limit communication with students who are currently enrolled in Friendship PCS (regardless of the student age) or with Friendship PCS alumni who are minors to online communities where the staff member uses his or her professional username or social media handle. Staff may only communicate with students using his or her personal username or social media handle if the student is:

- (A) A relative;
- (B) A member or participant in the same civic, social recreational, athletic or religious organization; or
- (C) Involved in an emergency situation requiring such communication. In such cases, the employee shall notify his or her supervisor of the contact as soon as possible.

Friendship PCS employees should refer to the Friendship PCS Social Media Policy, located in the Team Member Handbook, for more information regarding both the professional and personal use of social media.<sup>6</sup>

## **B. Responding to an Allegation of Student Sexual Abuse Committed by Staff**

### **1. Reporting Requirements for Friendship PCS School Leaders**

All incidents involving alleged or suspected sexual misconduct, student sexual abuse, and child abuse must be reported to MPD, CFSA, and the Community Office as soon as immediate medical and security needs have been met. School leaders must:

- First, contact the Child and Family Services Administration (CFSA) by calling (202) 671-SAFE (7233);
- Second, *if required* by CFSA or circumstances, contact Metropolitan Police Department (MPD) School Safety Division by calling (202) 576-3408.
- Third, Contact the Chief of Schools, Chief of Staff, or Chief Academic Officer located at Community Office by calling (202) 281-1700.

School leaders must ensure that the following is completed on day of incident as outlined below:

- Incident reports must be completed same day by close of business. School leaders must submit a comprehensive report based on witness reports collected.
- Incident reports must be submitted to Friendship PCS Human Resource Department.
- If an incident involves any Friendship PCS employee, contact Human Resources at HR@friendshipschools.org or (202) 281-1700.
- After the incident is investigated, school leaders must prepare a full report indicating whether the incident was substantiated or unsubstantiated.

### **2. Reporting Requirements of all Other Staff**

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<sup>6</sup> The Friendship PCS Social Media Policy is available in the Friendship PCS Team Member Handbook, Section 10, Page 51.

In addition to fulfilling all mandated reporting requirements,<sup>7</sup> staff must report all incidents involving alleged or suspected sexual misconduct, student sexual abuse, and child abuse to the school principal or designee.

All non-Friendship PCS staff must report all incidents involving alleged or suspected sexual misconduct, student sexual abuse, and child abuse to the school principal or designee and the school-based point of contact assigned to the volunteer, contract, or school program providers. All contracted entities and school program providers must report all incidents to the contact listed in the contract, Memorandum of Agreement, or Memorandum of Understanding.

### 3. Informing the Friendship PCS Community About an Investigation or Allegation

When an allegation of student sexual abuse by staff is received, Friendship PCS will follow the directives located in the Friendship PCS Policy for Preventing and Addressing Student Sexual Abuse by School Staff.<sup>8</sup>

#### **C. Public Awareness and Parent Training**

##### 1. Public Awareness

The principal of each Friendship PCS school shall ensure this policy is posted to the school's website. The principal of each Friendship PCS school shall ensure this policy is provided to staff, parents, and in a developmentally appropriate manner, students. Schools may provide the policy to staff and parents via hard copy or electronic means. Schools electing to provide the policy electronically to parents must include information regarding how to obtain a hard copy.

##### 2. Parent Training

The Friendship PCS Community Office is responsible for developing training and information for parents regarding child abuse, sexual misconduct, and student sexual abuse, including instruction on:

- a. Recognizing and reporting sexual misconduct, student sexual abuse, and child abuse; including how to report allegations to CFSA, MPD, and the Friendship PCS Chief of Staff and Chief of Schools.
- b. of sexual misconduct, student sexual abuse, and child abuse in a supportive, appropriate, and trauma-informed manner.
- c. Prevention, warning signs, and effects of sexual misconduct, student sexual abuse, and child abuse.
- d. Effective, developmentally-appropriate methods for discussing sexual misconduct, student sexual abuse, and child abuse.
- e. School and community resources available to assist with the prevention of, and response to, sexual misconduct, student sexual abuse, and child abuse.

School principals shall offer at least one in-person parent training each school year and shall post all training materials and related information to the school website.

#### **D. Resources, Services, and Information for Students and Families Affected by Student Sexual Abuse**

##### **Local Resources**

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<sup>7</sup> D.C. Code § 4-1321.02.

<sup>8</sup> Appendix D.

- DC Department of Behavior Health Access HelpLine  
1-888-7WE-HELP (793-4357)
- DC Rape Crisis Center  
<http://dcrcc.org/>  
202-333-RAPE (7273)
- Network for Victim Recovery of DC  
<https://www.nvrdc.org/>  
202-742-1727
- Safe Shores DC Children’s Advocacy Center  
<https://www.safeshores.org>  
202-645-3200

**National Resources**

- RAINN (Rape, Abuse & Incest National Network)  
<https://www.rainn.org>  
800-656-HOPE (4673)
- National Sexual Violence Resource Center  
<https://www.nsvrc.org>  
- Friends & Family Resources: <https://www.nsvrc.org/friends-family>
- Stop It Now!  
<https://www.stopitnow.org>

**E. Prohibition on Aiding and Abetting Sexual Abuse through Assisting with Future Employment**

Friendship PCS staff are prohibited from assisting a school employee, contractor, or agent in obtaining a new job, apart from the routine transmission of administrative and personnel files, if Friendship PCS staff knows, or has probable cause to believe, that such employee, contractor, or agent engaged in sexual misconduct regarding a minor or student in violation of the law.<sup>9</sup> Any staff who engages in such prohibited conduct will be subject to discipline, up and including separation.

The prohibition does not apply if the information giving rise to probable cause has been properly reporting to MPD, CFSA, and the Friendship PCS Office of Compliance and:

- (A) 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;
- (B) the school employee, contractor, or agent has been charged with, and acquitted or otherwise exonerated of the alleged misconduct; or

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<sup>9</sup> D.C. Code § 38-951.02 (a)(5); *see also* section 7926 of the Every Student Succeeds Act of 2015 (129 Stat. 2120; 20 U.S.C. § 7926).

- (C) the case or investigation remains open and there have been no charges filed against, or indictment of, the school employee, contractor, or agent within four (4) years of the date on which the information was reported to a law enforcement agency.

## **VI. Policy Implementation and Requirements**

All Friendship PCS employees are required to comply with the requirements set forth in this policy. To support its implementation, principals are expected to make staff aware of required activities and timelines on an annual basis.

Completion of required staff training will be tracked by Friendship PCS Human Resources Department. The principal of each Friendship PCS school is responsible for verifying, in coordination with the Friendship PCS Human Resources Department that all school staff are in compliance with this requirement. Implementation of this policy will be reinforced through a community office oversight process. This policy implementation will ensure that together we build a system of improvement and prevent noncompliance.

## **VII. Appendix**

- A. Applicable Local Laws
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## **APPENDIX A**

## APPENDIX A

### Local Laws Referenced by the School Safety Act Definition of Sexual Abuse

#### D.C. Code § 22-1834. Sex trafficking of children

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(a) It is unlawful for an individual or business knowingly to 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.

(b) In a prosecution under subsection (a) of this section in which the defendant had a reasonable opportunity to observe the person recruited, enticed, harbored, transported, provided, obtained, or maintained, the government need not prove that the defendant knew that the person had not attained the age of 18 years.

#### D.C. Code § 22-2704. Abducting or enticing child from his or her home for purposes of prostitution; harboring such child.

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(a) It is unlawful for any person, for the purposes of prostitution to:

- (1) 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
- (2) Secrete or harbor any child so persuaded, enticed, or abducted from his or her home or usual abode, or from the custody and control of the child's parents or guardian.

(b) A person who violates subsection (a) of this section shall be guilty of a felony and, upon conviction, shall be punished by imprisonment for not more than 20 years, or by a fine of not more than the amount set forth in §22-3571.01, or both.

### Excerpts from Chapter 30 (Sexual Abuse) of Title 22 (Criminal Offenses and Penalties) of the D.C. Code

#### § 22-3008. First degree child sexual abuse.

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Whoever, being at least 4 years older than a child, engages in a sexual act with that child or causes that child to engage in a sexual act shall be imprisoned for any term of years or for life and, in addition, may be fined not more than the amount set forth in §22-3571.01. However, the court may impose a prison sentence in excess of 30 years only in accordance with § 22-3020 or § 24-403.01 (b-2). For purposes of imprisonment following revocation of release authorized by § 24-403.01 (b)(7), the offense defined by this section is a Class A felony.

#### § 22-3009. Second degree child sexual abuse.

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Whoever, being at least 4 years older than a child, engages in sexual contact with that child or causes that child to engage in sexual contact shall be imprisoned for not more than 10 years and, in addition, may be fined in an amount not more than the amount set forth in § 22-3571.01.

#### § 22-3009.01. First degree sexual abuse of a minor.

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Whoever, being 18 years of age or older, is in a significant relationship with a minor, and engages in a sexual act with that minor or causes that minor to engage in a sexual act shall be imprisoned for not more than 15 years and may be fined not more than the amount set forth in § 22-3571.01, or both.

#### § 22-3009.01. Second degree sexual abuse of a minor.

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Whoever, being 18 years of age or older, is in a significant relationship with a minor and engages in a sexual contact with that minor or causes that minor to engage in a sexual contact shall be imprisoned for not more than 7 ½ years and may be fined not more than the amount set forth in § 22-3571.01, or both.

## APPENDIX A

### § 22-3009.03. 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 the student to engage in a sexual act, shall be imprisoned for not more than 10 years, fined not more than the amount set forth in § 22-3571.01, or both.

### § 22-3009.04. 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, shall be imprisoned for not more than 5 years, fined not more than the amount set forth in § 22-3571.01, or both.

### § 22-3010. Enticing a child or minor.

(a) Whoever, being at least 4 years older than a child or being in a significant relationship with a minor, (1) takes 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 22-3009.2, or (2) seduces, entices, allures, convinces, or persuades or attempts to seduce, entice, allure, convince, or persuade a child or minor to engage in a sexual act or contact shall be imprisoned for not more than 5 years or may be fined not more than the amount set forth in § 22-3571.01, or both.

(b) Whoever, being at least 4 years older than the purported age of a person who represents himself or herself to be a child, attempts (1) 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 (2) to 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 shall be imprisoned for not more than 5 years or may be fined not more than the amount set forth in § 22-3571.01, or both.

(c) No person shall be consecutively sentenced for enticing a child or minor to engage in a sexual act or sexual contact under subsection (a)(2) of this section and engaging in that sexual act or sexual contact with that child or minor, provided, that the enticement occurred closely associated in time with the sexual act or sexual contact.

### § 22-3010.01. Misdemeanor sexual abuse of a child or minor.

(a) Whoever, 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, engages in sexually suggestive conduct with that child or minor shall be imprisoned for not more than 180 days, or fined not more than the amount set forth in § 22-3521.01, or both.

(b) For the purposes of this section, the term “sexually suggestive conduct” means 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:

- (1) Touching a child or minor inside his or her clothing;
- (2) Touching a child or minor inside or outside his or her clothing close to the genitalia, anus, breast, or buttocks;
- (3) Placing one’s tongue in the mouth of the child or minor; or
- (4) Touching one’s own genitalia or that of a third person.

## APPENDIX A

### § 22-3010.02. Arranging for a sexual contact with a real or fictitious child.

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(a) It is unlawful for a person to arrange 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 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. For purposes of this section, arranging to engage in a sexual act or sexual contact with an individual who is fictitious shall be unlawful only if the arrangement is done by or with a law enforcement officer.

(b) A person who violates subsection (a) of this section shall be imprisoned for not more than 5 years, fined not more than the amount set forth in § 22-3571.01, or both.



## **APPENDIX B**



# Background and Reference Check Form

## Due Diligence as required by the School Safety Omnibus Amendment Act of 2018

In accordance with DC's School Safety Omnibus Amendment Act of 2018, as a school we are required to review the employment history of all applicants where the scope of employment involved direct interaction with children.

We are currently screening a former employee of your organization. This employee has provided authorization for you to disclose employment history records to us. That authorization includes a release of any liability that may arise from the disclosure of said records. This authorization has been shared with you.

Please provide information below and respond to the following questions:

School / Employer: \_\_\_\_\_

Former School / Employer: \_\_\_\_\_

Dates of Employment: \_\_\_\_\_

1. Was this employee the subject of any child abuse or sexual misconduct investigation by your organization, a state licensing agency, law enforcement agency, or Child and Family Services (or another state's equivalent) (Answer NO if any investigation resulted in a finding that the allegations were false or the alleged incident was not substantiated)?  Yes  No
2. Was this employee ever disciplined, discharged, nonrenewed, asked to resign, resigned from or otherwise separated from employment while an allegation of child abuse or sexual misconduct was pending or under investigation due to an adjudication or finding of child abuse or sexual misconduct?  Yes  No
3. Did this employee ever have a license, professional license, or certificate suspended, surrendered, or revoked while allegations of child abuse or sexual misconduct were pending or under investigation, or due to an adjudication or finding of child abuse or sexual misconduct?  Yes  No

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

COMPLETED FORMS SHOULD BE RETURNED BY EMAIL TO  
hr@friendshipschools.org



# Background & Reference Check Information

Due Diligence as required by the School Safety Omnibus Amendment Act of 2018

Applicant's Name (First, Middle, Last)

Applicant's Email

Date of Birth

Last 4-digits of SSN

Previous Employment with direct interaction with students/children?  Yes  No

Any former name by which applicant has been identified:

Per the School Safety Omnibus Amendment Act of 2018, applicants must provide employer information including contact information and dates of employment for any previous employment in the last 20 years that involved direct interaction with students/children. In addition, applicants must provide contact information for at least one character reference.

I acknowledge that failure to provide complete and accurate information may result in rejection of my application and/or termination of employment.

I authorize/consent that these employers and character references may disclose my employment history records and I release them from any liability that may arise from the disclosure or release of these records.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## Affirmation

I, \_\_\_\_\_, affirm the following:

1. I have never been the subject of any child abuse or sexual misconduct investigation by any employer, state licensing agency, law enforcement agency, or CFSA (or other state's equivalent) that did not result in a finding that the allegations were false or the alleged incident was not substantiated;
2. I have never been disciplined, discharged, nonrenewed, asked to resign, resigned from or otherwise separated from employment while allegations of child abuse or sexual misconduct were pending or under investigation or due to an adjudication or finding of child abuse or misconduct;
3. I have never had a license, professional license, or certificate suspended, surrendered or revoked while allegations of child abuse or sexual misconduct were pending or under investigation, or due to an adjudication or finding of child abuse or sexual misconduct.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_



# Background & Reference Check Employment History & Character Reference Form

Due Diligence as required by the School Safety Omnibus Amendment Act of 2018

Per the School Safety Omnibus Amendment Act of 2018, applicants must provide employer information including contact information and dates of employment for any previous employment in the last 20 years that involved direct interaction with students/children. In addition, applicants must provide contact information for at least one character reference.

Full Name (First, Middle, Last) \_\_\_\_\_

Email \_\_\_\_\_

Date of Birth \_\_\_\_\_

Last 4-digits of SSN \_\_\_\_\_

Previous Employment with direct interaction with students/children?  Yes  No

Any former name by which applicant has been identified:

\_\_\_\_\_

## Employment History

Please provide the following information for any previous employment in the last 20 years<sup>1</sup> that involved direct interaction with students/children; please add additional sheets, as necessary:

Employer: \_\_\_\_\_

Contact/Supervisor Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Other Contact info (email): \_\_\_\_\_

Dates of Employment: \_\_\_\_\_

Employer: \_\_\_\_\_

Contact/Supervisor Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Other Contact info (email): \_\_\_\_\_

Dates of Employment: \_\_\_\_\_

<sup>1</sup> Failure to provide complete and accurate information may result in rejection of your application and/or termination of employment.

**Employment History (continued)**

Employer: \_\_\_\_\_

Contact/Supervisor Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Other Contact info (email): \_\_\_\_\_

Dates of Employment: \_\_\_\_\_

Employer: \_\_\_\_\_

Contact/Supervisor Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Other Contact info (email): \_\_\_\_\_

Dates of Employment: \_\_\_\_\_

**Character Reference (At least one must be a former employee)**

Please provide the contact information for at least one character reference:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Other Contact info (email): \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Other Contact info (email): \_\_\_\_\_

<sup>1</sup> Failure to provide complete and accurate information may result in rejection of your application and/or termination of employment.



# Independent Contractor Certification of Due Diligence

as Required by the School Safety Omnibus Amendment Act of 2018

\_\_\_\_\_ hereby certifies that it has performed due diligence for all employees that have direct interaction with children at Friendship Public Charter School as required by the School Safety Omnibus Amendment Act of 2018. Specifically, the following due diligence has been performed:

1. \_\_\_\_\_ has reviewed the due diligence requirements of the School Safety Omnibus Amendment Act of 2018.
2. \_\_\_\_\_ has required employees to provide the following:
  - a. Name, address, phone number and other relevant contact information for current employer and previous employers for preceding 20 years where the scope of employment involved direct interaction with children;
  - b. Contact information for at least one character reference;
  - c. Authorization/consent for disclosure of employment history records by previous employers and a release of those employers from liability that may arise from the disclosure or release of records;
  - d. Written affirmation as to whether or not the individual:
    - i. Has ever been the subject of any child abuse or sexual misconduct investigation by any employer, state licensing agency, law enforcement agency, or CFSA (or other state's equivalent), unless the investigation resulted in a finding that the allegations were false or the alleged incident was not substantiated;
    - ii. Has ever been disciplined, discharged, nonrenewed, asked to resign, resigned from or otherwise separated from employment while allegation of child abuse or sexual misconduct were pending or under investigation or due to an adjudication or finding of child abuse or sexual misconduct;
    - iii. Has ever had a license, professional license, or certificate suspended, surrendered or revoked while allegations of child abuse or sexual misconduct were pending or under investigation, or due to an adjudication or finding of child abuse or sexual misconduct.
3. \_\_\_\_\_ has performed all criminal background checks required by District of Columbia law.
4. \_\_\_\_\_ has contacted all previous employers for the past 20 years where the scope of employment involved direct interaction with children to determine whether the employee:
  - a. Has been the subject of any child abuse or sexual misconduct investigation by the employer, state licensing agency, law enforcement agency, or CFSA (or other state's equivalent), unless the investigation resulted in a finding that the allegations were false or the alleged incident was not substantiated;
  - b. Has ever been disciplined, discharged, nonrenewed, asked to resign, resigned from or otherwise separated from employment while allegation of child abuse or sexual misconduct were pending or under investigation or due to an adjudication or finding of child abuse or sexual misconduct;
  - c. Has ever had a license, professional license, or certificate suspended, surrendered or revoked while allegations of child abuse or sexual misconduct were pending or under investigation, or due to an adjudication or finding of child abuse or sexual misconduct.

5. \_\_\_\_\_ has contacted and communicated with the character reference provided by employees;
6. \_\_\_\_\_ has reviewed all available child abuse and neglect registries of any state or jurisdiction where employees are known to have lived or worked to determine if the employees have been the subject of a substantiated or inconclusive report of child abuse.
7. \_\_\_\_\_ has reviewed the National Association of State Directors of Teacher Education and Certification Clearinghouse to determine whether employees previously had an educational credential revoked in another jurisdiction for sexual misconduct, abuse of a student, or the failure to report child abuse.

\_\_\_\_\_ also certifies that it will not assist any 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

1. 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;
2. the school employee, contractor, or agent has been charged with, and acquitted or otherwise exonerated of the alleged misconduct; or
3. 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.

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**COMPLETED FORMS SHOULD BE RETURNED BY EMAIL TO**  
hr@friendshipschools.org

## APPENDIX C





Friendship Public  
Charter School  
GRADES PRE-K3 TO 12

## **Friendship Public Charter School**

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### Policy for Preventing and Addressing Student-on-Student Acts of Sexual Harassment, Sexual Assault, and Dating Violence

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## I. Introduction

The School Safety Omnibus Amendment Act of 2018 (SSOAA) requires schools to adopt and implement a policy that prevents and addresses student-on-student acts of sexual harassment, sexual assault, and dating violence.<sup>1</sup> It also requires schools to provide training for staff at the time of hiring and at a minimum every two years thereafter on student-on-student acts of sexual harassment, assault, and dating violence. Additionally, schools must provide information for parents/guardians on recognizing the warning signs of student-on-student sexual harassment, sexual assault, and dating violence, as well as effective, age-appropriate methods for discussing such topics with students.

Friendship Public Charter School's policy includes requirements for preventing student-on-student acts of sexual harassment, sexual assault, and dating violence as well as procedures for responding to allegations of such acts. For a list of definitions of key terms used throughout this policy, please consult [Appendix A](#).

Situations that involve allegations of student-on-student acts of sexual harassment, sexual assault, and dating violence are highly sensitive and often complex. Schools will always contact the Metropolitan Police Department (MPD) at 911 or the Child and Family Services Agency (CFSA) hotline at (202) 671-SAFE if they are uncertain about how to proceed with a situation, including if the school is unsure whether a situation rises to the level of criminal or mandatory reporting requirements under District or federal law. CFSA and MPD are available to consult with schools and a student's identity may be kept anonymous during a consultation. MPD and CFSA collaborate closely to ensure the proper response and protection of students.

### A. Scope of Policy

This policy applies to all campuses within Friendship PCS and to all students enrolled within Friendship PCS, regardless of sexual orientation or gender identity. All employees, contractors, and agents of Friendship PCS and all students enrolled within Friendship PCS must adhere to this policy. This policy applies to all actions that occur at school, during school events and activities regardless of their location, and during travel time to and from school, school events, and activities. It may also include contact over social media that has an impact on student safety or performance in school. This policy will apply to all incidents involving at least one student who is enrolled in a school within Friendship PCS.

### B. Prohibition of Student-on-Student Acts of Sexual Harassment, Sexual Assault, and Dating Violence

Friendship PCS prohibits student-on-student acts of sexual harassment, sexual assault, and dating violence and takes seriously all allegations of such actions. When the school knows or reasonably should know that such an act has occurred, then the school will take immediate and appropriate action to investigate. The procedures outlined in this policy will be completed regardless of whether or not the student who was harassed or assaulted files a complaint or otherwise asks the school to take action.<sup>2</sup> If someone other than the student who is the recipient of the alleged harassment or assault files the complaint, then the school will inform the identified student of the complaint so that safety planning can occur.

### C. Key Considerations

As noted above, this policy applies to all actions that occur at school, during school events and activities regardless of their location, and during travel time to and from school, school events and activities. It may

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<sup>1</sup> School Safety Omnibus Amendment Act of 2018: <http://lims.dccouncil.us/Download/40929/B22-0951-SignedAct.pdf>. Codified at DC Official Code § 38-952.01, *et seq.* Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/38/chapters/9B/>

<sup>2</sup> This sentence adapted from: US Department of Education Office for Civil Rights (January 2001). *Revised Sexual Harassment Guidance: Harassment of Students by Schools Employees, Other Students, or Third Parties: Title IX*, 25. Retrieved from: <https://www2.ed.gov/about/offices/list/ocr/docs/shguide.pdf>

also include contact over social media that has an impact on student safety or performance in school. The school will follow applicable Friendship PCS student discipline policies, as required by DC Official Code § 38-236.01 *et. seq.*, to determine actions that fall within the school's responsibility to address as discipline matters.<sup>3</sup> Regardless of whether an action occurs within the school's scope of responsibility to address as a disciplinary matter, school staff will always be expected to report any information of suspected criminal conduct to MPD by calling 911 or suspected abuse or neglect of a child within the child's home to CFSA by calling (202) 671-SAFE.

If younger children are involved, it may be necessary to determine the degree to which they are able to recognize that certain sexual conduct is that to which they can or should reasonably object and the degree to which they can articulate an objection.<sup>4</sup>

It may be necessary to consider the degree to which younger children are engaging in activities that are considered typical versus problematic. The CFSA hotline (202) 671-SAFE is available to talk with school staff to determine if behavior is developmentally appropriate or indicative of abuse.

## II. Preventing Student-on-Student Acts of Sexual Harassment, Sexual Assault, and Dating Violence

### A. Informing the School Community about the Policy

At least once per school year, Friendship PCS will provide students, families, and school personnel with this policy and information about where complaints may be filed. In order to ensure that students and families are adequately informed about this policy and procedures, the school will make this policy 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 parent and student handbooks.<sup>5</sup> Schools will inform students about this policy in a developmentally appropriate manner. Schools are encouraged to use health curricula as a means to open conversations related to sexual harassment, sexual assault, and dating violence.<sup>6</sup> This policy will also be referenced in the Friendship PCS team member handbook and made available on the Friendship PCS website.

### B. Training

Friendship PCS recognizes the importance of educating its employees and students regarding the prevention of student-on-student acts of sexual harassment, sexual assault, and dating violence. Information 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, will be made available for parents/guardians.<sup>7</sup>

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<sup>3</sup> DC Official Code § 38-236.01, *et seq.* Retrieved from:

<https://code.dccouncil.us/dc/council/code/titles/38/chapters/2/subchapters/II/parts/C/>

<sup>4</sup> US Department of Education Office for Civil Rights (January 2001). *Revised Sexual Harassment Guidance: Harassment of Students by Schools Employees, Other Students, or Third Parties: Title IX*, 8. Retrieved from: <https://www2.ed.gov/about/offices/list/ocr/docs/shguide.pdf>

<sup>5</sup> Adapted from: US Department of Education Office for Civil Rights (January 2001). *Revised Sexual Harassment Guidance: Harassment of Students by Schools Employees, Other Students, or Third Parties: Title IX*, 20. Retrieved from: <https://www2.ed.gov/about/offices/list/ocr/docs/shguide.pdf>

<sup>6</sup> Please see OSSE's "Curricula Guide for Meeting DC Health Education Standards and School Safety Omnibus Amendment Act of 2018 (SSOAA) Requirements" for a list of curricula that meet SSOAA's requirements: <https://osse.dc.gov/page/school-safety-omnibus-amendment-act-2018-ssoaa#resource>

<sup>7</sup> DC Official Code § 38-952.02. Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/38/chapters/9B/>

Additionally, Friendship PCS staff will receive training utilizing evidence-based standards on student-on-student acts of sexual harassment, sexual assault, and dating violence upon hiring and biennially thereafter.<sup>8</sup> Staff training will include instruction on the following:

- Identifying, responding to, and reporting student-on-student acts of sexual harassment, sexual assault, or dating violence, including any mandatory reporting requirements under District or federal law which may be triggered by such incidents;
- 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, or dating violence in a supportive, appropriate, and trauma-informed manner.

### III. Addressing Student-on-Student Acts of Sexual Harassment, Sexual Assault, and Dating Violence

#### A. Reporting Student-on-Student Acts of Sexual Harassment, Sexual Assault, and Dating Violence

##### 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. No time limit will be placed upon when a complaint may be filed. Complaints, including anonymous complaints, may occur through any form of communication, including in writing, via telephone, or via in-person conversation. Complaints will be filed with the Friendship PCS Title IX Coordinator: Rebecca Jarboe Maniscalco, Esq., via phone (202) 281-1797 or via email at [rjarboe@friendshipschools.org](mailto:rjarboe@friendshipschools.org). The name, office address, and contact information for the Title IX Coordinator will be available in the main office of every campus as well as the Friendship PCS website. If a student, parent, guardian, or other individual files a report with a school staff member other than the Title IX Coordinator, then that school staff member will immediately follow mandated reporter requirements to alert MPD by calling 911. The staff member will then report the information to the Title IX Coordinator.

Reporting students, parents, guardians, or other individuals may choose to simultaneously alert MPD by calling 911. Even if MPD is investigating, the school will continue its own investigation, as legal standards for criminal investigations are different from the standards under Title IX. Schools will not delay their investigation while the MPD investigation occurs. However, schools will refrain from interviewing any involved parties until after MPD has conducted its interviews.

If a reporting student decides against filing a formal complaint, the school will 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 the student files a report or requests any action.<sup>9</sup> If the school begins an investigation, the school will inform the identified student so that safety planning can occur. In an effort not to compromise the integrity of the

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<sup>8</sup> DC Official Code § 38-952.02. Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/38/chapters/9B/>

<sup>9</sup> This paragraph adapted from: US Department of Education Office for Civil Rights (January 2001). *Revised Sexual Harassment Guidance: Harassment of Students by Schools Employees, Other Students, or Third Parties: Title IX*, 15. Retrieved from: <https://www2.ed.gov/about/offices/list/ocr/docs/shguide.pdf>

law enforcement and child protective services investigation, the timing and manner of the school's investigation will be coordinated with both of those entities.

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>10,11</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 Friendship PCS staff have the duty to report the complaint to appropriate school officials.<sup>12</sup> Additionally, all mandated reporters of Friendship PCS 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.<sup>13,14</sup> For more information on mandated reporter requirements, consult CFSA's [Mandated Reporter Training](#).<sup>15</sup> CFSA will 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 will 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 individual 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

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<sup>10</sup> Office for Civil Rights: <https://www2.ed.gov/about/offices/list/ocr/complaintprocess.html>

<sup>11</sup> Office of Human Rights: <https://ohr.dc.gov/service/file-discrimination-complaint>

<sup>12</sup> This sentence adapted from: US Department of Education Office for Civil Rights (January 2001). *Revised Sexual Harassment Guidance: Harassment of Students by Schools Employees, Other Students, or Third Parties: Title IX*, 13. Retrieved from: <https://www2.ed.gov/about/offices/list/ocr/docs/shguide.pdf>

<sup>13</sup> DC Official Code § 4-1321.02. Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/4/chapters/13/subchapters/II/>

<sup>14</sup> DC Official Code § 22-3020.52 (Pertaining to reporting requirements involving child victims of sexual abuse). Retrieved from: <https://code.dccouncil.us/dc/council/code/sections/22-3020.52.html>

<sup>15</sup> Mandated Reporter Training: <https://cfsa.dc.gov/service/mandated-reporter-training>

- Any additional information that may be helpful.

There is no requirement that the reporter determine whether or not the report is substantiated. Furthermore, it is not the responsibility of school staff 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. As such, such interviews with the student or suspected abuser will not be conducted by school staff or school district employees. Notes of voluntary or spontaneous statements by the student will 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. Interviews conducted subsequent to the end of the investigating agencies' investigation for purposes of compliance with existing law are not prohibited.

Friendship PCS staff must cooperate with CFSA and MPD personnel authorized to investigate reports of sexual misconduct, including by preserving any video footage, providing access to students, providing space for CFSA or MPD to conduct interviews, and allowing for the student to be interviewed without school staff present. The school will also provide access to the school for sexual assault victim advocates or sexual assault youth victim advocates, who may be present during the MPD interview, consistent with DC Official Code § 23-1908 and the Sexual Assault Victims' Rights Amendment Act of 2019.<sup>16</sup> Friendship PCS staff 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.<sup>17</sup>

Upon making the report to CFSA or MPD, Friendship PCS staff will then promptly deliver the report to the Title IX Coordinator, their principal, and the Chief of Compliance.

### 3. Confidentiality

Friendship PCS staff will discuss confidentiality standards and concerns with the reporting student. Some reporting students may wish to remain anonymous. Furthermore, the relevant Friendship PCS staff will 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 will 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.<sup>18</sup>

Steps that the school may take to limit the effects of alleged misconduct and prevent its recurrence without initiating formal action include, but are not limited to, the following:

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<sup>16</sup> DC Official Code § 23-1908. Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/23/chapters/19/subchapters/II/>, as amended by the Sexual Assault Victims' Rights Amendment Act of 2019. Retrieved from: <http://lims.dccouncil.us/Legislation/B23-0067>

<sup>17</sup> DC Official Code § 22-3020.55 Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/22/chapters/30/subchapters/II-A/>

<sup>18</sup> US Department of Education Office for Civil Rights (January 2001). *Revised Sexual Harassment Guidance: Harassment of Students by Schools Employees, Other Students, or Third Parties: Title IX*, 17. Retrieved from: <https://www2.ed.gov/about/offices/list/ocr/docs/shguide.pdf>

- Providing increased monitoring, supervision, or security at the locations or activities where the misconduct occurred;
- Providing training and education materials for students and employees;
- Revising and publicizing the LEA’s policies on sexual misconduct; and
- Conducting student, parent, and employee climate surveys regarding sexual misconduct.<sup>19</sup>

Friendship PCS staff will also consider the confidentiality needs of the accused student. Publicized accusations, if ultimately found to be false, may nevertheless irreparably damage the reputation of the accused student.<sup>20</sup>

#### 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, 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 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.

### B. Responding to Allegations of Student-on-Student Acts of Sexual Harassment, Sexual Assault, and Dating Violence

Friendship PCS will adhere to the following procedures when responding to allegations of student-on-student acts of sexual harassment, sexual assault, and dating violence.

#### 1. Immediate Steps

In cases of criminal conduct or suspected abuse in the home, Friendship PCS will begin the following protocol after a report has been filed with CFSA or MPD and the Title IX Coordinator. In all other cases, the following protocol will begin immediately after a report is made to the Title IX Coordinator.

##### *a. Acknowledgement of Receipt of Complaint*

Within a reasonable number of days, but in no case more than three (3) business days, of receipt of the complaint, the school’s 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 Reporting Student*

Upon becoming aware of any allegation of student-on-student acts of sexual harassment, sexual assault, or dating violence, 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 a criminal investigation. Responsive measures will be designed to minimize, as much as possible, the

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<sup>19</sup> White House Task Force to Protect Students from Sexual Assault (2016). *Considerations for School District Sexual Misconduct Policies*, 9. Retrieved from: <https://www.justice.gov/archives/ovw/page/file/900716/download>

<sup>20</sup> US Department of Education Office for Civil Rights (January 2001). *Revised Sexual Harassment Guidance: Harassment of Students by Schools Employees, Other Students, or Third Parties: Title IX*, 18. Retrieved from: <https://www2.ed.gov/about/offices/list/ocr/docs/shguide.pdf>



burden on the reporting student.<sup>21</sup> In order to protect, as much as possible, the confidentiality of the reporting student, responsive measures will only be shared with school staff who are actively involved in their implementation. The school will formalize the actions it is taking in a written action plan. These actions may include the following:

- Altering the reporting student's and/or the accused student'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 student'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
- Administration of appropriate discipline procedures for the accused student in accordance with the *Friendship PCS* student handbook, as required by DC Official Code § 38-236.01 *et. seq.*<sup>22</sup>

### *c. Legal Protections for Reporting Students*

Upon filing a complaint, the reporting student will be informed of their rights under the following laws:

- Title IX of the Education Amendments of 1972, approved June 23, 1972;<sup>23</sup>
- The Scott Campbell, Stephanie Roper, Wendy Preston, Louarna Gillis, and Nila Lynn Crime Victims' Rights Act of 2004, approved October 30, 2004;<sup>24</sup>
- The Human Rights Act of 1977, effective December 18, 1977;<sup>25</sup> and
- The DC Crime Victims' Rights Act.<sup>26</sup>

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<sup>21</sup> US Department of Education Office for Civil Rights (January 2001). *Revised Sexual Harassment Guidance: Harassment of Students by Schools Employees, Other Students, or Third Parties: Title IX*, 16. Retrieved from: <https://www2.ed.gov/about/offices/list/ocr/docs/shguide.pdf>

<sup>22</sup> DC Official Code § 38-236.01, *et seq.* Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/38/chapters/2/subchapters/II/parts/C/>

<sup>23</sup> 20 US Code §§ 1681, *et seq.* Retrieved from: <http://uscode.house.gov/view.xhtml?path=/prelim@title20/chapter38&edition=prelim>

<sup>24</sup> 18 US Code § 3771. Retrieved from: <http://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title18-section3771&num=0&edition=prelim>

<sup>25</sup> D.C. Official Code § 2-1401.01 *et seq.* Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/2/chapters/14/>

<sup>26</sup> DC Official Code § 23-1901, *et seq.* Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/23/chapters/19/>

## 2. Impartial Procedures for Investigating Complaints

Throughout the investigation process, every effort will be taken to protect the confidentiality of reporting students in accordance with Title IX of the Education Amendments of 1972 and the DC Crime Victims' Rights Act.<sup>27, 28</sup>

Within four (4) school days of receipt of the complaint, the designated school personnel will begin investigating the alleged acts. The investigation may include interviewing. 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 MPD and CFSA. Both the reporting student and the accused student will have the opportunity to present witness[es] and other evidence.<sup>29</sup> Every effort will be taken to prevent disclosure of the names of all parties involved, including the reporting student, witness[es], and the accused student.<sup>30</sup> This process will not last longer than ten (10) school days.

Both the reporting student and the accused student will have the opportunity to have others present during any school disciplinary proceedings, including the opportunity to be accompanied to any proceeding by an advisor or advocate of their choice. The school may establish restrictions regarding the extent to which an advisor or advocate may participate in proceedings, as long as the restrictions apply equally to both parties.

When talking with students about alleged incidents, the school will inform students that they may have their parent/guardian present. Schools will consider the student's age when determining whether it is appropriate to contact the parent/guardian prior to talking with the student. The school will consider the safety of the student when encouraging the student to disclose the report to their parent/guardian. For example, students who identify as LGBTQ may not be comfortable disclosing dating violence to their parent/guardian, if the parent/guardian is not aware and supportive of the student's sexual identity, gender identity, or gender expression.<sup>31</sup>

The investigatory process will be conducted by a school official or agent who receives at least annual training on the following:

1. Issues related to student-on-student acts of sexual harassment, sexual assault, or dating violence; and
2. How to conduct an investigation that protects the safety of reporting students and promotes accountability.

Friendship PCS will use the preponderance of evidence standard in order to determine if the alleged acts occurred, meaning that the allegations are more likely to be true than to be untrue based on the evidence.

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<sup>27</sup> 20 US Code §§ 1681, *et seq.* Retrieved from:

<http://uscode.house.gov/view.xhtml?path=/prelim@title20/chapter38&edition=prelim>

<sup>28</sup> DC Official Code § 23-1901, *et seq.* Retrieved from:

<https://code.dccouncil.us/dc/council/code/titles/23/chapters/19/>

<sup>29</sup> US Department of Education Office for Civil Rights (January 2001). *Revised Sexual Harassment Guidance: Harassment of Students by Schools Employees, Other Students, or Third Parties: Title IX*, 20. Retrieved from: <https://www2.ed.gov/about/offices/list/ocr/docs/shguide.pdf>

<sup>30</sup> US Department of Education Office for Civil Rights (January 2001). *Revised Sexual Harassment Guidance: Harassment of Students by Schools Employees, Other Students, or Third Parties: Title IX*, 16. Retrieved from: <https://www2.ed.gov/about/offices/list/ocr/docs/shguide.pdf>

<sup>31</sup> Lesbian, Gay, Bisexual, Transgender, Queer, and Questioning.

Mediation is never appropriate in cases of sexual harassment, sexual assault, or dating violence. Therefore, Friendship PCS will not institute any actions that require the reporting student and the accused student to work out an issue.<sup>32</sup>

Within one (1) school day of the completion of the investigation, Friendship PCS will notify both the reporting student and the accused student contemporaneously in writing of the following:

1. The results of any school disciplinary proceedings that arise from the allegation (e.g., whether the disciplinary proceedings found that student-on-student sexual harassment, sexual assault, or dating violence did occur). The Family Educational Rights and Privacy Act (FERPA) does not prohibit a student from learning the outcome of their complaint. Under FERPA, a school cannot release information to a complainant regarding disciplinary action imposed on a student found to have committed an act of sexual harassment, sexual assault, or dating violence if that information is contained in a student's education record, unless the information directly relates to the reporting student (e.g., an order requiring the accused student not to have contact with the reporting student) or the harassment involves a crime of violence;<sup>33</sup>
2. Friendship PCS procedures for the reporting student and the accused student to appeal the result of the institutional disciplinary proceedings, if such procedures are available;
3. Any change to the result of the disciplinary proceeding; and
4. When the results of the disciplinary proceeding become final.

Disciplinary action will be instituted and resolved immediately upon completion of the investigation. Disciplinary action will be implemented in accordance with the Friendship PCS student discipline policies, as required by DC Official Code § 38-236.01 *et. seq.*<sup>34</sup>

### 3. Resources for Affected Students and Families

The [DC Victim Hotline](#) is available 24/7 by telephone, text, or online chat.<sup>35</sup> Through a partnership with the Mayor's Office of Victim Services and Justice Grants (OVSJG) and the National Center for Victims of Crime, the hotline provides comprehensive information, resources, and referrals in the District of Columbia. The DC Victim Hotline represents a collaboration of service providers in the District who are working to seamlessly connect victims of crime to free resources and to help them navigate the physical, financial, legal, and emotional repercussions of crime. To contact the Hotline, 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).

Additionally, the Friendship PCS behavioral health team is available to provide support for students, which may include individual counseling and referral for community-based services.

Please consult the following for lists of appropriate resources, services, and information for students and families affected by student-on-student acts of sexual harassment, sexual assault, and dating violence.

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<sup>32</sup> White House Task Force to Protect Students from Sexual Assault (2016). *Considerations for School District Sexual Misconduct Policies*, 8. Retrieved from: <https://www.justice.gov/archives/ovw/page/file/900716/download>

<sup>33</sup> US Department of Education Office for Civil Rights (January 2001). *Revised Sexual Harassment Guidance: Harassment of Students by Schools Employees, Other Students, or Third Parties: Title IX*, 37. Retrieved from: <https://www2.ed.gov/about/offices/list/ocr/docs/shguide.pdf>

<sup>34</sup> DC Official Code § 38-236.01, *et seq.* Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/38/chapters/2/subchapters/II/parts/C/>

<sup>35</sup> DC Victim Hotline: <https://ovsjg.dc.gov/page/dc-victim-hotline-now-available>

- [Department of Behavioral Health’s \(DBH\) Behavioral Resource Directory](#);<sup>36</sup>
- [MPD’s Sexual Assault Resources List](#);<sup>37</sup>
- [MPD’s Victim Specialists Unit](#);<sup>38</sup> and
- [OSSE’s Supporting Mental Health in Schools Resources List](#).<sup>39</sup>

#### 4. Counseling and Intervention for the Accused Student

As mandated reporters, FPCS staff who know or have reasonable cause to believe that a student is a victim of sexual abuse must report that knowledge or belief to CFSA by calling (202) 671-SAFE or to MPD by calling 911.<sup>40</sup> If the accused student’s behavior indicates that they may be the victim of child sexual abuse or child abuse, then school staff will follow [Mandated Reporting Guidelines](#).<sup>41</sup> Please note: CFSA will 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 will file the report with MPD.

Students who are alleged to have committed acts of student-on-student sexual harassment, sexual assault, or dating violence will also be connected with appropriate counseling and intervention strategies, beginning with the school’s behavioral health team. The school’s behavioral health team may determine that the student should be connected with other resources, which may include resources from the Department of Behavioral Health’s (DBH) [Behavioral Health Resource Link](#) or OSSE’s [Supporting Mental Health in Schools Resources List](#).<sup>42,43</sup>

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<sup>36</sup> DBH’s Behavioral Resource Directory: <https://dbh.dc.gov/page/behavioral-health-resource-directory>

<sup>37</sup> MPD’s Sexual Assault Resources List: <https://mpdc.dc.gov/node/137932>

<sup>38</sup> MPD’s Victim Specialists Unit: <https://mpdc.dc.gov/node/141392>

<sup>39</sup> OSSE’s Supporting Mental Health in Schools Resources List: <https://osse.dc.gov/page/supporting-mental-health-schools>

<sup>40</sup> DC Official Code § 4-1321.02. Retrieved from:

<https://code.dccouncil.us/dc/council/code/titles/4/chapters/13/subchapters/II/>

<sup>41</sup> Mandated Reporting Guidelines: <https://cfsa.dc.gov/service/mandated-reporter-training>

<sup>42</sup> DBH’s Behavioral Health Resource Link: <https://washington.dc.networkofcare.org/mh/>

<sup>43</sup> OSSE’s Supporting Mental Health in Schools Resources List: <https://osse.dc.gov/page/supporting-mental-health-schools>

## Appendix A: Definitions

The following key terms and definitions apply throughout this policy to prevent and address student-on-student sexual harassment, sexual assault, and dating violence.

### *Accused Student*

The accused student is the student or students who are alleged to have committed the act resulting in the complaint.

### *Consent*

Consent means words or overt actions indicating a freely given agreement to a physical act within the course of an interpersonal relationship. Consent to a physical act or contact may be initially given but withdrawn at any time. Lack of verbal or physical resistance or submission by the victim due to their mental or physical incapacitation or impairment, or the use of force, threats, or coercion will not constitute consent. Past words or actions indicating freely given agreement to a past physical act or contact will not constitute consent to a future physical act or contact.<sup>44</sup>

As appropriate, Friendship PCS will consider the age of the student (including the legal age of consent in the District of Columbia, as applicable), the nature of the conduct involved, and other relevant factors in determining whether a student had the capacity to consent to the sexual conduct. A student's participation in or acceptance of the conduct does not mean that they consented to the conduct. Some students may lack the ability to consent due, for example, to their age, intellectual or other disability, or incapacitation from the use of drugs or alcohol.<sup>45</sup>

### *Dating Partner or Intimate Partner*

A dating partner, or an intimate partner, is 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.<sup>46</sup>

### *Dating Violence or Intimate Partner Violence*

Dating violence, or intimate partner violence, is abusive or coercive behavior where a dating partner or intimate 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 or intimate partner.<sup>47</sup>

### *Reporting Student*

The reporting student is the student who logs a complaint. A parent/guardian or a school staff member may also make a report on behalf of a student.

### *Sexual Assault*

Sexual assault means any of the following offenses:

- **First degree sexual abuse:** Engaging in or forcing another person to engage in or submit to a sexual act in the following manner:

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<sup>44</sup> DC Official Code § 38-824.02(b-2)(2)(A). Retrieved from:

<https://code.dccouncil.us/dc/council/code/titles/38/chapters/8A/subchapters/IV/>

<sup>45</sup> This paragraph adapted from: White House Task Force to Protect Students from Sexual Assault (2016).

*Considerations for School District Sexual Misconduct Policies*, 6. Retrieved from:

<https://www.justice.gov/archives/ovw/page/file/900716/download>

<sup>46</sup> DC Official Code § 38-952.01. Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/38/chapters/9B/>

<sup>47</sup> DC Official Code § 38-952.01. Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/38/chapters/9B/>

- By using force against that other person;
  - By threatening or placing that other person in reasonable fear that any person will be subjected to death, bodily injury, or kidnapping;
  - After rendering that other person unconscious; or
  - After administering to that other person by force or threat of force, or without the knowledge or permission of that other person, a drug, intoxicant, or other similar substance that substantially impairs the ability of that other person to appraise or control his or her conduct.<sup>48</sup>
- **Second degree sexual abuse:** Engaging in or causing another person to engage in or submit to a sexual act in the following manner:
    - By threatening or placing that other person in reasonable fear (other than by threatening or placing that other person in reasonable fear that any person will be subjected to death, bodily injury, or kidnapping); or
    - Where the person knows or has reason to know that the other person is:
      - Incapable of appraising the nature of the conduct;
      - Incapable of declining participation in that sexual act; or
      - Incapable of communicating unwillingness to engage in that sexual act.<sup>49</sup>
- **Third degree sexual abuse:** Engaging in or causing sexual contact with or by another person in the following manner:
    - By using force against that other person;
    - By threatening or placing that other person in reasonable fear that any person will be subjected to death, bodily injury, or kidnapping;
    - After rendering that person unconscious; or
    - After administering to that person by force or threat of force, or without the knowledge or permission of that other person, a drug, intoxicant, or similar substance that substantially impairs the ability of that other person to appraise or control his or her conduct.<sup>50</sup>
- **Fourth degree sexual abuse:** Engaging in or causing sexual contact with or by another person in the following manner:
    - By threatening or placing that other person in reasonable fear (other than by threatening or placing that other person in reasonable fear that any person will be subjected to death, bodily injury, or kidnapping); or
    - Where the person knows or has reason to know that the other person is:

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<sup>48</sup> DC Official Code § 22–3002. Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/22/chapters/30/>

<sup>49</sup> DC Official Code § 22–3003. Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/22/chapters/30/>

<sup>50</sup> DC Official Code § 22–3004. Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/22/chapters/30/>

- 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.<sup>51</sup>
- **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.<sup>52</sup>
  - **Attempts to commit sexual offenses:** Attempting to commit any offense defined above.<sup>53</sup>

### *Sexual Harassment*

Sexual harassment is any unwelcome or uninvited sexual advances, requests for sexual favors, sexually motivated physical conduct, stalking, or other verbal or physical conduct of a sexual nature that can be reasonably predicted to:

- Place the victim in reasonable fear of physical harm to their person;
- Cause a substantial detrimental effect to the victim's physical or mental health;
- Substantially interfere with the victim's academic performance or attendance at school; or
- Substantially interfere with the victim's ability to participate in, or benefit from, the services, activities, or privileges provided by a school.<sup>54</sup>

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<sup>51</sup> DC Official Code § 22–3005. Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/22/chapters/30/>

<sup>52</sup> DC Official Code § 22–3006. Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/22/chapters/30/>

<sup>53</sup> DC Official Code § 22–3018. Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/22/chapters/30/>

<sup>54</sup> DC Official Code § 38.952.01. Retrieved from: <https://code.dccouncil.us/dc/council/code/sections/38-952.01.html>

## **APPENDIX D**





Friendship Public  
Charter School  
GRADES PRE-K3 TO 12

## **Friendship Public Charter School**

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Policy for Preventing and Addressing Student Sexual Abuse by School Staff

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## I. Introduction

The School Safety Omnibus Amendment Act of 2018 (SSOAA) requires schools to adopt and implement a policy that prevents and addresses student sexual abuse by school staff.<sup>1</sup> It also requires schools to provide training for staff at the time of hiring and at a minimum every two years thereafter on sexual misconduct, student sexual abuse, and child abuse. Additionally, schools must provide training and information for parents/guardians on an annual basis regarding child abuse, sexual misconduct, and student sexual abuse. Friendship Public Charter School is committed to implementing best practices to prevent and respond to student sexual abuse.

This Friendship PCS policy includes requirements for preventing student sexual abuse as well as procedures for responding to allegations of student sexual abuse. For a list of definitions of key terms used throughout this policy, please consult [Appendix A](#).

### A. Scope of Policy

This policy applies to all schools within Friendship PCS and all school staff and students enrolled within Friendship PCS, regardless of sexual orientation or gender identity. All employees, contractors, and agents of the school will adhere to this policy. Furthermore, this policy applies to all actions that occur between school staff and students.

This policy describes steps that Friendship PCS staff are required to take when they possess knowledge of actual or alleged sexual misconduct, sexual abuse, sexual contact, and/or sexual acts between students and staff, consistent with DC Official Code § 4-1321.01, *et seq.*<sup>2</sup> This policy does not replace Friendship PCS Human Resources policies for investigating and taking personnel action for misconduct that does not rise to the level of an investigation by the Child and Family Services Agency (CFSA) or the Metropolitan Police Department (MPD).

### B. Prohibition of Student Sexual Abuse by School Staff

Friendship PCS prohibits actions of student sexual abuse by school staff. 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 is prohibited, 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.<sup>3</sup> The school takes seriously all allegations of student sexual abuse. 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.

### C. Key Considerations

Situations that involve allegations of student sexual abuse by school staff are highly sensitive and often complex. Schools will always contact the CFSA hotline at (202) 671-SAFE or MPD at 911 if they are uncertain about how to proceed with a situation. CFSA and MPD are available to consult with schools, and

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<sup>1</sup> School Safety Omnibus Amendment Act of 2018: <http://lms.dccouncil.us/Download/40929/B22-0951-SignedAct.pdf>. Codified at DC Official Code § 38-951.01, *et seq.* Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/38/chapters/9A/>.

<sup>2</sup> DC Official Code § 4-1321.01, *et seq.* Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/4/chapters/13/subchapters/II/>

<sup>3</sup> Adapted from: US Department of Education Office for Civil Rights (January 2001). *Revised Sexual Harassment Guidance: Harassment of Students by Schools Employees, Other Students, or Third Parties: Title IX, 2*. Retrieved from: <https://www2.ed.gov/about/offices/list/ocr/docs/shguide.pdf>

the two agencies closely collaborate with each other to ensure the proper response and protection of students.

## II. Preventing Student Sexual Abuse by School Staff

### A. Informing the School Community about the Policy

At least once per school year, Friendship PCS will provide students, families, and school personnel with this policy and information about where complaints may be filed. In order to ensure that students and families are adequately informed about the policy and procedures, Friendship PCS will make this policy 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 parent and student handbooks.<sup>4</sup> Friendship PCS will inform students of this policy in a developmentally appropriate manner. It should also be noted that schools are encouraged to use health curricula as a means to open conversations related to safety and sexual abuse.<sup>5</sup> This policy will also be referred to in the Boundary Policy within the Friendship PCS Team Member Handbook.

### B. Training

Friendship PCS recognizes the importance of educating its employees and families regarding the prevention of sexual abuse between staff and students.

In addition to [mandated reporter training](#),<sup>6</sup> school staff will receive training on sexual misconduct, sexual abuse, and child abuse upon hiring and bi-annually thereafter.<sup>7</sup> Staff training will include instruction on the following:

- Recognizing and reporting sexual misconduct, student sexual abuse, and child abuse;
- Receiving disclosures of sexual misconduct, student sexual abuse, and child abuse in a supportive, appropriate, and trauma-informed manner;
- Prevention, warning signs, and effects of sexual misconduct, student sexual abuse, and child abuse; and,
- Communicating with students and parents regarding reporting and preventing sexual misconduct, student sexual abuse, and child abuse.<sup>8</sup>

Training and information on sexual misconduct, sexual abuse, and child abuse will also be made available for parents/guardians annually.<sup>9</sup> Training for parents/guardians will include instruction on the following:

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<sup>4</sup> Adapted from: US Department of Education Office for Civil Rights (January 2001). *Revised Sexual Harassment Guidance: Harassment of Students by Schools Employees, Other Students, or Third Parties: Title IX*, 20. Retrieved from: <https://www2.ed.gov/about/offices/list/ocr/docs/shguide.pdf>

<sup>5</sup> Please see OSSE's "Curricula Guide for Meeting DC Health Education Standards and School Safety Omnibus Amendment Act of 2018 (SSOAA) Requirements" for a list of curricula that meet SSOAA's requirements: <https://osse.dc.gov/page/school-safety-omnibus-amendment-act-2018-ssoaa#resource>

<sup>6</sup> Mandated Reporter Training: <https://cfsa.dc.gov/service/mandated-reporter-training>

<sup>7</sup> DC Official Code § 38-951.02(c)(1). Retrieved from:

<https://code.dccouncil.us/dc/council/code/titles/38/chapters/9A/>

<sup>8</sup> DC Official Code § 38-951.02(c)(1). Retrieved from:

<https://code.dccouncil.us/dc/council/code/titles/38/chapters/9A/>

<sup>9</sup> DC Official Code § 38-951.02(c)(2). Retrieved from:

<https://code.dccouncil.us/dc/council/code/titles/38/chapters/9A/>

- Recognizing and reporting sexual misconduct, student sexual abuse, and child abuse;
- Receiving disclosures of sexual misconduct, student sexual abuse, and child abuse in a supportive, appropriate, and trauma-informed manner;
- Prevention, warning signs, and effects of sexual misconduct, student sexual abuse, and child abuse;
- Effective, developmentally-appropriate methods for discussing sexual misconduct, student sexual abuse, and child abuse; and
- School and community resources available to assist with the prevention of, and response to, sexual misconduct, student sexual abuse, and child abuse.<sup>10</sup>

### C. Interactions between School Staff and Students

Friendship PCS will always view any sexual activity between any teacher, counselor, principal, coach, or other person of authority and any student below the age of 20 years enrolled in the school or school system as unwelcome and nonconsensual.<sup>11</sup>

When meeting or communicating with a student one-on-one, school staff must 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.

The following sections are adapted from the DC Public Charter School Board's *Model D.C. Public Charter School Student Protection Policy* as well as the Friendship PCS Boundary Policy and outline examples of types of contact between school staff and students that are inappropriate.<sup>12</sup> While these lists are not exhaustive, they serve as a guide for conduct. Ultimately, each situation must be considered on a case-by-case basis.

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<sup>10</sup> DC Official Code § 38-951.02(c)(2). Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/38/chapters/9A/>

<sup>11</sup> DC Official Code § 22-3009.03-04. Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/22/chapters/30/>

<sup>12</sup> Praesidium (2018). *Model D.C. Public Charter School Student Protection Policy*.

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>
Electronic and Telephonic Interactions	<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>

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

In addition to the prohibition outlined in SSOAA,<sup>13</sup> the Every Student Succeeds Act (ESSA) also includes provisions that prevent school staff from assisting in the employment of perpetrators of child sexual abuse.<sup>14</sup> School employees, contractors, and agents are prohibited from assisting a school employee, contractor, or agent in obtaining a new job, apart from the routine transmission of administrative and personnel files, if the individual or agency knows, or has probable cause to believe, that such school employee, contractor, or

<sup>13</sup> DC Official Code § 32.1131.01, *et seq.* Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/32/chapters/11A/#>

<sup>14</sup> 20 US Code § 7926. Retrieved from: <http://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title20-section7926&num=0&edition=prelim>

agent engaged in sexual misconduct regarding a minor or student in violation of the law.<sup>15</sup> This means that staff members may not help perpetrators by giving recommendations to prospective employers. This prohibition will not apply if the information giving rise to probable cause has been reported to a law enforcement agency with jurisdiction over the alleged sexual misconduct or sexual assault and any other appropriate authorities as required by federal and District law and one of the following conditions is true:

1. The matter has been officially closed, or the United States Attorney's Office for the District of Columbia or MPD has investigated the allegations and notified school officials that there is insufficient information to establish probable cause that the employee, contractor, or agent engaged in sexual misconduct or sexual abuse regarding a minor or student in violation of District or federal law; or
2. The employee, contractor, or agent has been charged with and acquitted or otherwise exonerated of the alleged misconduct or abuse; or
3. The case or investigation remains open and there have been no charges filed against, or indictment of, the employee, contractor, or agent within four years of the date on which the information was reported to the United States Attorney's Office for the District of Columbia or the MPD.

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 will be subject to appropriate disciplinary action in accordance with the Friendship PCS Team Member Handbook, up to and including termination of employment

The Friendship PCS Human Resources Department must maintain records of all allegations of sexual misconduct, child abuse, and/or the failure to report child abuse, as well as the outcome of any subsequent investigation for all school employees, contractors, or agents. Furthermore, Friendship PCS Human Resources will provide this information when contacted by another LEA or school that is considering hiring the applicant.<sup>16</sup>

### III. Addressing Student Sexual Abuse by School Staff

The following sections detail avenues and requirements for reporting as well as key considerations for the Friendship PCS community:

#### A. Reporting Student Sexual Abuse

##### 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. No time limit will be placed upon when a complaint may be filed. Complaints, including anonymous complaints, may occur through any form of communication, including in writing, via telephone, or via in-person conversation. Complaints should be filed with the Friendship PCS Title IX Coordinator, Rebecca Jarboe Maniscalco, Esq., via phone at (202) 281-1797 or via email at [rjarboe@friendshipschools.org](mailto:rjarboe@friendshipschools.org). This information is also made available in the main office of every campus as well as the Friendship PCS website. If a student, parent, guardian, or other individual files a report of student sexual abuse with a school staff member other than the Title IX Coordinator, then that school staff

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<sup>15</sup> 20 US Code § 7926. Retrieved from: <http://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title20-section7926&num=0&edition=prelim>

<sup>16</sup> DC Official Code § 38-951.03(b). Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/38/chapters/9A/>

member must immediately follow mandated reporter requirements to alert MPD by calling 911. The staff member must then report the information to the Title IX Coordinator.

Reporting students, parents, guardians, or other individuals may choose to simultaneously alert MPD by calling 911. Even if MPD is investigating, the school will continue its own investigation, as legal standards for criminal investigations are different from the standards under Title IX. Schools will not delay their investigation while the MPD investigation occurs. However, schools will refrain from interviewing any involved parties until after MPD has conducted its interviews.

If a reporting student decides against filing a formal complaint, the school will 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 the student files a report or requests any action.<sup>17</sup> 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 both of those entities.

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>18,19</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 by School Staff

All Friendship PCS staff have the duty to report the complaint to appropriate school officials.<sup>20</sup> Additionally, all mandated reporters of Friendship PCS are required to report any information of neglect

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<sup>17</sup> This paragraph adapted from: US Department of Education Office for Civil Rights (January 2001). *Revised Sexual Harassment Guidance: Harassment of Students by Schools Employees, Other Students, or Third Parties: Title IX*, 15. Retrieved from: <https://www2.ed.gov/about/offices/list/ocr/docs/shguide.pdf>

<sup>18</sup> Office for Civil Rights: <https://www2.ed.gov/about/offices/list/ocr/complaintprocess.html>

<sup>19</sup> Office of Human Rights: <https://ohr.dc.gov/service/file-discrimination-complaint>

<sup>20</sup> This sentence adapted from: US Department of Education Office for Civil Rights (January 2001). *Revised Sexual Harassment Guidance: Harassment of Students by Schools Employees, Other Students, or Third Parties: Title IX*, 13. Retrieved from: <https://www2.ed.gov/about/offices/list/ocr/docs/shguide.pdf>



and abuse of a child to MPD by calling 911 or to CFSA by calling (202) 671-SAFE.<sup>21,22</sup> For more information on mandated reporter requirements, consult CFSA's [Mandated Reporter Training](#).<sup>23</sup> CFSA will 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 will file the report with MPD by calling 911.

The report must 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.

There is no requirement that the reporter determine whether the report is substantiated. It is not the responsibility of school staff 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. As such, such interviews with the student or suspected abuser will not be conducted by school staff or school district employees. Notes of voluntary or spontaneous statements by the student will 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. Interviews conducted subsequent to the end of the investigating agencies' investigation for purposes of compliance with existing law are not prohibited.

School staff will cooperate with CFSA and MPD personnel authorized to investigate reports of sexual misconduct, including by preserving any video footage, providing access to students, providing space for CFSA or MPD to conduct interviews, and allowing for the student to be interviewed without school staff present. The school will also provide access to the school for sexual assault victim advocates or sexual assault youth victim advocates, who may be present during the MPD interview, consistent with DC Official Code § 23-1908 and the Sexual Assault Victims' Rights Amendment Act of 2019.<sup>24</sup>

Friendship PCS 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.<sup>25</sup>

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<sup>21</sup> DC Official Code § 4-1321.02. Retrieved from:

<https://code.dccouncil.us/dc/council/code/titles/4/chapters/13/subchapters/II/>

<sup>22</sup> DC Official Code § 22-3020.52 (Pertaining to reporting requirements involving child victims of sexual abuse).

Retrieved from: <https://code.dccouncil.us/dc/council/code/sections/22-3020.52.html>

<sup>23</sup> Mandated Reporter Training: <https://cfsa.dc.gov/service/mandated-reporter-training>

<sup>24</sup> DC Official Code § 23-1908. Retrieved from:

<https://code.dccouncil.us/dc/council/code/titles/23/chapters/19/subchapters/II/>, as amended by the Sexual Assault Victims' Rights Amendment Act of 2019. Retrieved from: <http://lims.dccouncil.us/Legislation/B23-0067>

<sup>25</sup> DC Official Code § 22-3020.55 Retrieved from:

<https://code.dccouncil.us/dc/council/code/titles/22/chapters/30/subchapters/II-A/>

Upon making the report to CFSA or MPD, school staff will promptly deliver the report to the Title IX Coordinator and the head of school. In an instance where the Title IX Coordinator and/or the head of school is the subject of the report, school administration will designate an alternative reporting person.

### 3. Confidentiality

The school will discuss confidentiality standards and concerns with the reporting student. Every effort will be taken to protect the confidentiality of reporting students in accordance with Title IX of the Education Amendments of 1972.<sup>26</sup> Some reporting students may wish to remain anonymous. The school will 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 will 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.<sup>27</sup>

### 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 will 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

Friendship PCS will 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*

Within a reasonable number of days, but in no case more than three (3) school days, of receipt of the complaint, the school's 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

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<sup>26</sup> 20 US Code §§ 1681, *et seq.* Retrieved from:

<http://uscode.house.gov/view.xhtml?path=/prelim@title20/chapter38&edition=prelim>

<sup>27</sup> This paragraph adapted from: US Department of Education Office for Civil Rights (January 2001). *Revised Sexual Harassment Guidance: Harassment of Students by Schools Employees, Other Students, or Third Parties: Title IX*, 17. Retrieved from: <https://www2.ed.gov/about/offices/list/ocr/docs/shguide.pdf>.

as possible, the confidentiality of the reporting student, responsive measures will only be shared with school staff who are actively involved in their implementation. The school will formalize the actions it is taking in a written action plan. These actions may include the following:

- Altering the reporting student's and/or the accused staff member's schedule to minimize or eliminate contact between them. Preference will always be given to maintaining the reporting student's schedule and modifying the accused staff member's schedule;
- Changing locker locations;
- 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

Friendship PCS will cooperate 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. Friendship PCs will take care not to compromise the investigation by releasing information prior to being instructed to do so by MPD. Once MPD has 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, Friendship PCS 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), except as instructed by MPD.<sup>28</sup> Publicized accusations, if ultimately found to be false, may nevertheless irreparably damage the reputation of the accused staff member.<sup>29</sup>

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<sup>28</sup> US Department of Education Office for Civil Rights (January 2001). *Revised Sexual Harassment Guidance: Harassment of Students by Schools Employees, Other Students, or Third Parties: Title IX*, 16. Retrieved from: <https://www2.ed.gov/about/offices/list/ocr/docs/shguide.pdf>

<sup>29</sup> This paragraph from: US Department of Education Office for Civil Rights (January 2001). *Revised Sexual Harassment Guidance: Harassment of Students by Schools Employees, Other Students, or Third Parties: Title IX*, 18. Retrieved from: <https://www2.ed.gov/about/offices/list/ocr/docs/shguide.pdf>

### 3. Impartial Procedures for Investigating Complaints

Schools will comply with Title IX guidance to complete the school's investigation of complaints.<sup>30</sup> Disciplinary action will be instituted and resolved immediately upon completion of the investigation, in accordance with the Friendship PCS grievance procedures and staff handbook.

### 4. Resources for Affected Students and Families

The [DC Victim Hotline](#) is available 24/7 by telephone, text, or online chat.<sup>31</sup> Through a partnership with the Mayor's Office of Victim Services and Justice Grants (OVSJG) and the National Center for Victims of Crime, the hotline provides comprehensive information, resources, and referrals in the District of Columbia. The DC Victim Hotline represents a collaboration of service providers in the District who are working to seamlessly connect victims of crime to free resources and to help them navigate the physical, financial, legal, and emotional repercussions of crime. To contact the Hotline, 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).

Additionally, the school's behavioral health team is available to provide support for students, which may include individual counseling and referral for community-based services.

Please consult the following for lists of appropriate resources, services, and information for students and families affected by student sexual abuse.

- [Department of Behavioral Health's \(DBH\) Behavioral Resource Directory](#);<sup>32</sup>
- [MPD's Sexual Assault Resources List](#);<sup>33</sup>
- [MPD's Victim Specialists Unit](#);<sup>34</sup> and
- [OSSE's Supporting Mental Health in Schools Resources List](#).<sup>35</sup>

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<sup>30</sup> See US Department of Education Office for Civil Rights (January 2001). *Revised Sexual Harassment Guidance: Harassment of Students by Schools Employees, Other Students, or Third Parties: Title IX*, 16. Retrieved from: <https://www2.ed.gov/about/offices/list/ocr/docs/shguide.pdf>

<sup>31</sup> DC Victim Hotline: <https://ovsjg.dc.gov/page/dc-victim-hotline-now-available>

<sup>32</sup> DBH's Behavioral Resource Directory: <https://dbh.dc.gov/page/behavioral-health-resource-directory>

<sup>33</sup> MPD's Sexual Assault Resources List: <https://mpdc.dc.gov/node/137932>

<sup>34</sup> MPD's Victim Specialists Unit: <https://mpdc.dc.gov/node/141392>

<sup>35</sup> OSSE's Supporting Mental Health in Schools Resources List: <https://osse.dc.gov/page/supporting-mental-health-schools>

## Appendix A: Definitions

The following key terms and definitions apply to this policy to prevent and address student sexual abuse by school staff.

### *Accused Staff Member*

The accused staff member is the person or persons who are alleged to have committed the act resulting in the complaint. The accused staff member may be any employee or volunteer of a school, or an employee of an entity with whom the school contracts, who acts as an agent of the school at the school or during activities sponsored by the school.<sup>36</sup>

### *Child Abuse*

Child abuse is the infliction of physical or mental injury upon a child, sexual abuse or exploitation of a child, or the negligent treatment or maltreatment of a child.<sup>37</sup>

### *Child*

For the purposes of this policy, a child is any student who has not yet attained the age of 16.

### *Consent*

Consent means words or overt actions indicating a freely given agreement to a physical act within the course of an interpersonal relationship. Consent to a physical act or contact may be initially given but withdrawn at any time. Lack of verbal or physical resistance or submission by the victim due to their mental or physical incapacitation or impairment, or the use of force, threats, or coercion will not constitute consent. Past words or actions indicating freely given agreement to a past physical act or contact will not constitute consent to a future physical act or contact.<sup>38</sup>

Friendship PCS will always view as unwelcome and nonconsensual any sexual activity between any teacher, counselor, principal, coach, or other person of authority and any student below the age of 20 years enrolled in the school or school system.<sup>39</sup>

### *Minor*

For the purposes of this policy, a minor is any student who has not yet attained the age of 18.<sup>40</sup>

### *Reporting Student*

The reporting student is the individual who reports a complaint. A parent/guardian or a school staff member may also make a report on behalf of a student.

### *Sexual Act*

A 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

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<sup>36</sup> DC Official Code § 38-951.01. Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/38/chapters/9A/>

<sup>37</sup> DC Official Code § 38-951.01. Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/38/chapters/9A/>

<sup>38</sup> DC Official Code § 38-824.02. Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/38/chapters/8A/subchapters/IV/>

<sup>39</sup> DC Official Code § 22-3009.03-04. Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/22/chapters/30/>

<sup>40</sup> Even if a student is no longer a minor, student-teacher relationships under the age of 20 are improper and defined as sexual abuse under DC Official Code § 22-3009.03-04. Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/22/chapters/30/>

(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.<sup>41</sup>

### *Sexual Contact*

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.<sup>42</sup>

### *Sexual Misconduct*

Sexual misconduct is 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.<sup>43</sup>

### *Staff*

Staff means any employee or volunteer of a school, or an employee of an entity with whom the school contracts, who acts as an agent of the school at the school or activities sponsored by a school.<sup>44</sup> The terms “school staff” and “school personnel” are used interchangeably throughout this document.

### *Student Sexual Abuse*

Student sexual abuse means 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.<sup>45</sup>
- 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.<sup>46</sup>

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<sup>41</sup> DC Official Code § 22–3001(8). Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/22/chapters/30/>

<sup>42</sup> DC Official Code § 22–3001.9. Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/22/chapters/30/>

<sup>43</sup> DC Official Code § 38-951.01. Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/38/chapters/9A/>

<sup>44</sup> DC Official Code § 38-951.01. Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/38/chapters/9A/>

<sup>45</sup> DC Official Code § 22–1834. Retrieved from: <https://code.dccouncil.us/dc/council/code/sections/22-1834.html>

<sup>46</sup> DC Official Code § 22-2704. Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/22/chapters/27/>

- **First degree sexual abuse:** Engaging in or forcing another person to engage in or submit to a sexual act in the following manner:
  - By using force against that other person;
  - By threatening or placing that other person in reasonable fear that any person will be subjected to death, bodily injury, or kidnapping;
  - After rendering that other person unconscious; or
  - After administering to that other person by force or threat of force, or without the knowledge or permission of that other person, a drug, intoxicant, or other similar substance that substantially impairs the ability of that other person to appraise or control his or her conduct.<sup>47</sup>
- **Second degree sexual abuse:** Engaging in or causing another person to engage in or submit to a sexual act in the following manner:
  - By threatening or placing that other person in reasonable fear (other than by threatening or placing that other person in reasonable fear that any person will be subjected to death, bodily injury, or kidnapping); or
  - Where the person knows or has reason to know that the other person is:
    - Incapable of appraising the nature of the conduct;
    - Incapable of declining participation in that sexual act; or
    - Incapable of communicating unwillingness to engage in that sexual act.<sup>48</sup>
- **Third degree sexual abuse:** Engaging in or causing sexual contact with or by another person in the following manner:
  - By using force against that other person;
  - By threatening or placing that other person in reasonable fear that any person will be subjected to death, bodily injury, or kidnapping;
  - After rendering that person unconscious; or
  - After administering to that person by force or threat of force, or without the knowledge or permission of that other person, a drug, intoxicant, or similar substance that substantially impairs the ability of that other person to appraise or control his or her conduct.<sup>49</sup>
- **Fourth degree sexual abuse:** Engaging in or causing sexual contact with or by another person in the following manner:
  - By threatening or placing that other person in reasonable fear (other than by threatening or placing that other person in reasonable fear that any person will be subjected to death, bodily injury, or kidnapping); or

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<sup>47</sup> DC Official Code § 22–3002. Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/22/chapters/30/>

<sup>48</sup> DC Official Code § 22–3003. Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/22/chapters/30/>

<sup>49</sup> DC Official Code § 22–3004. Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/22/chapters/30/>

- 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.<sup>50</sup>
- **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.<sup>51</sup>
- **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.<sup>52</sup>
- **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.<sup>53</sup>
- **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.<sup>54</sup>
- **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.<sup>55</sup>
- **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.<sup>56</sup>
- **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.<sup>57</sup>
- **Enticing a child or minor:**
  - Being at least 4 years older than a child or being in a significant relationship with a minor and
    - Taking that child or minor to any place for the purpose of committing any offense set forth in §§ [22-3002](#) to [22-3006](#) and §§ [22-3008](#) to [22-3009.02](#), or

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<sup>50</sup> DC Official Code § 22–3005. Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/22/chapters/30/>

<sup>51</sup> DC Official Code § 22–3006. Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/22/chapters/30/>

<sup>52</sup> DC Official Code § 22–3008. Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/22/chapters/30/>

<sup>53</sup> DC Official Code § 22–3009. Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/22/chapters/30/>

<sup>54</sup> DC Official Code § 22–3009.01. Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/22/chapters/30/>

<sup>55</sup> DC Official Code § 22–3009.02. Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/22/chapters/30/>

<sup>56</sup> DC Official Code § 22–3009.03. Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/22/chapters/30/>

<sup>57</sup> DC Official Code § 22–3009.04. Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/22/chapters/30/>



- Seducing, enticing, alluring, convincing, or persuading or attempting to seduce, entice, allure, convince, or persuade a child or minor to engage in a sexual act or contact.
  - Being at least 4 years older than the purported age of a person who represents himself or herself to be a child and attempting to:
    - Seduce, entice, allure, convince, or persuade any person who represents himself or herself to be a child to engage in a sexual act or contact, or
    - Entice, allure, convince, or persuade any person who represents himself or herself to be a child to go to any place for the purpose of engaging in a sexual act or contact.<sup>58</sup>
- **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.<sup>59</sup>
- **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.<sup>60</sup>
- **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.<sup>61</sup>
- **Attempts to commit sexual offenses:** Attempting to commit any offense defined above.<sup>62</sup>

### *Sexually Suggestive Conduct*

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

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<sup>58</sup> DC Official Code § 22–3010. Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/22/chapters/30/>

<sup>59</sup> DC Official Code § 22–3010.01. Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/22/chapters/30/>

<sup>60</sup> DC Official Code § 22–3010.02. Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/22/chapters/30/>

<sup>61</sup> DC Official Code § 22–3102. Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/22/chapters/31/>

<sup>62</sup> DC Official Code § 22–3018. Retrieved from: <https://code.dccouncil.us/dc/council/code/titles/22/chapters/30/>

- Touching one's own genitalia or that of a third person.<sup>63</sup>

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<sup>63</sup> DC Official Code § 22-3010.01(b). Retrieved from:  
<https://code.dccouncil.us/dc/council/code/titles/22/chapters/30/>