



DISTRICT OF COLUMBIA  
PUBLIC SCHOOLS

Office of the Chief Operating Officer

BY EMAIL AND FIRST-CLASS MAIL

November 18, 2020

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

RE: Letter of Response for Grievance #3814 filed on September 29, 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. It was alleged that Student [REDACTED] has sexually assaulted multiple students while attending [REDACTED]. Specifically, the following was alleged:
    - i. Student [REDACTED] coerced Student A into performing oral sex on multiple occasions in November 2019.
    - ii. Student [REDACTED] made repeated attempts to get Student C to engage in sexual acts during the 2017-2018 school year and inappropriately touched Student C's buttocks while in school.
    - iii. Student [REDACTED] sent an unsolicited nude picture to Student G during the 2017-2018 school year.

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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 [REDACTED]
2. Parent, [REDACTED]
3. Detective [REDACTED], Metropolitan Police Department (MPD)
4. Social Worker, [REDACTED]
5. Student A
6. Student C
7. Student D
8. Parent of Student G.

DCPS CARE was not granted permission to interview Student G 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. Written Statement from Student D
2. Written Statement from Student E
3. Written Statement from Student F
4. Relevant Emails
5. Incident Reporting Tool Form

### **General Findings of Fact**

The following findings of fact resulted from the investigation:

1. In September 2020, Student D made an Instagram post stating that Student [REDACTED] is a [REDACTED] and that they had received the [REDACTED] from Student A to share this information publicly. Student D went on to say in the social media post about Student [REDACTED] that [REDACTED]
2. In an interview, Student [REDACTED] explained that they were involved in a romantic/sexual relationship with Student A. Student [REDACTED] denies engaging in sexual intercourse but did engage in kissing and oral sex.

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3. During the 2019-2020 school year is when Student [REDACTED] says that the relationship with Student A became physical. According to Student [REDACTED], Student A gave Student [REDACTED] oral sex approximately 2-3 times.
  4. Student [REDACTED] states that prior to engaging in any sexual act, it was verbally discussed between the two of them. Student [REDACTED] says that each time occurred in the unisex bathroom near the [REDACTED] campus. According to Student [REDACTED], in the first instance they went into the restroom with the intention of engaging in oral sex.
  5. During the second instance, Student [REDACTED] says the two students were in the same unisex bathroom on the [REDACTED] campus. Student [REDACTED] says that while they were kissing, Student A asked if it was okay if Student A gave Student [REDACTED] oral sex. Student [REDACTED] responded by saying [REDACTED] and Student A did the act.
  6. Student [REDACTED] stated that there was always consent and that there was never a sign that Student A was uncomfortable. Student [REDACTED] denied coercing or pressuring Student A to perform oral sex.
  7. In an interview with Student A, the student explains that there was a relationship with Student [REDACTED], first in March 2019 and then again in November 2019 when the two students got back together.
  8. Student A also stated that starting in November 2019, the two students engaged in kissing and oral sex but not sexual intercourse. However, Student A states that the sexual acts were not consensual.
  9. Student A explains that the first instance occurred while outside near the Potomac River. Student A says that Student [REDACTED] Student A recalls feeling pressured to lay down and that Student [REDACTED] just took his penis out and Student [REDACTED] placed his hand on top of Student A's head to begin the oral sex. Student A stated that there had been no prior discussion about engaging in this behavior. According to Student A, they told Student [REDACTED] that they did not want to do it but Student [REDACTED] kept saying, [REDACTED] Student A says of the experience [REDACTED]
  10. In the second instance, Student A says they were at a unisex bathroom at [REDACTED] Student A says that Student [REDACTED] took Student A's phone and went into the bathroom. Student A went on to say that after an hour passed by, Student A went into the bathroom. While in the bathroom, Student [REDACTED] was trying to get Student A to perform oral sex.
  11. Student A says there was a half-hour spent of saying "no" and eventually Student A took out his penis. Student A says of this instance, [REDACTED]  
[REDACTED]

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12. The last instance occurred in a study room at [REDACTED] says Student A. Student A says Student [REDACTED] blocked the door and put Student A's hand on Student [REDACTED]'s private area and started moving their hand. Student A says after half a minute, Student [REDACTED] let go of their hand. Student A then left the room.

13. Student A says there was never any instances of agreeing to engage in oral sex with Student [REDACTED] and that Student [REDACTED] should have been able to observe that Student A was visually uncomfortable and was not consenting.

14. In January 2020, this matter was referred to the Metropolitan Police Department. According to MPD Detective, [REDACTED], reported that during the investigation Student A recanted and denied being forced to do anything.

15. In response to the police investigation closure, Student A explained that they did not have the "emotional availability" to go through with the criminal investigation.

16. In a written statement and re-iterated during a phone interview, Student C explained that while on the [REDACTED] campus with Student A and other friends, Student A was observed showing discomfort with being in that area. Student A later told Student C that Student [REDACTED] was responsible for harassment and not taking no for an answer. Student E and Student F also wrote in a statement that Student A had told them that Student [REDACTED] had harassed Student A.

17. It was also reported that Student [REDACTED] had inappropriate interactions with both Student C and Student G that were sexual in nature.

18. In an interview, Student C stated that they were in a relationship with Student [REDACTED] during the 2017-2018 school year. According to Student C, the relationship ended because Student [REDACTED] such as oral sex or sex. The two students never engaged in those sexual acts. Student C also reported that Student [REDACTED] would [REDACTED] Student C could not recall if there were any witnesses to this behavior.

19. Student C says that while in a movie theatre, they masturbated Student [REDACTED] Student C says [REDACTED] because Student [REDACTED] would say things like, [REDACTED] or [REDACTED] Student C stated that they did not tell anyone about these incidents at the time.

20. Student [REDACTED] also stated that there was a relationship with Student C in the [REDACTED]. Student [REDACTED] says that there was only kissing and masturbation but says [REDACTED] Student [REDACTED] says there was no impression that Student C was uncomfortable with engaging in that way.

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21. In regard to the allegation related to Student G, Student [REDACTED] admitted to sending a nude picture to Student G during the 2017-2018 school year. Student [REDACTED] explained that during a conversation about being intimate, Student [REDACTED] asked Student G, [REDACTED] Student G responded that they wanted to see but after receiving a picture of Student [REDACTED]'s penis, it made Student G uncomfortable. Student [REDACTED] says they [REDACTED] and that Student G accepted that apology.

22. DCPS CARE was unable to speak to Student G about this incident but in an interview with the Parent of Student G, it was confirmed that Student G did receive an unsolicited picture of Student [REDACTED]'s penis. The Parent of Student G stated that they chose not to report the incident.

23. DCPS CARE attempted to complete a follow-up interview with Student [REDACTED] to discuss information that was learned after the initial interview. However, DCPS CARE did not receive permission to complete this second interview with Student [REDACTED]

### **Discussion/Conclusion**

Based on the information gathered during this investigation, DCPS CARE is unable to substantiate **5-B DCMR 2405.2(e)** as it relates to the three separate claims of sexual misconduct.

- i. In regard to the allegation involving Student [REDACTED] and Student A, DCPS CARE received two different accounts from both students involved. Student [REDACTED] stated that the sexual acts were discussed and agreed upon and that Student A gave consent. Student A denied giving consent and states that the sexual acts were performed after being pressured by Student [REDACTED] DCPS CARE was unable to gather sufficient independent evidence to conclude that Student [REDACTED] should be found responsible for coercing Student A into performing sex acts on multiple occasions.
- ii. In regard to the allegation involving Student [REDACTED] and Student C, DCPS CARE again received two different versions of events from the students involved. Student C states that during the 2017-2018 school year, Student [REDACTED] would repeatedly ask Student C to perform sex acts and that there was a feeling of being manipulated into giving Student [REDACTED] a "hand job". It was also alleged that Student [REDACTED] would inappropriately touch Student C's buttocks while at school. Student [REDACTED] states that there was consent and does not recall making Student C feel uncomfortable. These issues were not reported at the time and there was no independent evidence to conclude that Student [REDACTED] should be found responsible for the alleged behavior.
- iii. In regard to the allegation that Student [REDACTED] sent an unsolicited nude picture to Student G, Student [REDACTED] admitted to sending a picture to Student G of their penis during the 2017-2018 school year. However, Student [REDACTED] explained that while having an intimate conversation, they thought it would be okay to send a picture of their penis after asking

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Student G, [REDACTED] and Student G responded affirmatively. It is difficult to be certain that this conversation went the way it was described by Student [REDACTED] but DCPS CARE was unable to speak to Student G or collect copies of that specific conversation between the two students.

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

1. On September 28, 2020, the incidents were reported to the Metropolitan Police Department for review and investigation.
2. By December 1, 2020, [REDACTED] will appoint a social worker to speak with Student [REDACTED] about healthy relationships, understanding boundaries, and other topics related to this case.

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, 10<sup>th</sup> Floor; Attn: CIO or via email at [dcps.cio@k12.dc.gov](mailto: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](mailto:dcps.care@k12.dc.gov) or 202.442.5405.

Sincerely,



Anitra Allen, Director CARE

Cc: Principal  
Instructional Superintendent