



**BASIS
Washington, DC**

ACTION BY RESOLUTION
OF THE BOARD OF TRUSTEES

August 30, 2019

**RESOLUTION
BDC20-R02**

It is hereby resolved that the BDC, A Public Charter School Inc. Board of Trustees approves the Policy Prohibiting Sexual Misconduct attached as Exhibit A.

I HEREBY CERTIFY that the foregoing Resolution was adopted by the Board of Trustees of **BDC, A Public Charter School, Inc. Board of Trustees.**

A handwritten signature in blue ink, appearing to read 'Anne House Quinn', is written over a horizontal line.

Anne House Quinn
Secretary
BDC, A Public Charter School, Inc.

Exhibit A

BDC, A PUBLIC CHARTER SCHOOL, INC.

POLICY PROHIBITING SEXUAL MISCONDUCT WITHIN SCHOOL PROGRAM

I. Introduction

It is the policy of BDC, A Public Charter School, Inc. (“BASIS DC”) to prohibit all acts of Sexual Misconduct within its programs, and respond promptly and effectively to all related allegations. This policy implements the requirements of Title IX of the Education Amendments Act of 1972, the District of Columbia’s School Safety Omnibus Amendment Act,¹ and District of Columbia’s Human Rights Act.

This policy will be disseminated to students, parents, and staff in a developmentally appropriate manner, and will be posted on the School’s website.

II. Definitions

- a. “Child Abuse” means
 - i. the infliction of physical or mental injury upon a child;
 - ii. sexual abuse, as that term is defined in section 251(4) of DC’s Anti-Sexual Abuse Act of 1994, or exploitation of a child; or
 - iii. the negligent treatment or maltreatment of a child.
- b. “Dating Partner” means any person who is involved in a relationship with another person that is primarily characterized by social interaction of a sexual, romantic, or intimate nature, whether casual, serious or long-term.
- c. “Dating Violence” means abusive or coercive behavior where a Dating Partner uses threats of, or actually uses, physical, emotional, economic, technological, or sexual abuse to exert power or control over a current or former dating partner.
- d. “School” refers to BASIS DC.
- e. “Sexual Misconduct” means Child Abuse, Dating Violence, Sexual Harassment, Sexual Assault, or Student Sexual Abuse.

¹ DC Code § 23-1901 et. seq., which codifies the Scott Campbell, Stephanie Roper, Wendy Preston, Louarna Gillis, and Nila Lynn Crime Victims’ Rights Act, establishes rights for crime victims under the federal criminal code. The School through notice of this policy provides notification to crime victims that these rights exist.

- f. “Sexual Harassment” means conduct of a sexual nature that is so severe, pervasive and objectively offensive that it deprives the victim of access to educational opportunities and benefits. Sexual harassment can include, but is not limited to, unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Sexual harassment can also include the creation of a hostile environment on the basis of sex, and can occur through student-on-student interaction or staff-on-student interaction.
- g. “Staff” means an employee or volunteer of the School, or an employee of an entity with whom the School contracts, who acts as an agent of the School for any part of a School program.
- h. “Student” means an enrolled student of the School.
- i. “Student Sexual Abuse” means
 - i. engaging in, or attempting to engage in, a sexual act or sexual contact with a child;
 - ii. causing or attempting to cause a child to engage in sexually explicit conduct; or
 - iii. exposing a child to sexually explicit conduct committed against a student of the School.

III. Preventing Sexual Misconduct by Staff

- a. The School strictly prohibits all Sexual Misconduct by Staff towards Students or minors.
- b. Prohibited Assistance
 - i. Staff are prohibited from assisting anyone in obtaining a new job, aside from the routine transmission of administrative and personnel files, if it is known or if there is probable cause to believe that the person has engaged in Sexual Misconduct with a minor or Student in violation of the law.
 - 1. This provision does not apply in the following situations:
 - a. If the alleged misconduct has been properly reported to law enforcement and to any other authorities as required under law;
 - b. If the matter has been officially closed or the School has been notified that there is insufficient information to establish probable cause regarding the alleged misconduct;
 - c. If the Staff has been acquitted or otherwise exonerated of the alleged misconduct; or

- d. If the case or investigation has been open without an indictment or other charge for over 4 years from the date the information was reported to law enforcement.
- c. Improper communications between Staff and Students
 - i. Staff shall not have any contact or communications with any Student through telephone, including text messaging; electronic media, including social media; or any other means, for the purpose of engaging in Sexual Misconduct.
 - ii. Staff shall not have any contact or communications with any Student through their personal telephone text messaging mechanism or personal social media accounts, except where previously authorized in writing by the School's Head of School for the limited purpose of travel and coordination efforts for School extracurricular programs such as study travel activities.
 - iii. Staff shall not obtain, use, or disseminate images of Students through their personal electronic devices or personal social media accounts. Staff may, in limited circumstances and only where agreed to by the School's School Management representative, be granted an exception to this general prohibition.
- d. This Section III applies to the entire School and its employees, affiliates, volunteers, contractors, and visitors who are in positions of trust of programs for minors.
- e. This Section III applies to programs sponsored in whole or in part by third parties and/or facility rental agreements occurring on School campus or in School facilities.
- f. Failure to comply with this policy shall be grounds for disciplinary action, up to and including termination.

IV. Preventing Sexual Misconduct by Students

- a. The School strictly prohibits all Sexual Misconduct and Dating Violence by a Student against another Student in any of the School's programs.
- b. This Section IV applies to the entire School and its employees, affiliates, volunteers, contractors, and visitors who are in positions of trust of programs for minors.
- c. This Section IV applies to programs sponsored in whole or in part by third parties and/or facility rental agreements occurring on School campus or in School facilities.

V. Reporting Allegations of Sexual Misconduct

a. Mandatory Reporting

- i. DC Code §§ 4-1321.01 - .07 require School officials, teachers, and athletic coaches, among other professionals, to make an immediate report if the person knows, or has reason to suspect, that a child has been or is in immediate danger of being mentally or physically abused or neglected. The School official, teacher, or athletic coach needs to immediately report such knowledge or suspicion to the Head of School and either the Metropolitan Police Department of the District of Columbia or the Child and Family Services Agency (CFSA) by telephone (202) 671-SAFE (7233) or in person at 200 I St SW, Washington, DC 20003.

b. How to File a Report with the School

- i. School employees who are required to make a report under the District of Columbia's mandatory reporting statutes must also report any suspicion or knowledge of Sexual Misconduct in violation of this policy as set forth below.
- ii. A report of violations of this policy may be verbal or written and need not be on a particular form. There are forms available at the School's front office for a claimant to report allegations of Sexual Misconduct. The claimant may also file a report with the Title IX Coordinator directly, whose contact information is included below.
- iii. Any School employee who either reasonably believes a Student experienced Sexual Misconduct by a Staff member or another Student, or who receives a complaint or notice of such Sexual Misconduct, must immediately report the alleged behavior or notice to the Head of School.
- iv. The School and Title IX Coordinator will make every effort to keep investigations and the parties thereto, including witnesses, confidential, except as necessary to carry out the investigation. Anonymity cannot be guaranteed.
- v. Title IX Coordinator

Shannon Chavez
Title IX Coordinator
BASIS Educational Group, LLC
7975 N. Hayden Rd.
Suite B200

VI. Investigating Allegations of Sexual Misconduct

- a. **Initial Review of Allegations.** Upon receipt of information of a complaint of Sexual Misconduct the School will take prompt steps to investigate. Where the allegations, if substantiated, would meet the definition of Sexual Harassment, the School will refer the matter to its Title IX Coordinator for investigation and resolution, which may include technical assistance and oversight for School staff to conduct the investigation, as determined appropriate by the Title IX Coordinator. For all other allegations, the School will promptly investigate the allegations, remedy the effects of any harm, and prevent the harm from recurring.

- b. **The Title IX Investigation.** Every allegation of Sexual Misconduct of which the School has notice shall be promptly investigated by the Title IX Coordinator, or another School representative for allegations other than Sexual Harassment, and may also be referred to the local police department depending upon the nature, frequency, and severity of the alleged conduct. If deemed appropriate based on the circumstances, the Title IX Coordinator or School representative may take interim measures during the investigation to protect the claimant which may include, but are not limited to, segregating the respondent from the claimant, placing the respondent (if a Staff member) on leave, etc. Whenever possible, the claimant shall not be removed from class or an activity, and the respondent will be separated from the claimant, and if appropriate, other students. Responsive measures will be designed to minimize, as much as possible, the interruption of or deprivation of access to education for the parties. The investigation will be performed by a neutral, unbiased investigator, grounded in reasonableness, and the School or Title IX Coordinator will have flexibility to determine appropriate responses. The Title IX Coordinator will maintain ongoing contact with the parties throughout the course of the investigation.
 - i. **Factors for Consideration.** Factors that may be considered during the investigation include the following:
 1. The degree to which the conduct affected one or more Students' education. A hostile environment can occur even if the misconduct is not targeted specifically at the individual claimant.
 2. The type, frequency, and duration of the conduct. The more severe the conduct, the less the need to show a repetitive series of incidents; this is particularly true if the harassment is physical.
 3. The identity of, and relationship between, the alleged harasser and the subject or subjects of the harassment.
 4. The number of individuals involved. Sexual Misconduct may be committed by an individual or a group.

5. The age and sex of the respondent and the subject or subjects of the harassment.
 6. The size of the school, location of the incidents, and context in which they occurred.
 7. Other incidents at the school. A series of incidents at the school, not involving the same students, could, if taken together, create a hostile environment, even if each incident by itself would not create a hostile environment.
 8. Incidents of gender-based, nonsexual harassment.
- ii. **Relevant Information.** The Title IX Coordinator or School may collect and consider the following types of information:
1. Statements by any witnesses to the alleged incident;
 2. Evidence about the relative credibility of the claimant, respondent, and relevant witnesses;
 3. Evidence that the respondent has been found to have harassed others;
 4. Evidence that the claimant has made false allegations against other individuals;
 5. Evidence of the claimant's reaction or behavior after the alleged harassment;
 6. Evidence as to whether the claimant filed a complaint or took other action to protest the conduct soon after the alleged incident occurred; and
 7. Other contemporaneous evidence of the harassment (e.g., reporting conduct to parents, friends, etc.).
- iii. **Standards and Burden.** The relevant standard for evaluating the evidence is the preponderance of evidence standard. The burden of proof is not on the claimant, any witness, any victim, or the responding party; rather, the burden is on the School to conduct an impartial investigation to resolve the allegations.
- iv. **Report and Communication of Finding and Recommendations to Parties.** In a prompt and timely manner following receipt of a complaint alleging Sexual Misconduct that is not Sexual Harassment, the School will investigate and resolve the allegations. If the allegation is of Sexual Harassment, the Title IX Coordinator will provide written notice of the findings to the claimant and respondent. The findings will include, but not be limited to, whether the allegations of Sexual Harassment were substantiated, and, if so, the disciplinary and remedial measures recommended to address/remedy the substantiated claims. The findings can also include, where applicable, outcomes related to conduct that does not rise to the level of Sexual Harassment but is inconsistent with School rules.
1. If the Title IX Coordinator determines that a claim is substantiated, it will require immediate action to end the Sexual Harassment and

prevent its recurrence. In all instances, the Title IX Coordinator shall follow-up and communicate with the claimant at the conclusion of the investigation. The recommended action could include a verbal warning, written reprimand, a no-contact requirement, short-term or long-term suspension, expulsion or termination, consistent with all School rules. Counseling for the claimant or respondent and will also be considered as possible remedial action.

2. If the respondent is a School employee, the Title IX Coordinator, School, and/or Human Resources Department will recommend discipline commensurate with the substantiated violation, up to and including, immediate termination.
3. If the respondent is a third party over which the school has some control, such as an independent contractor working for the school, the Title IX Coordinator may recommend immediate termination of the relationship and steps to prohibit entry on School grounds or at School-sponsored activities.
4. If the substantiated Sexual Harassment denied or limited the victim's ability to participate in or benefit from a School program, the Title IX Coordinator or School will recommend the steps necessary to remedy these effects of the harassment or misconduct and work with the victim and his/her parents as warranted under the circumstances.

v. **Appeal of Title IX Coordinator's Findings and/or Recommendations.** For complaints processed under Title IX, the respondent shall have 5 school days from the date of receipt of the findings and recommendations to appeal. A notice of appeal shall be filed with the Title IX Coordinator or its designee (if the investigation was completed by the Title IX Coordinator).

c. **Prohibition Against Retaliation.** Retaliation is another form of discrimination that occurs when an individual who files a complaint, or those who support the individual in filing the complaint or who are witnesses in the investigation, are treated negatively because of their participation in the complaint process. A retaliation claim can stand on its own, even if the underlying claim is unsubstantiated.

- i. The School will not tolerate discrimination or retaliation against any student who files a good faith Sexual Misconduct complaint, even if the investigation produces insufficient evidence to support the complaint or if the allegations cannot be substantiated. Likewise, the School will not tolerate discrimination or retaliation against any individual who participates in the investigation of a Sexual Misconduct complaint. Any perceived retaliation should be immediately reported to the Title IX Coordinator or the School for investigation.

VII. Instruction and Training

- a. Student Curriculum Instruction

- i. Beginning in the 2019-2020 school year, the School will provide age- and developmentally-appropriate, evidence-based culturally responsive instruction on the following topics as part of the health curriculum:
 1. Recognizing and reporting sexual misconduct and child abuse;
 2. Setting and respecting appropriate personal and body boundaries and privacy rules;
 3. Communicating with adults about concerns regarding body boundaries or privacy violations;
 4. The meaning of consent;
 5. Developing and maintaining healthy relationships;
 6. Other appropriate topics to support healthy development of students.

b. Staff Training

- i. Beginning in the 2020-2021 school year the School will provide training to staff at the time of hiring and at least every two years after on Sexual Misconduct, Student Sexual Abuse, and Child Abuse. The training must include the following:
 1. Recognizing and reporting Sexual Misconduct, Student Sexual Abuse and Child Abuse;
 2. Receiving disclosures of such abuse in a supportive, appropriate and trauma-informed manner;
 3. Prevention, warning signs and effects of such abuse;
 4. Communicating with students and parents regarding reporting and preventing such abuse; and
 5. Any other appropriate topics
- ii. Beginning in the 2020-2021 school year, the School will provide training to Staff at the time of hiring and at a minimum every two years thereafter to address student on student harassment. The training must use evidence-based standards and be developed in consultation with community-based sexual violence and abuse experts. The training must address the following topics:
 1. Identifying, responding to, and reporting student-on-student acts of Sexual Harassment, Sexual Assault, and Dating Violence;
 2. Mandatory reporting requirements;
 3. Communicating universal prevention techniques to students that increase their ability to set and communicate about appropriate boundaries, respect boundaries set by others, and build safe and positive relationships;

4. Receiving reports and disclosures from students regarding student-on-student acts of sexual harassment, sexual assault, and dating violence in a supportive, appropriate and trauma-informed manner

c. Parent Training

- i. Beginning in the 2020-2021 school year the School will provide training and information for parents every year regarding Sexual Misconduct, Student Sexual Abuse, and Child Abuse. The training must include the following:
 1. Recognizing and reporting Sexual Misconduct, Student Sexual Abuse and Child Abuse;
 2. Receiving disclosures of such abuse in a supportive, appropriate and trauma-informed manner;
 3. Prevention, warning signs and effects of such abuse;
 4. Effective, developmentally-appropriate methods for discussing such abuse; and
 5. School and community resources available to assist with the prevention of and response to such abuse
- ii. Beginning in the 2020-2021 school year, the School will provide information for parents on recognizing the warning signs of student-on-student acts of Sexual Harassment, Sexual Assault, and Dating Violence as well as effective, age appropriate methods for discussing such topics with students.

VIII. Resources, Services and Information for Students and Families

- a. The following are possible supports which may be utilized to support the Student who is a victim of Sexual Misconduct:
 - i. Referral to school counselor, psychologist or other appropriate social or mental health service;
 - ii. Encouragement of the student victim to seek help when feeling overwhelmed or anxious in the school environment;
 - iii. Facilitated peer support groups;
 - iv. Designation of a specific adult in the school setting for Student victim to seek out for assistance;
 - v. Periodic follow-up with the victim by the Head of School or other trusted School staff.
- b. The following national and local resources below may be accessed by families at any time, without the need to involve school personnel:
 - i. National:

1. National Center for Missing & Exploited Children Resource Center

<http://www.missingkids.com/Publications>

699 Prince St, Alexandria VA 22314-3175

24-hour call center: 1-800-843-5678

2. National Children's Advocacy Center

www.nationalac.org

210 Pratt Ave, Huntsville AL 35801

Telephone: (256) 533-5437

3. National Child Traumatic Stress Network

www.nctsn.org

NCCTS – Duke University

1121 West Chapel Hill St, Ste 201, Durham, NC 27701

Telephone: (919) 682-1552

4. National Sexual Violence Resource Center

<http://www.nsvrc.org/projects/multilingual-access/multilingual-access>

123 N Enola Dr, Enola, PA 17025

Toll Free Telephone: 877-739-3895

ii. Local:

1. Child and Family Services Agency

<https://cfsa.dc.gov/>

200 I St SE, Washington, DC 20003

Telephone: (202) 442-6100

24-hour hotline: (202) 671-7233

2. Safe Shores, The DC Children's Advocacy Center

<https://www.safeshores.org/>

429 O St NW

Washington DC 20001

Telephone: (202) 645-3200

3. DC Victim Hotline

Toll Free Telephone: 1-844-443-5732