



# Response to Grievances Filed by Students and the General Public

This Response to Grievances Filed by Students and the General Public Policy rescinds and supersedes all previous policy, memoranda, and/or guidance promulgated by DCPS on this subject matter.

Chancellor Approval: 

Effective: October 1, 2021

## I. PURPOSE AND SCOPE

The District of Columbia Public Schools (DCPS) is committed to ensuring every student feels loved, challenged, and prepared to positively influence society and thrive in life by providing rigorous and inclusive learning environments for all students. To meet this commitment, DCPS is focused on creating an environment in which we eliminate opportunity gaps, interrupt institutional bias, and remove barriers to academic and social success, particularly for students of color. To promote an equitable environment free of discrimination, DCPS provides the most support where the greatest disparities have persisted.

Upholding DCPS' mission to provide a nurturing, inclusive, and affirming environment for all students, the Comprehensive Alternative Resolution and Equity (CARE) team provides a mechanism for the reporting of improper and/or discriminatory treatment by a DCPS employee, volunteer, contractor or student.

This policy conveys how grievances related to allegations of improper and/or discriminatory treatment; instances in which the rights of students, or any individual student, are being denied or abridged; or instances in which any student or group of students is being subjected to an arbitrary or unreasonable regulation, procedure, or standard of conduct; can be made and the manner in which DCPS will respond. This policy applies to all DCPS students and the general public.<sup>1</sup>

This policy rescinds and supersedes all previous policy, memoranda, and guidance promulgated by DCPS on this subject matter.

## II. AUTHORITY AND APPLICABLE LAW<sup>2</sup>

Source	Citation
Federal Law	<ul style="list-style-type: none"><li>- Title IX of the Education Amendments Act of 1972 (Title IX), 20 U.S.C. § 1681</li><li>- Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 701 <i>et seq.</i></li><li>- Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. § 2000d <i>et seq.</i></li><li>- Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12101 <i>et seq.</i></li></ul>

<sup>1</sup> Labor Management and Employee Relations investigates complaints involving staff. The Office of Integrity (OOI) also address complaints filed involving staff. For more information contact [dcps.lmer@k12.dc.gov](mailto:dcps.lmer@k12.dc.gov) or [dcps.cio@k12.dc.gov](mailto:dcps.cio@k12.dc.gov). An online referral form may be submitted to OOI at <https://dcps.dc.gov/page/office-integrity-online-referral-form>.

<sup>2</sup> Nothing in this policy will supersede federal, state, or local law.

## Response to Grievances Filed by Students and the General Public

Federal Regulations	- Title IX implementing regulations, 34 C.F.R. Part 106
District of Columbia Law	- D.C. Human Rights Act of 1977, D.C. Code § 2-1401 <i>et seq.</i> - School Safety Omnibus Amendment Act of 2018, D.C. Code § 38-951 <i>et seq.</i> and D.C. Code § 38-952 <i>et seq.</i>
District of Columbia Municipal Regulations	- Student Grievance Procedures, 5-B DCMR § 2405 - Grievance Procedures for Parents, Guardians, and Visitors, 5-E DCMR § 405 - Student Bill of Rights, 5-E DCMR § 2401

### III. KEY TERMS AND DEFINITIONS

**Aggrieved** means an individual or group of individuals who has experienced improper treatment. The aggrieved and the reporter may be the same person.

**Allegation** means a claim that someone has done something wrong.

**Appeal review panel** means persons designated by the Chancellor to review appeals and issue final agency decisions on grievances.

**Bullying** means any severe, pervasive, or persistent act or conduct, whether physical, electronic, or verbal, that may be reasonably predicted to:

- Place a student in reasonable fear of physical harm to their person or property;
- Cause a substantial detrimental effect on the student's physical or mental health;
- Substantially interfere with the student's academic performance or attendance; or
- Substantially interfere with the student's ability to participate in or benefit from school activities or services. (see D.C. Code § 2-1535.01)

**Civil rights grievance** means any report or claim alleging a violation of Title II, Title VI, Title IX, the D.C. Human Rights Act, or any right stipulated in the *Anti-Discrimination Policy: Students*<sup>3</sup> and the *Preventing and Addressing Student-on-Student Sexual Misconduct Policy*.<sup>4</sup>

**Cyberbullying** means bullying through the use of technology or electronic devices such as telephones, cell phones, computers and the internet. It includes, but is not limited to, email, direct messages, text messages and internet postings.

**Discrimination** means the unjust or prejudicial treatment of different categories of people. Discrimination may take many forms including abusive jokes, crude name-calling, threats, bullying, cyberbullying or sexual/physical assault by teachers or students. It may also constitute nonverbal behavior such as graphic and written statements or conduct that is physically threatening, harmful or humiliating. (see D.C. Code 2-1401, *et seq.*)

**General grievance** means a complaint that is filed to report allegations of improper treatment; instances in which the rights of students, or any individual student, are being denied or abridged; or

<sup>3</sup> See *Anti-Discrimination Policy: Students*, available at <https://dcps.dc.gov/page/dcps-policies>.

<sup>4</sup> See *Preventing and Addressing Student-on-Student Sexual Misconduct Policy*, available at <https://dcps.dc.gov/page/dcps-policies>.

## Response to Grievances Filed by Students and the General Public

instances in which any student or group of students is being subjected to an arbitrary or unreasonable regulation, procedure, or standard of conduct improper treatment.

**Grievance** means a complaint that is filed to report improper treatment. Grievances may fall under the civil rights or general category.

**Grievance Point of Contact (POC)** means a person in each school responsible for receiving grievances, ensuring grievances are properly reported, supporting the investigative process, and promoting school community awareness about the grievance policy.

**Grievant** means a person who files a grievance.

**Harassment** means uninvited and unwelcome conduct.

**Letter of resolution** means the case closure report issued to the involved parties that outlines an investigation's outcome.

**Parties** means the aggrieved and respondent associated with a case. The reporter may also be a party to the case.

**Preliminary investigation** means reviewing a grievance to determine if the allegations warrant full investigation.

**Preponderance of evidence standard** means a determination of whether or not allegations are more likely to be true than untrue. More than 50% of the evidence must point to the allegations being true in order to conclude that the standard was met.

**Reporter** means any individual, including but not limited to a parent, guardian, student, or school visitor, who has knowledge of an incident and files a grievance.

**Respondent** means the person or persons accused of improper behavior.

**Retaliation** means any adverse action taken against a person for filing a grievance, participating in an investigation or opposing discriminatory activity (for example, signing a petition).

**Supportive measures** means actions taken on a student's behalf to mitigate issues related to the grievance (for example, creation of a safety plan, modification of class schedule, counseling).

**Staff** means an employee or volunteer of a school, an employee of an entity with whom the school contracts, or an employee or volunteer of an entity with whom the school partners who acts as an agent of the school at the school or activities sponsored by the school. (D.C. Code § 38-951.01(5))

## **IV. REQUIREMENTS**

Every DCPS student has rights,<sup>5</sup> including the right to be protected from prohibited behaviors. These grievance procedures were established to protect the rights of students and third parties while in a DCPS public school or participating in a DCPS-sponsored activity.<sup>6</sup>

Grievances may be brought to report improper treatment, including, but not limited to, instances in which it is alleged that:

- A student or group of students is being denied access to an adequate educational opportunity;
- The rights of a student or group of students are being denied or abridged;
- A student or group of students is being subjected to an arbitrary or unreasonable regulation, procedure, or standard of conduct;
- A student or group of students is being denied participation in any school activity for which the student is eligible; and
- A student or group of students is a victim of bullying or harassment, including sexual harassment.

Grievances can also be filed for any other violation of a right granted by law that does not have a specific grievance procedure or hearing process provided by DCPS policy.

### **A. Grievance Procedure**

The DCPS grievance process has three steps: (1) grievance reporting, (2) agency acknowledgment and support, and (3) investigation, analysis, and resolution.

#### **1. Grievance Reporting**

Grievances can be reported in the following ways:

- Verbally: The reporter or aggrieved speaks with the principal, grievance POC, any school staff, or the DCPS central office Comprehensive Alternative Resolution and Equity (CARE) Team<sup>7</sup> in person or via telephone.
- Writing: The reporter or aggrieved contacts the principal, grievance POC, any school staff, or CARE Team via email at [dcps.care@k12.dc.gov](mailto:dcps.care@k12.dc.gov), via telephone at (202) 442-5405, hard-copy delivery, or through the online form available at <https://dcps.dc.gov/page/grievance-form>.

All grievance filings alleging a civil rights allegation must be reported to the CARE Team, either directly by the reporter or by the staff member who received the grievance at the school.

#### **2. Agency Acknowledgement and Support**

Within one (1) school day of the reporting, the parties will receive an acknowledgement via e-mail containing a unique case identifier, the allegations, next steps in the investigatory process, the assigned

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<sup>5</sup> 5-E DCMR § 2401.

<sup>6</sup> These grievance procedures will extend beyond schools or DCPS-sponsored activities when one or more DCPS student is involved, and the educational environment is impacted.

<sup>7</sup> Additional information about the CARE Team is available online at <http://dcps.dc.gov/page/studentparentvisitor-grievance-process>.

investigator's name, and an anticipated date for the issuance of a Letter of Resolution (LOR). If no e-mail address is available, acknowledgement will be provided via regular mail. If no mailing address is available, acknowledgment will be provided via telephone and documented electronically. If the grievance is filed anonymously, no agency acknowledgment will be sent.

Each case will undergo evaluation to determine if supportive measures are necessary. If deemed necessary, the CARE Team will work with the local school to ensure implementation. The parties may request or appoint an advisor of their choice to help them navigate the resolution process. The nature of a civil rights or general grievance may require DCPS staff to report suspected child abuse or neglect.<sup>8</sup>

### 3. Investigation, Analysis, and Resolution

Within two (2) school days of the reporting, the assigned investigator will initiate the investigative process. An investigation requires the collection of evidence. Evidence may include but is not limited to artifacts, written statements, interview notes, video footage, electronic communication, social media posting, school records, and regulatory guidance. All allegations, investigative information, and activity is maintained electronically.

Upon conclusion of the investigative process, the investigator will analyze the relevant information and draw a conclusion based on the CARE Team's preponderance of the evidence standard. The investigator will then draft the LOR and include one of the following potential outcomes:

- **Dismissed:** the grievance is closed without a full investigation;
- **Outside of jurisdiction:** an allegation is outside of the CARE Team's purview, including complaints that have specific grievance procedures or hearing processes; the complaint may be referred to another group within DCPS for review, if applicable;
- **Substantiated:** the allegations were found to be true or supported with facts, and DCPS will engage in the appropriate corrective measures;
- **Unable to be substantiated:** there were insufficient facts to substantiate or unsubstantiate the allegations;
- **Unsubstantiated:** the allegations were not supported by facts; or
- **Withheld:** the CARE Team is not issuing a finding.

Grievances may also be closed after a preliminary investigation is conducted. Parties will receive a LOR no later than thirty (30) calendar days after receipt of the report unless the parties agree to an extension.

In resolving grievances and issuing a LOR, the CARE Team seeks to make whole the aggrieved parties and rectify any systemic failure. This may lead to policy changes, service provisions, and disciplinary action against the respondent. Disciplinary action will be administered in accordance with DCPS student discipline policies.<sup>9</sup>

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<sup>8</sup> All DCPS staff are mandatory reporters required to report suspected child abuse or neglect to DC Child and Family Services and the Metropolitan Police Department. For additional information, see

<http://bit.ly/DCPSMandatedReporterFAQ>.

<sup>9</sup> Available at <https://dcps.dc.gov/page/dcps-policies>.

### B. Title IX Investigation Procedures

When a grievance alleges violations of Title IX, a formal written or electronic grievance must be filed by the aggrieved or their parent/guardian.<sup>10</sup> The grievance must allege sexual harassment by the respondent(s) and must request that DCPS conduct an investigation. Valid Title IX grievances must also meet the following criteria:

- The student who files the Title IX grievance or on whose behalf the grievance is filed must be participating in or attempting to participate in a DCPS program or activity.
- DCPS must have substantial control over the respondent and over the context in which the sexual harassment occurs.
- The activity must take place (1) in the United States and on DCPS property, (2) during a DCPS-sponsored event away from DCPS property, or (3) in or during an online class.

If the grievance does not meet the criteria to be considered a Title IX grievance, or if the grievant declines to file a formal Title IX grievance, it will either be closed or filed under another category. A Title IX grievance may be dismissed if the grievant makes a written request to have the grievance withdrawn. Supportive measures will be offered where necessary even where the grievant declines to file a formal Title IX grievance.

### C. Appeals and Appellate Procedure

An appeal can be requested by either party. Appeals will only be conducted if there is new information, evidence of a procedural violation that impacted the outcome, or evidence of a conflict of interest that impacted the outcome. Request for an appeal must be submitted in writing within thirty (30) calendar days of receipt of the LOR. The appeal will be brought before the Appeal Review Panel to ensure appropriate and fair resolution. The panel shall be comprised of three (3) persons with leadership authority who have been appointed by the Chancellor or designee. The Appeal Review Panel will review all information and provide DCPS' Chief Integrity Officer or other Chancellor's designee with written findings and recommendations for resolution. The findings and recommendations shall be issued within twenty (20) calendar days of receipt by the panel. The Chief Integrity Officer or other designee will issue the final administrative decision to all parties, in writing within twenty (20) calendar days of receiving the panel recommendations.

### D. Confidentiality, Consent, and Retaliation

DCPS will work to maintain confidentiality to the highest degree possible during the grievance resolution process.

Consent to participate in the investigation will be obtained from the parents if the aggrieved/respondent/witness is under age eighteen (18). If the grievance is filed anonymously or if the reporter/aggrieved requests not to be involved in the investigative process, DCPS will take all reasonable steps to investigate and respond to the report/grievance while respecting the request for confidentiality or no involvement.<sup>11</sup>

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<sup>10</sup> All complaints alleging potential Title IX violation will be initially investigated under Title IX procedures regardless of whether the complaint specifically names or cites to the statute.

<sup>11</sup> The outcome may be hindered without full participation of all parties.

## Response to Grievances Filed by Students and the General Public

Retaliation against any party related to a grievance filing is strictly prohibited. School officials must take all available measures to prevent retaliation. DCPS will take strong responsive action in the event that retaliation occurs.

### E. Remedies Outside of DCPS

If a person does not want to have their concern addressed by DCPS, they can file a complaint with any of the following outside agencies:

1. U.S. Department of Education, Office for Civil Rights

A grievant may file a complaint directly with the U.S. Department of Education, Office of Civil Rights (OCR) without utilizing, following, or completing any of the procedures in this policy. If a complaint is filed with OCR, it must be filed in writing no later than 180 days after the occurrence of the alleged discrimination or harassment. Additional information is available at <http://www.ed.gov/ocr/complaintprocess.html>.

2. District of Columbia Office of Human Rights

A grievant may file a complaint directly with the District of Columbia Office of Human Rights without utilizing or following the DCPS grievance procedures. The complaint must be filed within one (1) year of the occurrence of the alleged discrimination or harassment. Additional information is available at <http://www.ohr.dc.gov>.

## V. POLICY IMPLEMENTATION REQUIREMENTS

All DCPS employees are required to comply with the requirements set forth in this policy. Questions or concerns regarding this policy should be directed to the CARE Team at [dcps.care@k12.dc.gov](mailto:dcps.care@k12.dc.gov). Implementation of this policy will be reinforced by the CARE Team.

DCPS is committed to serving every student with equity, excellence, transparency, and accountability and creating an environment for students that is free of discrimination and harassment. For any concerns about or violations of this directive, contact the Chief Integrity Officer by completing the [Online Referral Form<sup>12</sup>](#) or sending an email to [dcps.cio@k12.dc.gov](mailto:dcps.cio@k12.dc.gov).

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<sup>12</sup> Available at <https://dcforms.dc.gov/webform/online-referral-form>.