



BY EMAIL AND FIRST-CLASS MAIL

August 6, 2020



RE: Letter of Response for Grievance #3794 filed on July 7, 2020

Dear [REDACTED],

In accordance with Chapter 24 Subtitle 5-B, Section 2405 of the District of Columbia Municipal Regulations, DC Public Schools (DCPS) Comprehensive Alternative Resolution and Equity (CARE) team has completed its investigation of the above referenced grievance.

Grievance Issues

Based on a review of the information provided, the written grievance raised the following issues under the jurisdiction of this office:

1. **5-B DCMR 2405.2(e)** Where a student is a victim of bullying or harassment, including sexual harassment.
 - a. DCPS became aware of Instagram post in which [REDACTED] alleged to being sexually assaulted by Student A while at a private residence. These allegations fall under Title IX of the Education Amendments Act of 1972 ("Title IX") which prohibits discrimination on the basis of sex.

Investigative Procedure

The investigation included interviews with the following individuals:

1. Student A
2. Assistant Principal, [REDACTED]
3. Dean of Students, [REDACTED]

DCPS CARE was not granted permission to interview [REDACTED] about the allegations raised in this grievance.

The investigation also included review of the following documents which were either submitted by the complainant, submitted by the school, or accessible via DCPS data systems:

1. Instagram Posts

General Findings of Fact

The following findings of fact resulted from the investigation:

1. In a [REDACTED] Instagram post, [REDACTED] reported to being [REDACTED] during a gathering at a friend's home.
2. In the post, [REDACTED] stated that while sitting on a couch and laying on Student A's chest, Student A began to [REDACTED].

3. [REDACTED] went on to explain that, [REDACTED].
4. In an interview, Student A explained that while at the home of a mutual friend in [REDACTED], Student A was aware that [REDACTED] was smoking marijuana but was not aware of how much [REDACTED] had smoked.
5. While sitting on the couch next to [REDACTED], Student A stated [REDACTED] laid her head on Student A's chest and they began to cuddle. During this time, Student A says [REDACTED] switched positions and a hand "accidentally" touched [REDACTED]. Student A says there was an immediate apology and [REDACTED] responded by saying it was fine.
6. Student A denied purposefully touching [REDACTED]'s [REDACTED]. Student A also denied [REDACTED]. Student A did not recall [REDACTED] moving a hand away or verbally saying "no" to being touched.
7. Dean of Students, [REDACTED] stated that during the time of the incident, he was approached by [REDACTED] while at [REDACTED]. [REDACTED] asked [REDACTED] to get Student A to [REDACTED]. According to [REDACTED], [REDACTED] did not report any allegations of sexual misconduct and offered no explanations as to why the request was being made.

Discussion/Conclusion

1. **5-B DCMR 2405.2(e)** is unable to be substantiated. As stated above, DCPS CARE was not granted permission to interview [REDACTED] about the allegations raised in this grievance. Based on the information gathered during this investigation, there are conflicting accounts from [REDACTED] and Student A about what occurred between the two students while at a private residence in [REDACTED]. As a result, DCPS CARE is unable to substantiate 5-B DCMR 2405.2(e).

DCPS has taken the following actions below to address this incident:

1. On [REDACTED], this matter was referred to the Metropolitan Police Department and later forwarded to the [REDACTED] Police Department.
2. On [REDACTED], you responded to a DCPS CARE email and stated that the issue had been directed to the proper authorities. Should you choose to share more information about the allegations raised in this grievance or seek support services in the future, please contact DCPS CARE at the number provided below.

As the complainant, if you are not satisfied with the outcome, you have the right to file an appeal. Appeals must be submitted in writing and received within 10 calendar days of receipt of this notice. Please submit appeal requests to the Office of Integrity via U.S. Postal Mail to 1200 First St., NE, 10th Floor; Attn: CIO or via email at dcps.cio@k12.dc.gov. You may also contact the U.S. Department of Education, Office for Civil Rights (1-800-421-3481) to report any educational discrimination.

If you have further questions, please do not hesitate to contact us at dcps.care@k12.dc.gov or 202.442.5405.

Sincerely,



Anitra Allen, Director CARE

Cc: Principal
Instructional Superintendent