

KIPP DC:

PUBLIC SCHOOLS

TITLE IX POLICY

NON-DISCRIMINATION ON THE BASIS OF SEX IN EDUCATION

From August 1, 2024, to January 9, 2025, KIPP DC complied with the 2024 Title IX Regulations. After January 9, 2025, KIPP DC returned to the previous Title IX policy consistent with the 2020 Title IX Regulations. Any Title IX investigations started in compliance with the 2024 regulations were reviewed and either dismissed or continued under our current grievance procedures.

I. Purpose

KIPP DC is committed to providing students, employees, and volunteers with an environment that is safe, welcoming, and inclusive. KIPP DC takes seriously its obligations to ensure that no student or employee suffers discrimination on the basis of sex, as defined in Title IX of the Education Amendments Act of 1972 ("Title IX"). Title IX requires that "[n]o person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance..." 20 U.S.C. § 1681(a). KIPP DC does not discriminate against or tolerate discrimination against students, employees, or applicants on the basis of actual or perceived sex, sexual orientation, gender identity or expression.

II. Prohibited Acts

The following acts are prohibited and will not be tolerated at KIPP DC:

- Dating violence
- Discrimination on the basis of sex
- Discrimination on the basis of gender identity or expression
- Domestic violence
- Sexual assault
- Sexual harassment
- Stalking

Please see the Appendix at the end of this policy for definitions.

III. Designation of Title IX Coordinator

KIPP DC has designated a Title IX Coordinator to manage KIPP DC's response to reports or complaints of sexual harassment, sexual assault, and dating violence and oversee KIPP DC's compliance with Title IX:

Ashley Ogbonna, Title IX Coordinator

Phone: 202-750-5903

E-mail: ashley.ogbonna@kipppdc.org

Mail: 2600 Virginia Avenue NW, Suite 900, Washington, DC 20037

IV. KIPP DC's Title IX Authority

KIPP DC may investigate formal complaints of sexual harassment under Title IX if the acts occur within:

- the United States and
- KIPP DC's education program or activity.

For the purposes of this policy, sexual harassment under Title IX is prohibited:

1. In KIPP DC's "education program and activities" including locations, events, and circumstances in which KIPP DC has exercised substantial control over both the respondent and the context in which the alleged sexual harassment occurred. This includes KIPP DC's admissions, recruiting, financial aid, academics, student services, counseling and guidance, discipline practices, class assignments, grading policies, recreational activities, and athletics.
2. On KIPP DC grounds and immediately adjacent property, including at KIPP DC-sponsored and school-related events, activities, functions, or programs, whether on or off school grounds; in vehicles owned, leased, or used by KIPP DC; or through the use of any electronic devices owned, leased or used by KIPP DC.
3. At a location, activity, function, or program unrelated to KIPP DC, including through the use of **any** electronic devices, if the act(s) of discrimination create a hostile environment at KIPP DC for the victim or witnesses.

V. Reporting Options

Any person may report sex discrimination, whether or not the person reporting is the person alleged to be the victim of sexual harassment, in person, by mail, by telephone, or by electronic mail, through KIPP DC's "[Title IX Formal Complaint Form](#)", or by using the contact information listed for the Title IX Coordinator.

Reports may be made to any staff member with whom the person reporting feels comfortable, including KIPP DC's Title IX Coordinator, a KIPP DC teacher, counselor, the school Vice Principal, the school Principal/designee, or a Deputy Chief Academic Officer. A report may be made at any time (including during non-business hours) and as soon as possible in order for KIPP DC to maximize its ability to respond promptly and effectively.

A complainant cannot file a formal complaint anonymously.

To file a complaint with the U.S. Department of Education's Office for Civil Rights (OCR) alleging sexual harassment, contact OCR at:

Office for Civil Rights, District of Columbia Office
Attention: Director, U.S. Department of Education
400 Maryland Avenue SW
Washington, DC 20202
Fax: (202) 453-6021
(202) 453-6020 (voice)
800-877-8339 (TDD)
Email: ocr.dc@ed.gov
Web: www.ed.gov/ocr/complaintprocess.html

Employees' Responsibility to Report

In emergency situations, if there is a suspected crime in progress or imminent or serious threats to the safety of anyone, employees must immediately contact the Metropolitan Police Department by dialing 911.

In non-emergency situations, employees must promptly report suspected violations of this policy to the Title IX Coordinator.

VI. Response to Sexual Harassment and Sex or Gender-Based Discrimination

When KIPP DC has actual knowledge, with or without a formal complaint, of a Title IX violation, KIPP DC will promptly respond and take steps to end and remedy any unlawful discrimination.

KIPP DC will treat Complainants and Respondents equitably by offering supportive measures before disciplining or taking other actions that are not supportive measures against a Respondent. KIPP DC's Title IX Coordinator will promptly contact the Complainant to complete an initial assessment, discuss the availability of supportive measures, consider the Complainant's wishes with respect to supportive measures, inform the Complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the Complainant the process for filing a formal complaint.

VII. Grievance Process for Formal Complaints of Sexual Harassment

Both Complainants and Respondents will be treated equitably and afforded supportive measures as needed throughout the process.

If an investigation results in a determination of responsibility for sexual harassment, remedies designed to restore or preserve equal access to KIPP DC's education programs and activities will be assigned. Remedies may include the same individualized services as supportive measures but also may include disciplinary sanctions or other actions.

Prior to the conclusion of the grievance process, KIPP DC will only provide supportive measures. Once KIPP DC receives a formal complaint, an impartial investigator and impartial decision-maker panel will be assigned and KIPP DC will provide a Notice of Allegations and Investigation to known parties.

Notification of Additional Individuals

Once a report of harassment has been received by KIPP DC, the following groups will be notified as needed by the Title IX Coordinator, school Principal, Investigator, or designee:

1. Parents/guardians: The Title IX Coordinator/designee will, when appropriate, notify the parents/guardians of the Complainant, Respondent, and if appropriate, witnesses to an incident of alleged harassing behavior about the nature of the incident and the procedures and steps in place for responding to it. The Title IX Coordinator/designee will determine if parents/guardians should be informed prior to or after the investigation of an incident.
2. Schools: KIPP DC may notify non-KIPP DC schools of all Complainants and Respondents involved in an incident of harassment to ensure that students are not victimized across schools and that comprehensive service and protection can be provided to the Complainants and Respondents.
3. Protection and Enforcement agencies: If KIPP DC determines that the reported behavior cannot be safely and appropriately handled through school-based policies or present indicators of child abuse or neglect (including sexual abuse) the information about the incident may be conveyed to District of Columbia Child and Family Services Agency and/or the Metropolitan Police Department pursuant to mandatory reporting requirements. As part of making this determination, the Title IX Coordinator, Investigator, or designee may consult with either a law enforcement officer or legal counsel.

Evaluation of Evidence

The parties will be given an objective evaluation of all relevant evidence and credibility determinations will not be based upon a person's status as a Complainant, Respondent, or witness.

In accordance with Title IX regulations, the investigator and decision-maker panel shall presume that the Respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

Time for Resolution

KIPP DC will issue a written determination regarding responsibility within 90 school days following receipt of the formal complaint.

The time for resolution, and any then-pending deadlines, may be extended for good cause and with written notice to both parties. Good cause may include, but is not limited to, the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

Appeals will be resolved within no more than 30 school days, which includes an initial 15 school day period and an allowable 15 school day extension for good cause.

Remedies and Disciplinary Measures for Students. A determination of responsibility may result in remedies, which may include, but are not limited to disciplinary measures included in the "Safety, Order, and Student Discipline" policy section of the Student and Family Handbook.

Remedies and disciplinary measures for students may include, without limitation:

- Alternative volunteer service (e.g. soup kitchens, shelters)
- Cafeteria duty
- Detention, before- or after-school or during lunch
- Expulsion
- In-school suspension
- Out-of-school suspension
- Loss of incentives
- Parent/guardian shadowing
- Reprimand and warnings

Remedies and Disciplinary Measures for Staff

Remedies and disciplinary measures for staff may include, without limitation:

- Demotion
- Leave
- Oral reprimand
- Suspension
- Termination
- Transfer
- Written reprimand

Standard of Evidence. KIPP DC must determine that an allegation has been proven by a preponderance of the evidence (more likely than not) in order to make a determination of responsibility.

Withdrawal of Formal Complaint. The Complainant may request to withdraw the formal complaint any time prior to a decision being made. The request to withdraw must be in writing to the Title IX Coordinator. If the Complainant does not wish to proceed with a formal complaint, the Title IX Coordinator will adhere to the withdrawal so long as failing to do so would not be clearly unreasonable in light of the circumstances known.

Information for Complainants and Respondents

After receipt of the formal complaint, the Title IX Coordinator will provide information to the Complainant and Respondent about:

- The investigation process and informal resolution process including a statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of investigation process;
- The allegations including sufficient details known at the time including the identities of the parties involved in the incident, the conduct allegedly constituting sexual harassment, sexual assault and/or dating violence, and the date and location of the alleged incident, if known;
- The Complainant and Respondent's right to have an advisor of his/her choice who may be, but is not required to be, an attorney, at all phases of the process;
- The right to inspect and review evidence; and
- The prohibition against knowingly making false statements or knowingly submitting false information during the investigation process.

Additionally, the Complainant will be provided information about available services and advocacy organizations, their rights under Title IX of the Education Amendments of 1972, the District of Columbia Human Rights Act of 1977, and crime victims' rights.

VIII. Investigation of a Formal Complaint

Burden of Proof. KIPP DC bears the burden of proof and is responsible for gathering evidence that would aid in reaching a decision regarding responsibility.

Privileged Information. In general, a party's medical and counseling records are confidential. KIPP DC will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege (e.g., attorney-client, doctor-patient), unless the individual holding such the privilege has waived the privilege voluntarily.

Prior Sexual Behavior. Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

Opportunity to Present Witnesses and Evidence. Either party may present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence at any time prior to the issuance of the investigative report.

Parties' Advisors. Either party may be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney. However, neither party's advisor will be permitted to question witnesses, nor participate in interviews or meetings in which the represented party is not a participant.

Parental Involvement. Nothing herein is intended to supplant any legal right of a parent or guardian to act on behalf of a student.

Written Notices. Parties will receive written notice of the date, time, location, participants, and purpose of all investigative interviews, or other meetings, with sufficient time (generally no less than three (3) school days, absent exigent circumstances) for the party to prepare to participate if the party's participation is invited or expected.

Evidence Review Period.

At the conclusion of the investigator's evidence-gathering, KIPP DC will provide both parties and their advisors, if any, the opportunity to inspect and review any evidence obtained that is directly related to the allegations raised in the formal complaint. This includes all evidence, regardless of whether KIPP DC intends to rely on it in reaching a determination regarding responsibility, and includes both inculpatory and exculpatory evidence, whether obtained from a party or another source. Personally identifiable information, other than names, will be redacted as appropriate.

The evidence will be shared in an electronic format. Each party will have **10 school days** to review the evidence and submit a written response. This response may include any additional information or clarification, as well as relevant questions a party would like the investigator to consider asking of the other party or witnesses. The investigator will review all submitted questions and, if relevant, pose them to the appropriate individual(s). Answers will be provided to both parties. If a question is excluded as not relevant, the investigator will explain the reason for that determination in writing to the party who submitted the question.

Additional follow-up questions, limited only to the scope of the prior questions, may be presented by either party within three (3) school days after receipt of the investigator's answers. The same process for relevance and responses will apply.

Investigative Report. Following the evidence review period, the investigator will issue an investigative report that fairly summarizes relevant evidence. The investigative report will be sent to each party and the party's advisor, if any, for their review and written response.

Determination Regarding Responsibility. Not less than 10 school days after the parties receive the final investigative report, the decision-maker will issue a full and final, written determination in compliance with the regulations implementing Title IX.

IX. Assessment and Dismissal of Formal Complaint

Upon receipt of a formal complaint, KIPP DC will respond to any immediate health or safety concerns raised. The Title IX Coordinator will then conduct an initial assessment for the sole purpose of determining whether the alleged conduct, if substantiated, would constitute prohibited conduct under this policy.

If the conduct alleged in the formal complaint would not constitute sexual harassment even if proved, did not occur in KIPP DC's education program or activity, or did not occur against a person in the United

States, then KIPP DC must dismiss the formal complaint with regard to that conduct for purposes of sexual harassment under Title IX. Such a dismissal does not preclude action under another provision of the student code of conduct or KIPP DC's policies related to employee discipline.

Additionally, KIPP DC may dismiss the formal complaint or any allegations therein, if at any time during the investigation: a Complainant withdraws the complaint in writing to the Title IX Coordinator; the Respondent is no longer affiliated with KIPP DC; or specific circumstances prevent KIPP DC from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon a dismissal, KIPP DC will promptly send written notice of the dismissal and reason(s) therefore simultaneously to the parties.

X. Title IX Informal Resolution Process

At any time after the filing of a formal complaint and prior to reaching a determination regarding responsibility, KIPP DC may facilitate a Title IX informal resolution process, such as mediation, that does not involve a full investigation and adjudication.

Prior to a Title IX informal resolution, KIPP DC will provide to the parties a written notice disclosing the allegations, and the requirements of the informal resolution process. A party agreeing to participate in a Title IX informal resolution process will not waive either party's right to a formal investigation and adjudication. At any time prior to agreeing to a resolution, any party has the right to withdraw from the Title IX informal resolution process and resume the grievance process with respect to the formal complaint.

Title IX Informal resolution will only be pursued with the parties' voluntary, written consent to the informal resolution process. KIPP DC will not require the parties to participate in a Title IX informal resolution process nor make it a condition of enrollment.

The Title IX informal resolution process is separate and apart from any other KIPP DC informal resolution process or mediation. The Title IX informal resolution process can only be offered and take place when there is a formal Title IX complaint filed and under investigation.

Allegations that an employee sexually harassed a student shall not be resolved by an informal resolution process.

XI. Appeals

Reviewable Decisions. Parties may seek review of the following:

1. The dismissal of a formal complaint under Title IX or any allegations therein; or
2. A final determination regarding responsibility following the investigation of a formal complaint.

Bases for Review. Appeals are limited to the following grounds:

1. Procedural irregularity that affected the outcome of the matter;

2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
3. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter.

Notice of Appeal. The decision of KIPP DC may be appealed by petitioning the Title IX Coordinator. Any party who files an appeal must do so in writing to the Title IX Coordinator within three school days of receiving the written determination regarding responsibility. The petition should state whether the appealing party challenges the finding, the remedies imposed, or both. The party appealing a decision must state all relevant bases for review simultaneously. Any basis not raised in the initial appeal is waived. Upon receipt of an appeal by either party, a notice of appeal will be provided to both parties by an appellate member who will review and conduct the appeal.

Responses. The Title IX Coordinator will share the filed appeal with the other party. If the opposing party wishes to file a response, the response must be received by the appellate member no later than two school days following receipt of the appeal. If additional time is needed, prior to the expiration of the two-day deadline, the Title IX Coordinator may grant an extension of one school day upon request.

Status While Pending Review. All remedies imposed by KIPP DC will be in effect during the appeal. A request may be made to the Title IX Coordinator for special consideration in exigent circumstances, but the presumptive stance of KIPP DC is that the remedies will stand. Graduation, field trips, internships/externships, etc. do not in and of themselves constitute exigent circumstances, and students may not be able to participate in those activities during their appeal. In cases where the appeal results in reinstatement to KIPP DC or of privileges, all reasonable attempts will be made to restore the student or staff member to their prior status, recognizing that some opportunities lost may be irretrievable in the short term.

Process for Review. All appeals and responses are forwarded to the appellate member for initial review to determine if the appeal states an appropriate basis for review and is timely. The original finding and sanction will stand if the appeal is not timely or does not meet the criteria of one of the above bases for appeal, and the decision is final. If the appeal is timely and presents an appropriate basis for review, the appellate member will proceed with a substantive review of the appeal.

Appellant's Burden. The party requesting appellate review must show error in the original finding or sanction. The finding and sanction are presumed to have been decided reasonably and appropriately.

New Evidence. If the appellate member determines that new evidence should be considered, the appellate member will reconsider in light of the new evidence only. The appellate member's reconsideration cannot be appealed.

Curable Procedural Error. If the appellate member determines that a material procedural error occurred, the appellate member will review to cure the error. The results of this second review with the error cured cannot be appealed.

Incurable Procedural Error. In rare cases, where the procedural error cannot be cured (as in cases of bias), the appellate member may order a new review of the complaint with a new decision-maker. The results of the new decision-maker's review can be appealed, once, in accordance with the three applicable bases for appeals.

Remedies. At the conclusion of an appeal, if the appellate member determines that a basis for appeal exists and the remedies or disciplinary sanctions imposed are disproportionate to the severity of the violation, the appellate member may increase, decrease, or otherwise modify the remedies or disciplinary sanctions.

Additional Considerations.

1. All parties will be timely informed of the status of requests for appeal, the status of the appeal consideration, and the results of the appeal decision.
2. An appeal is not intended to be a full rehearing of the complaint. In most cases, appeals are confined to a review of the written documentation or record of the original decision-making process and pertinent documentation regarding the grounds for appeal.
3. This is not an opportunity for the appellate member to substitute his or her judgment for that of KIPP DC merely because the appellate member disagrees with the finding or sanction. Appeals decisions are to be deferential to the decision-maker, making changes to the finding only where there is a clear error and to the sanction only if there is a compelling justification to do so.
4. Remedies imposed are implemented immediately unless the appellate member or Title IX Coordinator stays their implementation in extraordinary circumstances, pending the outcome of the appeal.

Final Determination. The appellate member will render a written decision describing the result of the appeal and the rationale for the result simultaneously to all parties within 15 school days from receipt of the appeal. Additional time to render the appeal decision is allowed for good cause, but not to exceed 15 school days. The appellate member's decision to deny an appeal request is final.

XII. Administrative Leave

KIPP DC may choose to place a non-student employee Respondent on administrative leave during the pendency of a grievance process. This provision may not be construed to modify any rights under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act.

XIII. Emergency Removal

KIPP DC must undertake an individualized safety and risk analysis to remove a student, on an emergency basis, from KIPP DC's education program or activity. To justify removal, KIPP DC must determine that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment. The Respondent must be provided with notice and an opportunity to challenge the decision immediately following the removal. This provision may not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.

XIV. Required Training

All Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, shall receive training on the definition of sexual harassment in § 106.30, the scope of

KIPP DC's education program or activity, how to conduct an investigation and grievance process including appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. Decision-makers shall receive training on issues of relevance of questions and evidence, including when questions and evidence about the Complainant's sexual predisposition, prior gender identity/expression or prior sexual behavior are not relevant. Investigators shall receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.

XV. Retaliation

KIPP DC prohibits retaliation against any individual who has made a complaint pursuant to this policy in good faith, assisted in an investigation, or otherwise exercised rights protected by law. No person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has made a report or complaint, testified, assisted, or participated in any manner in an investigation. Any student, staff member, or volunteer who is subject to retaliation in violation of this policy or who knows of another student, staff member, or volunteer who has been subject to retaliation is urged to report it as soon as possible to KIPP DC staff or the Title IX Coordinator.

Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex or gender-based discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex or gender-based discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX, constitutes retaliation.

Complaints alleging retaliation may be filed according to the grievance procedures for sexual harassment under Title IX.

XVI. Confidentiality

To the greatest extent possible, KIPP DC shall respect the privacy of individuals who report potential violations of this policy, individual(s) against whom a report is filed, and witnesses, except as may be permitted by the FERPA statute or as required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder. Any notifications to other parties will be made only to ensure that services are provided to the Complainant, Respondent, and to protect the Complainant from further or sustained harassment. KIPP DC will maintain as confidential any supportive measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair KIPP DC's ability to provide the supportive measures. The Title IX Coordinator/designee conducting the investigation will be responsible for making determinations about confidentiality.

XVII. Recordkeeping

KIPP DC must retain the following for a period of seven years:

1. Each sexual harassment investigation to include any determination, disciplinary sanctions, remedies provided, any appeal and result, informal resolution, basis for conclusion, all documents that restore or preserve equal access, additional explanations or details of measures taken.
2. All materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. KIPP DC will make these materials available upon request.

XVIII. Construction and Priority

Notwithstanding any other KIPP DC policy or procedure, conduct and allegations meeting the Title IX definition of sexual harassment, as defined herein, shall be offered to the Complainant and handled in accordance with this policy, if the Complainant desires.

XIX. Appendix

Definitions

For purposes of this policy, these terms are subject to the following definitions:

Actual knowledge means notice of sexual harassment or allegations of sexual harassment to any of the following persons:

- KIPP DC's Title IX Coordinator,
- Any KIPP DC official who has authority to institute corrective measures on behalf of KIPP DC or
- Any school employee.

Coercion means the exploitation of authority, use of bribes, threats of force, or intimidation to gain cooperation or compliance.

Consent means consent voluntarily given with sufficient knowledge and comprehension of the subject matter to enable the person giving consent to make a knowing decision without any element of force, fraud, deceit, duress, or other form of constraint or coercion. In order to be valid, consent must be knowing, voluntary, active, present and ongoing. Consent is not present when an individual is incapacitated due to alcohol, drugs, sleep or other condition.

Complainant means an individual who is alleged to be the Complainant of conduct that could constitute sexual discrimination.

Discrimination on the Basis of Gender Identity or Expression means discrimination resulting from the gender identity or expression of a student. This includes, but is not limited to, stereotyping a student based on their gender identity/expression, excluding a student from school programs due to their gender identity/expression, refusing to use a students' preferred pronouns or name, or not allowing students to use facilities that are consistent with their gender identity.

Discrimination on the Basis of Sex includes the sexual harassment definitions below, but is not limited to, failure to provide equal opportunities in athletics; discrimination in a school's science, technology, engineering, and math (STEM) courses and programs, and discrimination based on pregnancy, childbirth, related medical conditions, breastfeeding, and reproductive health decisions. Please see KIPP DC's Title IX [Rights of Pregnant and Parenting Students Policy](#).

Formal Complaint means the completion of the "Title IX Formal Complaint Form" (paper or [online](#)) filed by a Complainant, Complainant's parent/guardian, or signed by the Title IX coordinator alleging sexual harassment against a Respondent and requesting that the recipient investigate the allegation of sexual harassment.

Incapacity

1. **Mentally incapacitated** means temporarily incapable of appraising or controlling a person's own conduct due to the influence of a narcotic, anesthetic, or intoxicating substance administered without his or her consent or due to any other act committed upon that person without his or her consent.
2. **Physically incapacitated** means bodily impaired or handicapped and substantially limited in ability to resist or flee.

Informal Complaint means the reporting of alleged discrimination on the basis of sex (including sexual harassment) against a Respondent to any KIPP DC staff member in person, by mail, by telephone, or by electronic mail, through KIPP DC's [online intake form](#), or by using the contact information listed below for the Title IX Coordinator.

Reasonable person means a hypothetical person in society who exercises average care, skill, and judgment in conduct and who serves as a comparative standard for determining liability.

Respondent is defined as an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

Retaliation is intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX.

Sexual harassment is defined as conduct on the basis of sex or gender identity, which satisfies one of the following:

1. An employee of KIPP DC conditioning the provision of aid, a benefit, or service of KIPP DC on an individual's participation in unwelcome sexual conduct (also known as quid pro quo);
2. **Unwelcome conduct** determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to KIPP DC's education program or activity (also known as a hostile environment);
3. **Sexual assault** is defined as follows:

A sexual assault is an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting [UCR] Program's National Incident-Based Reporting System (NIBRS), including: rape, sodomy, sexual assault with an object, fondling, incest, or statutory rape.

- a. **Rape** - The carnal knowledge of a person, without the consent of the complainant, including instances where the complainant is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.
 - b. **Sodomy** - The oral or anal sexual intercourse with another person, without the consent of the complainant, including instances where the complainant is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.
 - c. **Sexual assault with an object** - The use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the complainant, including instances where the complainant is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.
 - d. **Statutory rape** - Nonforcible sexual intercourse with a person who is under the statutory age of consent. Under District of Columbia law, the age of consent is 16 years of age (which means the complainant must be 15 years of age or younger and the respondent is at least 12 years old and more than four years older than the complainant.)
 - e. **Fondling** - The intentional touching of the clothed or unclothed genitals, buttocks, groin, breasts, or other body parts of the complainant without their consent for the purpose of sexual degradation, sexual gratification, or sexual humiliation; or the forced touching by the complainant of another's clothed or unclothed body parts without the complainant's consent for the purpose of sexual degradation, sexual gratification, or sexual humiliation.¹
 - f. **Incest** - Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law including: (i) grandparent and grandchild; (ii) parent and child/stepchild/legally adopted child; (iii) siblings of half or full blood; or (iv) uncle or aunt and nephew or niece.
4. **Dating violence** defined as: violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Complainant. The existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition —
- a. Dating violence includes, but is not limited to, abusive or coercive behavior where a dating partner uses threats of, or actually uses, physical, emotional, economic,

¹ Although the NIBRS replaced fondling with "criminal sexual conduct", KIPP DC continues the use of the term "fondling" while updating the definition to align with the current NIBRS standards.

technological, or sexual abuse to exert power or control over a current or former dating partner.

b. Dating violence does not include acts covered under the definition of domestic violence.

5. **Domestic violence** includes felony or misdemeanor crimes of violence committed by:
- a. A current or former spouse or intimate partner of the Complainant,
 - b. A person with whom the Complainant shares a child in common,
 - c. A person who is cohabitating with or has cohabitated with the Complainant as a spouse or intimate partner,
 - d. A person similarly situated to a spouse of the Complainant under the domestic or family violence laws of the District of Columbia receiving grant monies, or
 - e. Any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of the District of Columbia.

6. **Stalking** defined as: engaging in a course of conduct directed at a specific person that would cause a reasonable person to—
- a. Fear for the person's safety or the safety of others; or
 - b. Suffer substantial emotional distress.

For the purposes of this definition —

- i. Course of conduct means two or more acts, including, but not limited to acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- ii. Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant.
- iii. Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

Supportive measures mean non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to KIPP DC's education programs or activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the educational environment, or deter sexual harassment.

Supportive measures include, but are not limited to: behavior plan or agreement, counseling with a school based mental health practitioner, conference with parent/legal guardian, student, counselor, teaching and/or administrator, creating individual safety plans, designated staff member to serve as the Complainant or Respondent's "safe" person, extensions of deadlines or other course-related adjustments, increased security and monitoring of certain areas of the campus, modifications of work or class schedules, campus escort services, reflective essay, leaves of absence, mutual restrictions on contact between the parties, parent/guardian shadowing, online or in-person training on a relevant topic, proximity control, referral to an outside agency for services, and other similar measures. Supportive measures are available to the Complainant and Respondent throughout the grievance procedure and so long as the parties request them, regardless of the filing of a formal complaint, or outcome of the determination of responsibility.

Title IX is defined to include Title IX of the Education Amendments Act of 1972, 20 U.S.C. 1681 *et seq.*, and implementing regulations promulgated by the United States Department of Education, 34 C.F.R. Part 106.