

Investigation Procedures for Student Complaints of Sexual and Gender-Based Harassment

The following investigation procedures are to be used for sexual or gender-based harassment complaints involving alleged student victims and are to be implemented in accordance with The Washington Mathematics Science Technology Public Charter School's ("WMST" or "School") Grievance Procedures. The Grievance Procedures are available on the School's homepage at: <http://wmstdc.org/> and in the main office.

WMST does not tolerate acts of harassment, including acts of harassment based on sex or gender. Students and employees have the right to work and study in the academic environment which is free of harassment. Any student who believes s/he has been subjected to harassment or a hostile environment is encouraged to report the harassment or hostile environment to the School's Title IX Coordinator, Dr. Bruce Bradford, bbradford@wmstpchs.net, 202-636-8011, or to the Head of School, Dr. N'Deye Diagne, ndiagen@wmstpchs.net, 202-636-8011.

WMST is committed to conducting a prompt, thorough, and impartial investigation on all claims of harassment. Students or staff found to have engaged in acts of harassment or other acts that create a hostile environment will be dealt with promptly, including where appropriate by discipline that may include, if circumstances warrant, suspension or expulsion. Students, parents and School staff are encouraged to work together to prevent acts of harassment of any kind. The investigation procedures outlined below establish how complaints will be identified, investigated and resolved. These procedures are intended to provide for a prompt and equitable resolution of sexual and gender-based harassment complaints.

Definitions

Sexual Harassment: Sexual harassment is verbal or physical conduct or communication that is sexual in nature, unwelcome and denies or limits a student's ability to participate in or benefit from the School's educational program.

Gender-Based Harassment: Gender-based harassment is verbal or physical conduct or communication relating to an individual's actual or perceived gender in a manner that denies or limits a student's ability to participate in, or benefit from the School's educational program

Sexual and gender-based harassment can take different forms depending on the harasser and the nature of the harassment. The conduct can be carried out by School employees, other students, and non-employee third parties. Both male and female students can be victims of sexual harassment, and the harasser and the victim can be of the same sex.

Responding to Sexual and Gender-Based Harassment:

1. Reporting Harassment

If a student, his or her parent, or an employee reports the harassment *either verbally or in writing*, or a School employee observes the harassment, WMST will:

- i. Inform the student who was the subject of the alleged harassment (and the student's parent, if the student is under 18) of the options for formal and informal action.
- ii. Provide the student with a copy of the School's grievance procedures, and will explain WMST's responsibilities to investigate the allegation.
- iii. Regardless of whether the student files a formal complaint or requests action, the School will conduct a prompt, impartial, and thorough investigation to determine what happened and take appropriate steps to resolve the situation. Please refer to Section 6 below regarding confidentiality rights of the alleged victim.

If other sources, such as a witness to the incident, an anonymous letter or phone call, or the media, report the harassment, the School should respond in the same manner described above if it is reasonable for the School to conduct the investigation and the School can confirm the allegations.

The School's obligation to respond to a report of sexual or gender-based harassment does not change when the alleged student victim withdraws or graduates from the School.

2. Initiating an Investigation

Upon notice of a verbal or written report/complaint ("complaint") of the harassment, the Title IX Coordinator will:

- i. Immediately initiate an adequate, reliable and impartial investigation.
- ii. Determine what, if any, interim measures are necessary during the investigation of the complaint. Such interim measures may include separating the alleged student victim ("complainant") from the alleged harasser. The School will also take steps, as appropriate, to protect the complainant from retaliation. Such steps may include informing students that Title IX prohibits retaliation, making sure that the complainant knows how to report any future problems, and making follow-up inquiries to see if there have been any new incidents. If retaliation occurs, the school will take action, as appropriate, to ensure the harasser is appropriately disciplined and that the victim is protected.
- iii. Notify the complainant (and the complainant's parent if s/he is under 18) in writing: 1) that the school has initiated an investigation; 2) of any interim measures the school is taking.

If the Title IX Coordinator is absent, unavailable or otherwise unable to investigate the complaint due to a conflict of interest, the Head of School will assume the above responsibilities.

3. Conducting the Investigation

Each investigation will allow parties to present witnesses and evidence, and will include, as necessary, conducting interviews and obtaining documents. The Title IX Coordinator or, if the Title IX Coordinator is absent, unavailable or otherwise unable to investigate the complaint due

to a conflict of interest, the Head of School will oversee the investigation; however, parts of the investigation, such as interviews and obtaining documents may also be conducted by other administrative staff members trained in investigation and interview procedures and who have knowledge or special expertise regarding the parties (e.g., special education coordinator or service provider).

i. Conducting Interviews

WMST will attempt to interview all individuals involved with the alleged harassment, including the complainant, alleged harasser, witnesses, and anyone else who the School has reason to believe may have relevant information.

WMST will document each interview. The complainant and alleged harasser are to be interviewed separately.

ii. Standard of Review

All complaints are to be reviewed based on a preponderance of the evidence. In order to make a finding that harassment has occurred, the School must find, based on all the information collected, that it is more likely to be true than not that the harassment occurred.

4. Issuance of a Determination

WMST will keep the parties informed of the status of the investigation. Furthermore, within thirty (30) business days of the reporting of harassment, the Title IX Coordinator or, if the Title IX Coordinator is absent, unavailable or otherwise unable to do so due to a conflict of interest, the Head of School will respond to the complainant (and the complainant's parent, if the complainant is under 18) in writing summarizing the course and outcome of the investigation and identifying an appropriate resolution.

If WMST requires additional time to complete the investigation, the Title IX Coordinator or Head of School will notify the complainant and indicate the reason for the delay and an estimated time by when the investigation will be completed.

After a determination has been made, WMST will take measures to ensure that the matter is fully resolved and that the School environment is free from harassment. If, as a result of the investigation, it is determined that harassment has occurred, appropriate corrective and remedial action will be taken. Such action may include suspension or expulsion of the harasser and/or remedies for the victim (such as counseling; expunging disciplinary records; or separating the students). Mediation may only be used as an approach for resolving reports or complaints of sexual or gender-based harassment if it is mutually agreeable among the parties. Mediation may not be used to resolve complaints alleging assault or other sexual violence.

5. Appeal Rights

Please refer to WMST's Grievance Procedures for the appeal rights of the complainant as well as information on the right to file a complaint with the Office for Civil Rights. The complainant may file a complaint with the Office for Civil Rights and/or law enforcement at any time before or during the grievance procedures. The Grievance Procedures are available on the School's homepage at: <http://wmstdc.org/> and at the main office. Additionally, the school's due process procedures for students suspended or expelled are available in the Student/Parent handbook.

6. Confidentiality

The School will take all reasonable and legal steps to investigate and respond to the complaint in a manner which preserves the confidentiality of the individuals involved. However, the School must consider its responsibility to provide a safe and nondiscriminatory environment for all students. If, for example, a student insists that his or her name not be disclosed to the harasser, the School's ability to respond to the complaint may be limited. Thus, the School must weigh the confidentiality request against the following factors;

- Seriousness of the alleged harassment;
- Age of the harassed students; and
- Other complaints that the same individual has harassed others.

Additionally, the School may be legally required to report certain incidents or claims of harassment to the police.