



**School Safety Policies and Procedures**

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## **Requirements for Employment with Inspired Teaching Demonstration School**

To ensure that individuals who join Inspired Teaching Demonstration School staff are well qualified and have strong potential to be productive and successful, it is the policy of the School to check the employment references and verify employment history of all applicants. Further all employees must provide the school with documentation of academic credentials, proof of a negative TB Test, proof of the Covid-19 vaccination, and documents required to complete the I-9.

It is also the policy of Inspired Teaching Demonstration School to conduct a criminal background check, including fingerprinting, and the National Sex Offender Registry check for all potential employees. In addition, in accordance with DC's School Safety Omnibus Amendment Act of 2018, as a school we are required to conduct extensive background check reviews, including contacting all previous employers over the last 20 years where the scope of employment involved direct interaction with children and contacting a character reference. Background checks must be renewed at the end of each two year employment period.

## **Student Non-Fraternization Policy**

Inspired Teaching Demonstration School expects all staff members, including teachers, coaches, counselors, administrators, board members, support staff and others, to maintain the highest professional, moral and ethical standards in their conduct with students. For the purposes of this policy, staff members also include Teaching Residents.

The interactions and relationships between staff members and students should be based upon mutual respect and trust; an understanding of the appropriate boundaries between adults and students in an educational setting; and consistent with the educational mission of the school. Even if a student participates willingly in an activity, prohibited interactions between staff and students (regardless of the student's age) are a violation of this policy.

Specifically, Inspired Teaching Demonstration School expects that its staff maintain appropriate professional relationships with students in particular, and any youth in general, and be sensitive to the appearance of impropriety in their conduct with students. Staff members are encouraged to discuss issues with their building administrator or supervisor whenever they are unsure whether particular conduct may constitute a violation of this policy.

Employees must understand that even an appearance of inappropriate relationships will adversely impact their effectiveness in the school environment. Therefore, employees must be diligent in maintaining the highest ethical standards when interacting with youth both inside and outside the school environment and are strictly prohibited from forming such personal relationships with students outside the classroom.

### **Prohibited Conduct**

Staff members are prohibited from engaging in any of the following types of prohibited conduct, regardless of whether the conduct occurs on or off school property or whether the conduct occurs during or outside of school hours. The following list of prohibited conduct does not, and is not

intended to, constitute the entire list of conduct for which discipline may be imposed:

1. Engaging in any romantic or sexual relationships with students, including dating, flirting, sexual contact, inappropriate physical displays of affection, or sexually suggestive comments between staff and students, regardless of whether staff or student initiates the behavior, whether the relationship is consensual, or whether the student has parental permission;
2. Fostering, encouraging, or participating in inappropriate emotionally or socially intimate relationships with students in which the relationship is outside the bounds of the reasonable, professional staff-student relationship and in which the relationship could reasonably cause a student to view the staff person as more than a teacher, administrator, or advisor;
3. Initiating or continuing communications with students for reasons unrelated to any appropriate purpose, including oral or written communication; telephone calls; electronic communication such as texting, instant messaging, email, chat rooms, Facebook, or other social networking sites; webcams; or photographs. Electronic and online communications with students, including those through personal accounts, should be accessible to supervisors and professional in content and tone;
4. Socializing with students outside of class time for reasons unrelated to any appropriate purpose;
5. Providing alcohol (regardless of age), cigarettes, or drugs – either prescription or illegal (except for those provided in accordance with district policy on medication administration) – to students.

### Reporting Procedures

**Duty to Report.** Any person with knowledge or suspicion of an improper relationship between staff or any adult in the building and a student must immediately report the conduct to the Director of Human Resources. Nothing in this paragraph is intended to relieve mandated reporters of their obligations under state and local statutes.

**Protection from Retaliation.** Staff who make a good-faith report of a suspected fraternization violation, or who cooperate in inquiries or investigations related to the investigation of such a report, shall be protected from retaliation in accordance with Inspired Teaching Demonstration School's policies.

### Sanctions

Inspired Teaching Demonstration School will take appropriate disciplinary action, up to and including dismissal, against any staff found to have violated this non-fraternization policy.

### **Safeguards**

To ensure the safety of our school environment, one-adult/one-student situations must:

- take place where both parties can be seen by others
- be able to be interrupted easily
- take place in a space with windows, with blinds open

If a one-adult/one-student situation must occur in conditions contrary to those above, the situation must be documented and accessible by her/his/their supervisor.

No student should be left unsupervised on school grounds.

### **Photographs and Video of Students**

Staff may only use personal devices to take photos and/or videos of students in limited circumstances when a school device is not available. Photos and videos of students and classroom activities should only be taken for the sole purpose of documenting student activities, student work and achievement, and sharing classroom life with families. If a situation arises in which a staff person uses a personal device to take a photo or video, that photo/video must be uploaded to the school's shared drive (i.e. server, Google account) and deleted immediately from the personal device.

### **Social Media**

Social Media is defined as any form of online publication that allows interactive communication, including, but not limited to Facebook, Twitter, Instagram, SnapChat, YouTube, and blogs.

**Employees must refrain from posting or disclosing personally identifiable student information or other information deemed confidential to the school, including the School's business secrets, financial information and data, trade secrets, proprietary School information not otherwise available to those outside of the School (e.g., processes, products, known-how, innovations, and technology), confidential information regarding the School's business partners, vendors, customers, or students, and pictures (still and video) and/or audio recordings of students and their families.** As such, employees may not post/share/distribute internal reports, policies, procedures or other internal business-related confidential communications not otherwise available to the public. Employees must also refrain from representing their personal social media sites as an official representation of Inspired Teaching Demonstration School. Only authorized spokespersons will respond to news media regarding the School and its business matters. Employees are cautioned to represent themselves appropriately and in keeping with the mission and philosophy of Inspired Teaching Demonstration School when publishing on social media.

Employees are also urged to exercise caution and use sound judgment when using professional social media sites. Always be fair and courteous to coworkers, students, parents, families, contractors, vendors and consultants. Inappropriate postings include discriminatory remarks, harassment, and threats of violence or similar inappropriate or unlawful conduct. This conduct will not be tolerated and may result in disciplinary action up to and including termination.

If you decide to post complaints or criticisms, avoid using statements, photographs, video or audio that reasonably could be viewed as malicious, obscene, threatening or intimidating, that disparage students, parents, families, contractors, vendors, consultants or people who work for the School, or that might constitute harassment or bullying. Examples of such conduct might include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment on the basis of race, color, religion, national origin or ancestry, sex, pregnancy (including childbirth, lactation, related medical conditions, or

reproductive health decisions), age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation in school, political affiliation, genetic information, disability, source of income, place of residence or business, uniformed service member status, lawful use of tobacco products, unemployment status, or veteran status, or any other status protected by law.

## **Driving Students**

It is the general policy of Inspired Teaching Demonstration School to prohibit employees from driving students in their personal automobiles. In certain circumstances, however, it may be permitted, with the following requirements:

- Parents/guardians have given explicit permission for their student(s) to travel with the employee.
- The employee has confirmed, in writing, with Inspired Teaching Demonstration School that they carry personal auto insurance with sufficient bodily injury coverage limits
- The employee has a clean driving record, evidenced by a Motor Vehicle Report
- There is another responsible adult in the car (i.e. another employee; a parent/guardian)—no employee shall ever be the only adult in a car with a student or students.

### Use of hired automobiles and shared ride services

If no other transportation option is available for travel to/from an off-campus school event, staff and students may make use of hired transportation, such as Uber, Lyft, or taxicabs. The following requirements must be met:

- A responsible adult (employee or parent/guardian) must travel with the students;
- The responsible adult must sit in the front passenger seat

## **Mandated Reporting of Suspected Abuse and Neglect**

All staff members of the school are Mandated Reporters, meaning that there are certain student statements, behaviors, or physical symptoms that must be reported directly to social service or law enforcement agencies. Teachers will be formally trained on an annual basis of the laws on child abuse and neglect; *full procedures can be found in Appendix E*. *Every employee of Inspired Teaching Demonstration School is a mandated reporter who is required to report any suspicion or knowledge of abuse and/or neglect information to DC Child and Family Services Agency and the Metropolitan Police Department within 24 hours*. Employees should notify either a Principal or the Head of School when making a report to CFSA; however, notification to a school leader does not relieve any employee from his or her reporting responsibilities. The employee *may* seek support from the Principal or Head of School when contacting DC CFSA and appropriate law enforcement agency.

District of Columbia Child and Family Services Agency  
24 hour reporting hotline:  
(202) 671-7233

### **Responding to Suspected Child Abuse or Neglect**

It is the policy of Inspired Teaching Demonstration School to ensure the safety and well-being of every student. When a concern of possible abuse/neglect arises, the expectation is that we as a school will act swiftly and in an organized manner to respond.

In accordance with *D.C. Code § 4-1321.02* (2008), Inspired Teaching Demonstration School faculty members will comply with the following legal guidelines:

§ 4-1321.02. Persons required to make reports; procedure [Formerly § 2-1352]

(a) Notwithstanding § 14-307, any person specified in subsection (b) of this section who knows or has reasonable cause to suspect that a child known to him or her in his or her professional or official capacity has been or is in immediate danger of being a mentally or physically abused or neglected child, shall immediately report or have a report made of such knowledge or suspicion to either the Metropolitan Police Department of the District of Columbia or the Child and Family Services Agency.

(b) Persons required to report such abuse or neglect shall include school officials, teachers, athletic coaches, social service workers, and mental health professionals. Whenever a person is required to report in his or her capacity as a member of the staff of a school, he or she shall immediately notify the person in charge of the institution or his or her designated agent who shall then be required to make the report. The fact that such a notification has been made does not relieve the person who was originally required to report from his or her duty under subsection (a) of this section of having a report made promptly to the Metropolitan Police Department of the District of Columbia or the Child and Family Services Agency.

### **Preventive Measures**

ALL staff members and residents must participate in Mandated Reporter training at least one time at the beginning of each school year. Attendance will be tracked to ensure full participation.

In order to minimize risk in the school environment, every staff member will be informed that one-adult/one-student situations should occur only when necessary. If they are to occur, the interactions and/or activities should take place where they can be seen by others and interrupted easily.

### **Reporting Procedures**

The following procedures shall be followed when a staff member suspects abuse and/or neglect:

1. If a staff member observes a student being abused in any capacity, it is the responsibility of that staff member to ensure the child's immediate safety by taking realistic and appropriate steps. Only after the child's safety has been secured, should the staff member begin the reporting process.

2. If staff members receive a disclosure of abuse or neglect from a student or observe something of concern (incident, marking on child, etc.), they are to IMMEDIATELY report their concern to the school social worker. If the mental health provider is unavailable, the report should be made to the Principal.
3. The staff member who originally initiated the response shall complete an incident report *immediately following the incident or disclosure*. The mental health provider or other designee will provide the incident report form to the staff member. The report will include the circumstances around the disclosure, incident, or observation, including the specific words of the student if applicable and steps taken in response (e.g. reported the concern to the AP, brought the student to the counselor's office, etc.). The staff member is to turn in the completed incident report form to the mental health provider or designee by the end of the same school day. *All incident reports are to be kept in a confidential mental health file.*
4. After returning the incident report, the staff member who originally initiated the response must determine if he/she should make a report to Child and Family Services Agency (CFSA) or to the Metropolitan Police Department (MPD) based on the information they have received\*. The staff member can request that the mental health provider or designee be present when the report is made if they so desire. *If a report to CFSA or MPD is made at this time, the Head of School must be notified when the call is made, or immediately following.*
5. When a staff member reports concern of abuse and/or neglect, school social worker or other designee will meet with the student to obtain additional information about the concern that same school day. *To ensure confidentiality, no other staff member should question the student about the concern/disclosure.*
6. The school social worker or designee shall determine next steps (call to parent, report to CFSA or MPD, etc.). *A parent should be notified if, in doing so, no further harm will come to the student. Do NOT notify parent or caregiver if these individuals are suspected to be involved in the suspected abuse and/or neglect.*
7. If the school social worker or designee determines a call to CFS/MPD is warranted based on any additional information received during student interview, he/she will call to make the report. This call does not substitute for a call to CFSA or MPD which must be made by the staff member who received the initial disclosure.
8. After a call is placed, the following documentation is required: when the call was made, the *Agent number* of the hotline worker who you spoke with, what the response was from the hotline worker (accepted the report, did not accept the report, etc.), and what follow-up can be expected (CFSA or MPD will investigate report, CFSA or MPD to come see the student at the school, etc.) if this information is provided.

\*Note: If a staff member reports a concern and the school social worker or designee does not



think a call to CFSA or MPD is warranted or cannot be contacted, it remains the responsibility of that staff member to make the report if they feel it should be done. Reporting is an individual responsibility and failure to report can lead to penalty. The school social worker shall maintain a record of all reports made, whether it is deemed appropriate to contact CFSA or MPD or not.

## **Preventing and Addressing Student Sexual Abuse by School Staff**

### **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. 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. Inspired Teaching Demonstration School is committed to implementing best practices to prevent and respond to student sexual abuse.

Inspired Teaching Demonstration School's 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 F.

### **Scope of Policy**

This policy applies to all schools within Inspired Teaching Demonstration School and all school staff and students enrolled in Inspired Teaching Demonstration School, regardless of sexual orientation or gender identity. All employees, contractors, and agents of the school shall adhere to this policy. The policy applies to all actions that occur between school staff and students.

This policy describes steps that Inspired Teaching Demonstration School 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.* This policy does not replace Inspired Teaching Demonstration School's 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).

### **Prohibition of Student Sexual Abuse by School Staff**

Inspired Teaching Demonstration School 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. 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 shall take immediate action and follow the procedures outlined in this policy. The school shall act upon any knowledge of abuse,

regardless of whether the student who was abused has filed a complaint or has otherwise notified the school.

### **Key Considerations**

Situations that involve allegations of student sexual abuse by school staff are highly sensitive and often complex. Schools shall 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 the two agencies closely collaborate with each other to ensure the proper response and protection of students.

### **Preventing Student Sexual Abuse by School Staff**

#### ***Informing the School Community about the Policy***

At least once per school year, schools shall 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, the school shall 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. Schools shall inform students of this policy in a developmentally appropriate manner. Schools are encouraged to use health curricula as a means to open conversations related to safety and sexual abuse. This policy shall also be included in ITDS's staff handbook.

#### ***Training***

Inspired Teaching Demonstration School 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](#), school staff shall receive training on sexual misconduct, sexual abuse, and child abuse upon hiring and biennially thereafter. Staff training shall 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.

Training and information on sexual misconduct, sexual abuse, and child abuse shall also be made available for parents/guardians annually. Training for parents/guardians shall 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;

- 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

***Interactions between School Staff and Students***

Inspired Teaching Demonstration School shall 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.

When meeting or communicating with a student one-on-one, school staff shall 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 are adapted from the DC Public Charter School Board’s *Model D.C. Public Charter School Student Protection Policy* and outline examples of types of contact between school staff and students that are inappropriate. While these lists are not exhaustive, they serve as a guide for conduct. Ultimately, each situation will be considered on a case-by-case basis.

<b>Mode of Contact</b>	<b>Examples of Inappropriate Interactions</b>
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>

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

In addition to the prohibition outlined in SSOAA, the Every Student Succeeds Act (ESSA) also includes provisions that prevent school staff from assisting in the employment of perpetrators of child sexual abuse. 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 agent engaged in sexual misconduct regarding a minor or student in violation of the law. This means that staff members may not help perpetrators by giving recommendations to prospective employers. This prohibition shall 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 shall be subject to appropriate disciplinary action in accordance with ITDS staff handbook, up to and including termination of employment.

ITDS’s human resources department shall maintain records of all allegations of sexual misconduct, child abuse, or the failure to report child abuse, as well as the outcome of any

subsequent investigation for all school employees, contractors, or agents. ITDS's human resources department shall provide this information when contacted by another LEA or school that is considering hiring the applicant.

### **Addressing Student Sexual Abuse by School Staff**

The following sections detail avenues and requirements for reporting as well as key considerations for schools.

#### ***Reporting Student Sexual Abuse***

##### ***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 shall 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 shall be filed with Inspired Teaching School Demonstration School's Title IX Coordinator, Jessica Hiltabidel ([jessica.hiltabidel@inspiredteachingschool.org](mailto:jessica.hiltabidel@inspiredteachingschool.org); 202-248-6825). 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 member shall immediately follow mandated reporter requirements to alert MPD by calling 911. The staff member shall 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 shall continue its own investigation, as legal standards for criminal investigations are different from the standards under Title IX. Schools shall not delay their investigation while the MPD investigation occurs. However, schools shall 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 shall still investigate and take appropriate steps to resolve the situation and ensure the safety of all students. Furthermore, the school shall investigate any incidents of misconduct involving direct observation by school staff, regardless of whether the student files a report or requests any action. 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 shall 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 \(OHR\)](#).

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)

### ***Mandated Reporting by School Staff***

All school staff have the duty to report the complaint to appropriate school officials. Additionally, all mandated reporters of Inspired Teaching Demonstration School 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. For more information on mandated reporter requirements, consult CFSA's [Mandated Reporter Training](#). CFSA shall 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 shall file the report with MPD by calling 911.

The report shall 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 shall not be conducted by school staff or school district employees. Notes of voluntary or spontaneous statements by the student shall 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 shall 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 shall 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.

The school shall 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.

Upon making the report to CFSA or MPD, school staff shall then promptly deliver the report to the Title IX Coordinator, the School Social Worker, and the Head of School. In an instance where the Title IX Coordinator, the Social Worker, and/or the head of school is the subject of the report, the school shall designate an alternative reporting person.

### ***Confidentiality***

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

### ***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 shall 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.

### **Responding to Allegations of Student Sexual Abuse by School Staff**

The school shall adhere to the following procedures when responding to allegations of student sexual abuse by school staff.

#### ***Immediate Steps***

After a report has been filed with CFSA or MPD and the Title IX Coordinator, then the school shall immediately begin the following protocol.

a. Acknowledgement of Receipt of Complaint

Within a reasonable number of days, but in no case more than three business days, of receipt of the complaint, the school's Title IX Coordinator shall 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 shall take immediate actions to interrupt or stop the occurrence, prevent its recurrence, and address its effects. These actions shall occur regardless of whether the incident is the subject of criminal investigation. Responsive measures shall be designed to minimize, as much as possible, the burden on the reporting student. In order to protect, as much as possible, the confidentiality of the reporting student, responsive measures shall only be shared with school staff who are actively involved in their implementation. The school shall 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 shall 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.

***Informing the School Community***

Inspired Teaching Demonstration School shall work 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. Inspired Teaching Demonstration School shall 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, the school shall 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. Publicized accusations, if ultimately found to be false, may nevertheless irreparably damage the reputation of the accused staff member.



### ***Impartial Procedures for Investigating Complaints***

Schools shall comply with Title IX guidance to complete the school's investigation of complaints. Disciplinary action shall be instituted and resolved immediately upon completion of the investigation, in accordance with ITDS's grievance procedures and staff handbook.

### ***Resources for Affected Students and Families***

The [DC Victim Hotline](#) is available 24/7 by telephone, text, or online chat. 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;](#)
- [MPD's Sexual Assault Resources List;](#)
- [MPD's Victim Specialists Unit; and](#)
- [OSSE's Supporting Mental Health in Schools Resources List.](#)

### **Anti-Bullying Policy**

Inspired Teaching Demonstration School is committed to providing a safe learning environment for all students. Bullying and harassment threatens that environment and is not tolerated. In support of our efforts to provide a safe school climate, ITDS will provide proactive anti-bullying education and prompt intervention to stop bullying behaviors and remedy their effects.

#### Definition

"Bullying" has been defined by the Youth Bullying Prevention Act of 2012 (YBPA) as any severe, pervasive, or persistent act or conduct, whether physical, electronic, or verbal that:

- (A) May be based on a youth's actual or perceived race, color, ethnicity, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, intellectual ability, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, status as a victim of an intrafamily offense, place of residence or business, or any other distinguishing characteristic, or on a youth's association with a person, or group with any person, with one or more of the actual or perceived foregoing characteristics; and
- (B) Shall be reasonably predicted to:
  - (i) Place the youth in reasonable fear of physical harm to their person or property;

- (ii) Cause a substantial detrimental effect on the youth's physical or mental health;
- (iii) Substantially interfere with the youth's academic performance or attendance; or
- (iv) Substantially interfere with the youth's ability to participate in or benefit from the services, activities, or privileges provided by an agency, educational institution, or grantee.

### Prohibition against Bullying

Acts of bullying, including cyber bullying, whether by youth, volunteers or staff, are prohibited:

1. On Inspired Teaching Demonstration School grounds and immediately adjacent property, at Inspired Teaching Demonstration School-sponsored or related events on and off Inspired Teaching Demonstration School grounds, on any vehicle used for Inspired Teaching Demonstration School business, at any transit stop at which youth wait to be transported to Inspired Teaching Demonstration School business, or through the use of any electronic devices owned by ITDS, leased by ITDS or used for Inspired Teaching Demonstration School business; and
2. At a location unrelated to ITDS, through the use of any electronic devices, including those not owned or leased by ITDS, if the acts of bullying or cyber bullying create a hostile environment at the school for the victim or witnesses, infringe on their rights at Inspired Teaching Demonstration School, or substantially disrupt the orderly operation of the school.

Retaliation against a youth, volunteer or staff member who reports bullying provides information about an act of bullying or witnesses an act of bullying is also prohibited.

### Publication and Contact Information

This policy is available on ITDS's website and in the Family Handbook. The policy will be distributed to families annually and will be available at any time upon request.

Jessica Hiltabidel, Director of Culture, Equity and Access, coordinates Inspired Teaching Demonstration School's bullying prevention efforts. All questions, comments and concerns about the policy should be directed to her at 202-248-6825 or [jessica.hiltabidel@inspiredteachingschool.org](mailto:jessica.hiltabidel@inspiredteachingschool.org).

### Training

Inspired Teaching Demonstration School will provide training on this policy and the procedures for responding to and reporting incidents of bullying.

### Reporting Incidents of Bullying or Retaliation

Inspired Teaching Demonstration School expects all staff members and volunteers to report incidents of bullying harassment or retaliation they witness or are made aware of. Staff members should immediately record all such incidents in accordance with school procedures for reporting behavior incidents and notify the appropriate Manager of Culture. Any student who believes that they have been bullied/sexually harassed, or who has seen another student being bullied/sexually harassed, should report the problem immediately to a teacher or other

adult on campus. Any parent or family member who witnesses or becomes aware of an incident of bullying should report it to the appropriate Principal or the Director of Culture, Equity and Access. Reports may be made anonymously, although no formal response will be taken solely on the basis of an anonymous report. However, such a report may trigger an investigation.

### **Investigating Incidents of Bullying or Retaliation**

If an incident of bullying or retaliation is reported, the Manager of Culture, Equity, and Student Experience, Lower School (PreS-4) or the Manager of Culture, Equity, and Student Experience, Middle School (5-8) will respond quickly and appropriately to investigate and intervene. Complaints or reports of bullying/retaliation will be investigated in an adequate, reliable and impartial manner. Each investigation will include, as necessary, interviewing witnesses, obtaining documents and allowing parties to present evidence. All documentation related to the investigation will remain confidential. Inspired Teaching Demonstration School will take steps to ensure the safety of all parties involved and determine whether the incident was one of bullying/retaliation. Inspired Teaching Demonstration School will also take steps to provide the complainant with supportive measures and periodic updates on the status of the investigation. Once bullying/retaliation behavior has been determined, the following groups will be notified as needed by Inspired Teaching Demonstration School, making every effort to protect confidentiality of those who report bullying/retaliation:

- Parents and guardians: Inspired Teaching Demonstration School will notify the parents or guardians of victims, instigators, and witnesses as appropriate, about the nature of the incident and the steps in place to respond to it. The Director of Culture, Equity and Access will determine if parents or guardians should be informed prior to or after the investigation of the incident.
- Law enforcement agencies: If Inspired Teaching Demonstration School determines that the reported incident may involve criminal activity or could become the basis for criminal charges, information about the incident must be conveyed to the appropriate law enforcement agencies.

Within ten (10) school days of receiving a report of bullying, the Managers will conduct the investigation and respond to the families of the students involved in writing, summarizing the course and outcome of the investigation and identifying an appropriate resolution. If it is determined that bullying has occurred, appropriate corrective and remedial action will be taken. Inspired Teaching School will make determinations as to whether a reported incident constitutes bullying based on all of the facts and circumstances surrounding the incident. Inspired Teaching Demonstration School will use a preponderance of the evidence standard (i.e., more likely than not that bullying occurred) when resolving complaints.

Steps will be taken as necessary to protect suspected victims of bullying during the course of the investigation process. Inspired Teaching School will make every effort to protect confidentiality during the course of the investigation. The individual responsible for conducting the investigation will be responsible for making determinations about confidentiality.

## **Appeals regarding Bullying**

Any party who is not satisfied with the outcome of the initial investigation and response from Inspired Teaching School may appeal in writing to the Director of Culture, Equity, and Access. Appeals must be made within 30 days of the conclusion of the initial investigation. The written appeal must contain the person's reasons for not accepting the response from Inspired Teaching Demonstration School. The Director of Culture, Equity, and Access or designee (e.g., Principal or other school leader) will review all information presented as part of the initial investigation and may include additional investigation or meeting with the individuals involved if necessary. Within fifteen (15) school days of receiving the appeal, the Director of Culture, Equity, and Access will respond in writing summarizing the outcome of the appeal and any corrective or remedial action necessary. The secondary investigation shall be completed within 30 days of receipt of an appeal, unless: (1) circumstances require additional time to complete a thorough investigation; (2) the higher level authority sets forth those circumstances in writing; (3) the additional time is not to exceed 15 days. The party not satisfied with the outcome shall be informed of their right to seek further redress under the Human Rights Act.

## **Sanctions and Remedies for Bullying**

Inspired Teaching Demonstration School takes a tiered approach to responding to inappropriate behavior. The same approach will be taken when responding to bullying.

Inspired Teaching School's tiers of discipline are designed to (a) appropriately correct the bullying behavior; (b) prevent another occurrence of bullying or retaliation; (c) protect the target of bullying; and are flexible and can be varied in method and severity based on: (i) nature of the incident; (ii) developmental age of the person committing the act at issue, and; (iii) any history of problem behavior from the person committing the act at issue. The Director of Culture, Equity, and Access or Principal may apply more than one consequence, or skip a step, depending on the severity and nature of the violation. Consequences for bullying are outlined in the Tiers of Discipline section of the Family Handbook.

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

### **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. 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.

Inspired Teaching Demonstration 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 F.

Situations that involve allegations of student-on-student acts of sexual harassment, sexual assault, and dating violence are highly sensitive and often complex. Schools shall 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.

### Scope of Policy

This policy applies to all schools within Inspired Teaching Demonstration School and to all students enrolled in Inspired Teaching Demonstration School, regardless of sexual orientation or gender identity. All employees, contractors, and agents of Inspired Teaching Demonstration School and all students enrolled in schools in Inspired Teaching Demonstration School shall adhere to this policy. The 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. The policy shall apply to all incidents involving at least one student who is enrolled in a school in Inspired Teaching Demonstration School.

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

Inspired Teaching Demonstration School 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 shall take immediate and appropriate action to investigate. The procedures outlined in this policy shall 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. If someone other than the student who is the recipient of the alleged harassment or assault files the complaint, then the school shall inform the identified student of the complaint so that safety planning can occur.

### Key Considerations

As noted above, the 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. The school shall follow ITDS's 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. Regardless of whether an action occurs within the school's scope of responsibility to address as a disciplinary matter, school staff shall always 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.

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.

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

#### *Informing the School Community about the Policy*

At least once per school year, schools shall 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, the school shall 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. Schools shall 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. This policy shall also be included in ITDS's staff handbook.

#### *Training*

Inspired Teaching Demonstration School 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, shall be made available for parents/guardians.

Additionally, school staff shall receive training utilizing evidence-based standards on student-on-student acts of sexual harassment, sexual assault, and dating violence upon hiring and biennially thereafter. Staff training shall 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.

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

### Reporting Student-on-Student Acts of Sexual Harassment, Sexual Assault, and Dating Violence 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 shall 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 shall be filed with Jessica Hiltabidel, Title IX Coordinator ([jessica.hiltabidel@inspiredteachingschool.org](mailto:jessica.hiltabidel@inspiredteachingschool.org); 202-248-6825). 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 shall immediately report the information to the Title IX Coordinator. If the report includes allegations of student sexual abuse, the school staff member shall immediately follow mandated reporter requirements to alert MPD by calling 911. The school staff member should then inform 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 shall continue its own investigation, as legal standards for criminal investigations are different from the standards under Title IX. Schools shall not delay their investigation while the MPD investigation occurs. However, schools shall 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 shall still investigate and take appropriate steps to resolve the situation and ensure the safety of all students. Furthermore, the school shall investigate any incidents of misconduct involving direct observation by school staff, regardless of whether the student files a report or requests any action. If the school begins an investigation, the school shall inform the identified student so that safety planning can occur. 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 shall 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 \(OHR\)](#).

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)

### *Mandated Reporting*

All school staff have the duty to report the complaint to appropriate school officials. Additionally, all mandated reporters of ITDS 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. For more information on mandated reporter requirements, consult CFSA's [Mandated Reporter Training](#). CFSA shall 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 shall file the report with MPD by calling 911.

The report shall 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
- 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 shall not be conducted by school staff or school district employees. Notes of voluntary or spontaneous statements by the student shall 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 shall 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 shall 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. The school shall 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.



Upon making the report to CFSA or MPD, school staff shall then promptly deliver the report to the Title IX Coordinator and the head of school.

### *Confidentiality*

The school shall discuss confidentiality standards and concerns with the reporting student. Some reporting students may wish to remain anonymous. The school shall 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 shall 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.

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:

- 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.

The school shall 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.

### *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.

### Responding to Allegations of Student-on-Student Sexual Harassment/Assault, and Dating Violence

The school shall adhere to the following procedures when responding to reports of student-on-student acts of sexual harassment, sexual assault, and dating violence.

### *Immediate Steps*

- a. In cases of criminal conduct or suspected abuse in the home, the school shall 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 shall begin immediately after a report is made to the Title IX Coordinator.

b. Determine if the report will result in a Formal Complaint

Within a reasonable number of days, but in but in no case more than two business days, of receipt of the report, the school's Title IX Coordinator shall take the following action:

- Title IX coordinator reaches out to the student and the family to discuss **the report**, provide explanation of the Title IX process for filing a formal complaint, and review supportive measures.
- The Title IX coordinator will determine if a **formal Title IX complaint** is being made. Only a complainant (the student), the complainant's parent/guardian, or the Title IX Coordinator can make a formal complaint.
  - The wishes of the complainant and/or their parent/guardian should be respected, unless the Title IX coordinator determines that initiating an investigation over the wishes of the complainant is not clearly unreasonable in light of the known circumstances.
  - This might look like a complainant not wanting to get their peer in trouble, but the accusation could warrant school consequences. In this instance, a consequence cannot be provided without an investigation so the Title IX coordinator should make the formal complaint.
- If a **formal complaint** is received/confirmed, proceed with the Title IX process; if not a formal complaint, proceed with supportive measures and other appropriate actions to stop unwanted behavior. Decline of formal Title IX complaint must be documented in writing.

*Acknowledgement of Receipt of Complaint*

Within a reasonable number of days, but in no case more than two business days, of receipt of the complaint, the school's Title IX Coordinator shall acknowledge in writing receipt of the complaint and inform the reporting student (complainant), the accused student (respondent), all parents/guardians of the steps of the investigatory process. The Title IX Coordinator shall also assign an investigator and decision-maker.

*Title IX Investigation Process*

1. 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 shall take immediate actions to interrupt or stop the occurrence, prevent its recurrence, and address its effects. These actions shall occur regardless of whether the incident is the subject of a criminal investigation. Responsive measures shall be designed to minimize, as much as possible, the burden on the reporting student. In order to protect, as much as possible, the confidentiality of the reporting student, responsive measures shall only be shared with school staff who are actively involved in their implementation. The

school shall 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 shall 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 Inspired Teaching. Demonstration School's student handbook, as required by DC Official Code § 38-236.01 *et. seq.*

## 2. Legal Protections for Reporting Students

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

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

## 3. Impartial Procedures for Investigating Complaints

Throughout the investigation process, every effort shall 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.

Within four (4) business days of receipt of the complaint, the designated school personnel shall 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 shall be coordinated with MPD and CFSA. Both the reporting student and the accused student shall have the opportunity to present witness[es] and other evidence. Every effort shall be taken to maintain confidentiality of all parties involved, including the reporting student, witness[es], and the accused student. However, Title IX regulations require the names of the reporting student and accused student to be used in all investigative reports and decisions. These materials are only shared with complainants, respondents, their parents/guardians, the staff assigned to the Title IX investigation process (e.g., investigator and decision-maker).

When talking with students about alleged incidents, the school shall inform students that they may have their parent/guardian present. Schools shall consider the student's age when

determining whether it is appropriate to contact the parent/guardian prior to talking with the student. The school shall 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.

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

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

Schools shall 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.

#### 4. Timeline for Investigating Formal Complaints

There are two distinct phases of the investigation process for Formal Complaints:

- Investigation Period - Approximately 30 calendar days
  - Evidence gathering including interviewing the complainant, respondent, and witnesses.
  - At least 15 days prior to the end of the investigation period, parties will be provided copies of the evidence and will have 10 days to respond in writing.
  - Upon receipt of the written responses, the investigator will complete the final investigative report to be shared with all parties, including the Decision-maker.
- Decision Making Period - Approximately 30 calendar days
  - Upon receipt of the final investigative report, both parties have at least 10 days to respond by submitting written questions to the Decision-maker for other parties and witnesses
  - The Decision-maker gathers responses to relevant questions and provides responses in writing to each party
  - Each party will have 3 days to review the new responses
  - After all evidence is gathered and relevant questions responded to, the decision-maker will make a final determination as to the complaint of sexual harassment, assault, or dating violence using the preponderance of evidence standard.

#### 5. Appeal Process - Approximately 30 calendar days

Either party has the right to appeal this determination regarding responsibility. Appeals must be based on one or more of the following:

- Procedural irregularity that affected the outcome of the matter;

- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; or
- The Title IX Coordinator, investigator, or decision-maker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

Requests for appeal must be submitted, in writing, to the Title IX Coordinator no later than ten (10) days after receipt of this determination. The Title IX Coordinator will forward any appeal based on one or more of the allegations set out above to the individual designated to hear the appeal, which will not be the Title IX Coordinator, the investigator, or the decision-maker in this case. The individual hearing the appeal will provide a copy of the appeal request to the non-appealing party and will provide that party ten (10) days to submit a written response to the appeal. The decision of the person hearing the appeal will be final.

### *Disciplinary Outcomes of Title IX investigations*

Disciplinary action shall be instituted and resolved immediately upon completion of the investigation. Disciplinary action shall be implemented in accordance with ITDS's student discipline policies, as required by DC Official Code § 38-236.01 *et. seq.* ITDS will always follow our Tiers of Consequences and use a progressive discipline model. Consequences are aligned to our philosophical approach to discipline which encourages accountability and restorative justice. The developmental age and stage of a student is also considered when determining an appropriate consequence.

The school will share the results that arise from the allegation (e.g., whether the investigation found that student-on-student sexual harassment, sexual assault, or dating violence did occur) with the appropriate parties. 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.

Both the reporting student and the accused student shall 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.

### *Resources for Affected Students and Families*

The [DC Victim Hotline](#) is available 24/7 by telephone, text, or online chat. 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-on-student acts of sexual harassment, sexual assault, and dating violence.

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

#### *Counseling and Intervention for the Accused Student*

As mandated reporters, school 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. If the accused student's behavior indicates that they may be the victim of child sexual abuse or child abuse, then school staff shall follow [Mandated Reporting Guidelines](#). Please note: CFSA shall 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 shall file the report with MPD.

Students who are alleged to have committed acts of student-on-student sexual harassment, sexual assault, or dating violence shall 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](#).

## **Emergency Preparedness**

The Inspired Teaching Demonstration Public Charter School Emergency Operations Plans and Procedures was created by the Chief Operating Officer with input from members of the administration team.

The plan establishes the policies and procedures for a wide variety of school emergencies, and provides necessary information for all school staff in such emergencies.

The team consulted numerous references in creating the plan. These include: *School Emergency Response Plan and Management Guide* from the District of Columbia; *The Guide for Developing High-Quality School Emergency Operations Plans*, a collaborative publication from the U.S. Department of Education, the U.S. Department of Health and Human Services; the U.S. Department of Homeland Security; the U.S. Department of Justice, the Federal Bureau of Investigation, and the Federal Emergency Management Agency; and the U.S. Department of

Education's Readiness and Emergency Management for Schools: Technical Assistance Center (rems.ed.gov/EOPGuides).

### **Emergency Response Team**

The School has in place an Emergency Response Team, comprised of school leadership and other key personnel. Each has a specific role in case of various emergency situations.

### **Kinds of emergencies**

Our emergency manual lays out procedures for the following kinds of emergencies:

- *Natural Hazards* (i.e. earthquake, tornado, flood, etc.)
- *Technological hazards* (i.e. hazardous materials, power failure)
- *Biological hazards* (i.e. contaminated food, infectious disease)
- *Adversarial, incidental, and human-caused* (i.e. fire, active shooter, criminal threat, bomb threat)

### **Emergency Procedures**

We have procedures for the following types of emergency responses:

- *Evacuation*: When outside is safer than inside
- *Alert Status*: Limited access to the building, usually during emergency in the community; normal activity can take place within the building
- *Lockdown*: Protect from dangers in the building or immediately outside
- *Severe Weather Safe Area*: For severe weather; movement to safe area inside school
- *Drop, Cover and Hold*: Earthquake or imminent danger to building or immediate surroundings

### **Emergency Procedures Training**

Each year all staff have emergency training sessions that include policies and procedures for the following emergencies:

- Fire drills
- Lockdown
- Interior threats (active shooter, suspicion or possession of a weapon; violent threat)
- Neighborhood situations (i.e. medical or police activity near school; unsafe situation near school)
- Medical emergencies

### **Campus Emergency Alert and Communication System: RAVE Panic Button**

All staff have access to the RAVE Panic Button application for mobile phones. This is a mobile application that communicates directly with emergency personnel (i.e. 911, MPD) and simultaneously alerts all staff to the emergency. Additional internal communication can occur via the app after the alert goes out. Emergency personnel have quick access to the kind of emergency, building maps, key personnel, etc.

### **Emergency drills**

Evacuation drills are conducted once a month. Lockdown drills are generally conducted 1-2 times per year.

### **Ongoing safety and security precautions**

Day-to-day, we expect the following:

- All doors to exterior are closed and locked, with the exception of a short arrival/dismissal window and when someone is at or near the propped door.
- Doors to the upstairs from the lobby are closed and locked. The door can be released with security fob, or if coming from the stairs, by pushing the emergency button in case of emergency. However, the preferred emergency exit is to go down one floor further to exit to the playground.
- Doors to the early childhood wing (1<sup>st</sup> floor) are closed and locked.
- NOTE: All doors are automatically *unlocked* when the fire alarm is activated to ensure access to all exits.
- Each classroom has an emergency backpack with the Emergency Manual, contact information for families, and a first aid kit. Teachers take the backpacks with them when they travel on and off campus.



## **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 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.

### **Accused Student**

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

### **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.

### **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 shall not constitute consent. Past words or actions indicating freely given agreement to a past physical act or contact shall not constitute consent to a future physical act or contact.

As appropriate, ITDS 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.

### **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.

### **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.

### **Minor**

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

### **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 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
- (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.

### **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.

### **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:
  - 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.
- **Second degree sexual abuse:** Engaging in or causing another person to engage in or submit to a sexual act in the following manner:

- o 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
- o 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.
- **Third degree sexual abuse:** Engaging in or causing sexual contact with or by another person in the following manner:
  - o By using force against that other person;
  - o By threatening or placing that other person in reasonable fear that any person will be subjected to death, bodily injury, or kidnapping;
  - o After rendering that person unconscious; or
  - o 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.
- **Fourth degree sexual abuse:** Engaging in or causing sexual contact with or by another person in the following manner:
  - o 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
  - o 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.
- **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.
- **Attempts to commit sexual offenses:** Attempting to commit any offense defined above.

### **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.

### **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.

### **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
- Touching one's own genitalia or that of a third person.

### **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. 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.
- 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.
- **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.
- **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.
- **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;

- o By threatening or placing that other person in reasonable fear that any person will be subjected to death, bodily injury, or kidnapping;
  - o After rendering that person unconscious; or
  - o 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.
- **Fourth degree sexual abuse:** Engaging in or causing sexual contact with or by another person in the following manner:
    - o 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
    - o 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.
- **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.
  - **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.
  - **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.
  - **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.
  - **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.
  - **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.

- **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.
- **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
    - 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.
- **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.
- **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.
- **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.
- **Attempts to commit sexual offenses:** Attempting to commit any offense defined above.