



BY EMAIL AND FIRST-CLASS MAIL

March 23, 2022

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

RE: Letter of Response for Grievance #4246 filed on December 20, 2021

Dear [REDACTED]

In accordance with Title 5 Education, Subtitle 5-B, Chapter 24, Subsection 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 authority 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 reported that Student A touched Student [REDACTED] on the butt and threatened to rape her while participating in an after-school community service event at [REDACTED] School. In a separate incident, it is alleged that Student A attempted to pull Student [REDACTED] down the school stairwell during class transition.

Investigative Procedure

The investigation included interviews with the following individuals:

1. Parent of Student A
2. Student A
3. Parent of Student [REDACTED]
4. Student [REDACTED]
5. Student B (witness)
6. Principal [REDACTED]

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. Incident Reporting Tool
2. Division of School Security Incident Report ([REDACTED])
3. Parent of Student [REDACTED] email ([REDACTED])

Pertinent Regulatory, Policy, and Procedural Considerations

As it relates to a student touching another student without consent and in a manner that is sexual in nature: According to The District of Columbia Human Rights Law of 1977, Title 2, Chapter 14 of the D.C. Official Code (DC Human Rights Act), § 2-1402.41, it is an unlawful discriminatory practice... for an educational institution...to deny, restrict, or to abridge or condition the use of, or access to, any of its facilities, services, programs, or benefits of any program or activity to any person otherwise qualified, wholly, or partially, for a discriminatory reason, based upon...sex.”

According to the DCPS Notice of Non-Discrimination, DCPS does not discriminate or tolerate discrimination against...students on the basis of...sex.

General Findings of Fact

The following findings resulted from the investigation:

1. Student [REDACTED] and Student A are 9th grade students who attend [REDACTED]
2. During the first semester Student [REDACTED] and Student A did not share any classes.
3. On [REDACTED], [REDACTED] Principal was notified by you that Student [REDACTED] was touched on the butt by Student A while participating in an afterschool community service activity. You also reported that there have been other incidents of inappropriate touching, including an attempt to pull Student [REDACTED] down the stairwell during a class transition, dates were not provided for the prior incidents.
4. On [REDACTED], in an interview with the CARE investigator Student [REDACTED] shared the following:
 - They know Student B because they participate in community service at [REDACTED] School together
 - On [REDACTED], Student A tickled the butt of Student [REDACTED] when they stood up to walk away from a table where they were seated next to Student A working with paper. Student [REDACTED] reports hitting Student A in response to being tickled
 - Student [REDACTED] does not believe anyone witnessed this incident
 - Student [REDACTED] reported that after the tickling incident, Student A followed them and backed them against a wall, Student B intervened, and Student A said [REDACTED]
 - Student [REDACTED] reported that prior to this incident Student A poked her breast while on the Subway train a week before.
 - Student [REDACTED] also reported that Student A attempted to drag her down the hallway during class transition, in the interview Student [REDACTED] described how the dragging incident occurred.
5. On [REDACTED], in an interview with the CARE investigator, Student A shared the following:
 - They do not have any classes with Student [REDACTED]
 - On [REDACTED], around 2:45 they walked to community service at [REDACTED]
 - Student A and Student [REDACTED] were sitting next to each other while working with paper
 - During community service on [REDACTED], students [REDACTED], [REDACTED] and Student B were the last to leave community service. They left at approximately 5:00.
 - Student A responded [REDACTED] when asked if they touched Student [REDACTED] on the butt
 - Student A responded [REDACTED] when asked if they had a confrontation with Student B
 - Student A responded [REDACTED] when asked if they put Student [REDACTED] against a wall
 - Student A responded [REDACTED] when asked if they said something about raping Student [REDACTED] and Student B
 - Student A does not recall being on the train or interacting with Student [REDACTED]
6. On [REDACTED], in an interview with the CARE investigator Student B shared the following:
 - Student B observed Student A backing Student [REDACTED] into the wall, Student [REDACTED] called her by name to ask for help
 - Student B reported that Student [REDACTED] looked nervous

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- Student B reported that she intervened and said, [REDACTED] then said [REDACTED] Student A responded by saying [REDACTED]
 - Student B reported that Student A hugged them from behind approximately five minutes later and asked if they were weird, in response Student B said no and told Student A to get off them
 - Student B does not believe anyone else observed the incident

7. DCPS CARE was unable to retrieve camera footage of the incident.

Discussion/Conclusion

5-B DCMR 2405.2(e) is substantiated. During the investigation, DCPS CARE received corroborating details from the complainant and a witness, both of whom were deemed credible. In contrast, the respondent failed to provide relevant details and did not seem credible during their interview. As result, DCPS CARE believes it is more likely than not that a violation occurred.

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

1. A Chapter 25 disciplinary infraction was rendered for Student A
2. As of [REDACTED], Student A was removed from the [REDACTED] Volunteer site
3. As of [REDACTED], Student [REDACTED] and Student A were given open access to the school counselor and psychologist for support meetings.

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 Chief Integrity Officer (CIO) 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 202-4425405.

Sincerely,

[REDACTED], Director CARE

Cc: Principal

