



BY EMAIL

April 5, 2022

RE: Letter of Response for Grievance #4405 filed on February 28, 2022

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 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 reported that Student [REDACTED] has been inappropriately touched on the [REDACTED] by Student B on multiple occasions while at [REDACTED]

Investigative Procedure

The investigation included interviews with the following individuals:

1. Student [REDACTED]
2. Student B
3. Student C

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 Form

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.

1. 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.”

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2. 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. During an interview with Student [REDACTED], they explained that in [REDACTED] Student B [REDACTED] [REDACTED] while in the cafeteria. Student [REDACTED] described the encounter as being [REDACTED] and that Student B immediately apologized and said it was an accident.
2. Student [REDACTED] agreed that the encounter could have been an accident as Student B was [REDACTED] [REDACTED].
3. On [REDACTED] Student [REDACTED] reported that while in the cafeteria, they stood up from their chair and were suddenly pushed against the table. Student [REDACTED] observed Student B and Student C pushing each other around.
4. According to Student [REDACTED], Student C pushed Student B into Student [REDACTED] and says that Student B's hands went on Student [REDACTED]'s [REDACTED] and Student B [REDACTED]. Student [REDACTED] believed the squeeze was intentional.
5. Student [REDACTED] says that Student B apologized [REDACTED].
6. Student [REDACTED] was unaware of any other students that may have observed the touch.
7. During an interview with Student B, they did not recall an incident in [REDACTED] where they allegedly [REDACTED] against Student [REDACTED]'s [REDACTED].
8. In response to the alleged [REDACTED] incident, Student B explained that while in the cafeteria they were playing drums. Student B says they were pushed into Student [REDACTED] by Student C.
9. Student B stated that they touched Student [REDACTED]'s [REDACTED] accidentally and when it occurred, they immediately moved their hand and apologized.
10. Student B denies squeezing Student [REDACTED]'s [REDACTED].
11. In an interview with Student C, they confirmed that they pushed Student B into Student [REDACTED] while in the cafeteria. However, Student C did not observe Student B make contact with Student [REDACTED]'s [REDACTED].
12. DCPS CARE was unable to retrieve video footage of the reported incidents.

Discussion/Conclusion

5-B DCMR 2405.2(e) is unable to be substantiated. DCPS CARE reviewed allegations that Student B has inappropriately touched Student [REDACTED]'s breasts on two separate occasions while at [REDACTED]. Student [REDACTED] reported that in [REDACTED] Student B was running around the cafeteria and [REDACTED] up against Student [REDACTED]'s [REDACTED]. During an interview with Student B, they did not recall this incident. Additionally, Student [REDACTED] reported that in [REDACTED] Student B was pushed by Student C which resulted in Student B falling into Student [REDACTED] and [REDACTED] their [REDACTED]. Student B admitted to touching Student [REDACTED]'s [REDACTED] after being pushed but stated that it was accidental and immediately moved their hand away. Based on this information, DCPS CARE is unable to conclude that Student B made intentional sexual contact with Student [REDACTED] during either reported incident.

Although no violation was found, DCPS has taken the following actions below to address this incident:

1. On [REDACTED], Student [REDACTED] met with Social Worker, [REDACTED] for support. Should you seek additional support services, please contact DCPS CARE using the contact information below.
2. By [REDACTED] [REDACTED] administration will appoint a staff member to meet with Student B to discuss topics related to this matter such as consent and inappropriate touch.

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 202.442.5405.

Sincerely,

[REDACTED]
[REDACTED] Director CARE

Cc: Principal
Instructional Superintendent