

## **Student-on-Student Harassment, Assault, or Abuse Prevention Policy**

Concord Hill School (“CHS”) prohibits student-on-student acts of sexual harassment, sexual assault, and dating violence. CHS shall take immediate and appropriate action to investigate known or reasonably suspected acts of student-on-student harassment, assault, or dating violence. This policy applies to student-on-student acts of sexual harassment, sexual assault, and dating violence that occur at school, school events and activities, over social media, and during travel to and from school, school events, and activities.

Concord Hill School’s response to allegations of student-on-student acts of sexual harassment, sexual assault, or dating violence will include:

- (1) Taking reasonable steps to interrupt or stop each specific act of student-on-student sexual harassment, sexual assault, or dating violence. Preventing its recurrence and addressing its effects, whether or not the incident is the subject of a criminal investigation;
- (2) Referring complainants to appropriate services and advocacy organizations;
- (3) Providing information to complainants regarding the investigatory process;
- (4) Instituting and resolving appropriate disciplinary action; and
- (5) Discussing confidentiality standards and concerns with the complainant.

### **Reporting Process**

All complaints of student-on-student acts of sexual harassment, sexual assault, or dating violence should be promptly directed to the Coordinator, Nate Dennison, Head of School, 6050 Wisconsin Ave, Chevy Chase, MD 20815; 301-654-2626, [ndennison@concordhill.org](mailto:ndennison@concordhill.org). All communication regarding the complaint should go through the Coordinator, Nate Dennison. Once received, CHS will make a formal report outlining the details of the complaint and inform the complainant of the rights available under the Scott Campbell, Stephanie Roper, Wendy Preston, Louarna Gillis, and Nila Lynn Crime Victims' Rights Act of 2004; The Human Rights Act of 1977, effective December 18, 1977; and The DC Crime Victims’ Rights Act. CHS will then report the allegation to both their insurance company and lawyer.

CHS will take reasonable steps to protect the safety of complainants as necessary during the investigation of student-on-student acts of sexual harassment, sexual assault, or dating violence. CHS prohibits retaliation of any kind against any individual who, in good faith, reports under this policy or participates in an investigation conducted under this policy.

### **Training**

The Head of School is responsible for promptly investigating all allegations of student-on-student acts of sexual harassment, sexual assault, or dating violence consistent with this policy. The Head of School shall receive annual training on (1) issues related to student-on-student acts of sexual harassment, sexual assault, or dating violence; and (2) how to conduct an investigation that protects the safety of complainants and promotes accountability.

### **Confidentiality**

Some complainants may wish to remain anonymous. The Head of School shall inform the complainant that a confidentiality request may limit the school's ability to respond. If the complainant continues to request to remain anonymous, then the school shall take all reasonable steps to investigate and respond to the complaint consistent with the complainant's request, as long as doing so does not prevent the school from responding effectively to the complaint and preventing the action from recurring with other students.

CHS shall also consider the confidentiality needs of the accused student. Publicized accusations, if ultimately found to be false, may nevertheless irreparably damage the reputation of the accused student.

### **External Reporting**

As mandated reporters, school staff who know or have reasonable cause to believe that a student is a victim of sexual abuse or neglect must report that knowledge or belief to the Montgomery County Office of Child Protective Services (CPS) by calling 240-777-4417 or the Montgomery County Police Department (MCPD) by calling 911 or Child and Family Services Agency by calling (202) 671-SAFE or to the Metropolitan Police Department by calling 911. Information for both jurisdictions appears in this document, as members of our community of staff and families reside in both Maryland and the District of Columbia. If the accused student's behavior indicates that they may be the victim of child sexual abuse or child abuse, then school staff shall follow mandated reporting guidelines. Any subsequent communication should through the Coordinator.

### **Investigation Procedures**

Within four (4) business days of receipt of the complaint, the Coordinator shall begin investigating the alleged acts. The investigation may include interviewing and will be documented by the school. In an effort not to compromise the integrity of any law enforcement or child protective services investigation, the timing and manner of the school's investigation shall be coordinated with Montgomery County Police Department and/or Child and Family Services Agency if necessary. Both the complainant and the accused student shall have the opportunity to present witnesses and other evidence. Every effort shall be taken to prevent disclosure of the names of all parties involved, including the complainant, witnesses, and the accused student. This process shall not last longer than ten (10) business days.

Both the reporting student and the accused student shall have the opportunity to have others present during any school disciplinary proceedings, including the opportunity to be accompanied to any proceeding by an advisor or advocate of their choice. The school may establish restrictions regarding the extent to which an advisor or advocate may participate in proceedings, as long as the restrictions apply equally to the complainant and accused.

When talking with students about alleged incidents, the school shall inform students that they may have their parent/guardian present.

CHS will use the preponderance of evidence standard in order to determine if the alleged acts occurred, meaning that the allegations are more likely to be true than to be untrue based on the evidence. CHS shall not institute any actions that require the complainant and the accused student to work out an issue raised under this policy.

Within one (1) business day of the completion of the investigation, CHS shall notify both the complainant and the accused student contemporaneously of the final binding results of any school disciplinary proceedings that arise from the allegation (e.g., whether the disciplinary proceedings found that student-on-student sexual harassment, sexual assault, or dating violence did occur).

### **Resources for Victims**

The Montgomery County Victim Assistance and Sexual Assault Program (VASAP) offers the following services and the phone number is 240-777-1355:

- 24-hour telephone and walk-in crisis counseling, information, and referral.
- 24-hour crisis outreach counseling services for victims of sexual assault at hospitals and police stations.
- Individual and group counseling, by appointment.
- Psychiatric evaluation, treatment, and consultation.
- Support groups for surviving family and friends of homicide and vehicular homicide victims.
- Assistance through the criminal justice system, including support and accompaniment during legal procedures and collaboration with the police, state's attorney's office, and other county agencies upon client request.
- Assistance in applying to the Maryland Criminal Injuries Compensation Board and coordination of the claim with the Board.
- Compensation for income-eligible victims from the Montgomery County .
- Anonymous third party reporting of rape and sexual offenses to the Montgomery County Police Department upon client request.
- Educational programs on victim rights, sexual assault/rape, crime prevention for professionals and community groups.

The DC Victim Hotline is available 24/7 by telephone, text, or online chat. Through a partnership with the Mayor's Office of Victim Services and Justice Grants (OVSJG) and the National Center for Victims of Crime, the hotline provides comprehensive information, resources, and referrals in the District of Columbia. The DC Victim Hotline represents a collaboration of service providers in the District who are working to seamlessly connect victims of crime to free resources and to help them navigate the physical, financial, legal, and emotional repercussions of crime. To contact the Hotline, dial or text 1-844-4HELPDC (1-844-443-5732) or access the online chat at [www.DCvictim.org/Chat](http://www.DCvictim.org/Chat).

The following resources, services, and information for students and families affected by student-on-student acts of sexual harassment, sexual assault, and dating violence are available:

- Department of Behavioral Health's (DBH) Behavioral Resource Directory; <https://dbh.dc.gov/page/behavioral-health-resource-directory>
- MPD's Sexual Assault Resources List; <https://dbh.dc.gov/page/behavioral-health-resource-directory>
- MPD's Victim Specialists Unit; <https://mpdc.dc.gov/node/141392>

### **Resources for Accused**

Students who are alleged to have committed acts of student-on-student sexual harassment, sexual assault, or dating violence shall also be connected with appropriate counseling and intervention strategies, beginning with CHS's internal resources. CHS's team may determine that the student should be connected with other resources, which may include resources from the Department of Behavioral Health's (DBH) Behavioral Health Resource Link or OSSE's Supporting Mental Health in Schools Resources List.

## **Student Abuse Prevention Policy**

All employees, contractors, and agents of the Concord Hill School (“CHS”) shall adhere to this policy. The policy applies to all actions that occur between school staff and students.

This policy describes steps that CHS staff are required to take when they possess knowledge of actual or alleged sexual misconduct, sexual abuse, sexual contact, and/or sexual acts between students and staff. This policy does not replace CHS human resources policies for investigating and taking personnel action for misconduct that does not rise to the level of an investigation by the Montgomery County Office of Child Protective Services (CPS) or the Montgomery County Police Department (MCPD) or Child and Family Services Agency (CFSA) or the Metropolitan Police Department (MPD). Information for both jurisdictions appears in this document, as members of our community of staff and families reside in both Maryland and the District of Columbia.

### **Prohibition of Student Sexual Abuse by School Staff**

CHS prohibits actions of student sexual abuse by school staff. Any behavior by school staff toward a student that is unwelcome conduct of a sexual nature and would reasonably cause the student to feel uncomfortable is prohibited, regardless of whether such behavior is complained of by the student, the behavior is overtly sexual, or such behavior could constitute a crime. These behaviors may include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. The school takes seriously all allegations of student sexual abuse. When the school knows or reasonably should know that such an act has occurred, the school shall take immediate action and follow the procedures outlined in this policy. The school shall act upon any knowledge of abuse, regardless of whether the student who was abused has filed a complaint or has otherwise notified the school.

### **Informing the School Community about the Policy**

At least once per school year, CHS shall provide students, families, and school personnel with this policy and information about where complaints may be filed. In order to ensure that students and families are adequately informed about the policy and procedures, the school shall make this policy available in the following locations: on the school’s website, in the main office, in the office of the school counselor, and in the parent and student handbooks. CHS will inform students of this policy in a developmentally appropriate manner.

### **Training**

CHS recognizes the importance of educating its employees and families regarding the prevention of sexual abuse between staff and students.

CHS staff shall receive training on sexual misconduct, sexual abuse, and child abuse upon hiring and biennially thereafter. Staff training will include instruction on the following:

- Recognizing and reporting sexual misconduct, student sexual abuse, and child abuse;

- Receiving disclosures of sexual misconduct, student sexual abuse, and child abuse in a supportive, appropriate, and trauma-informed manner;
- Prevention, warning signs, and effects of sexual misconduct, student sexual abuse, and child abuse; and
- Communicating with students and parents regarding reporting and preventing sexual misconduct, student sexual abuse, and child abuse.

Training and information on sexual misconduct, sexual abuse, and child abuse shall also be made available for parents/guardians annually. Training for parents/guardians shall include instruction on the following:

- Recognizing and reporting sexual misconduct, student sexual abuse, and child abuse;
- Receiving disclosures of sexual misconduct, student sexual abuse, and child abuse in a supportive, appropriate, and trauma-informed manner;
- Prevention, warning signs, and effects of sexual misconduct, student sexual abuse, and child abuse;
- Effective, developmentally-appropriate methods for discussing sexual misconduct, student sexual abuse, and child abuse; and
- School and community resources available to assist with the prevention of, and response to, sexual misconduct, student sexual abuse, and child abuse.

### **Interactions between School Staff and Students**

CHS shall always view any sexual activity between any teacher, counselor, administrator, coach, or other person of authority and any student enrolled at CHS as unwelcome and nonconsensual.

When meeting or communicating with a student one-on-one, school staff shall follow the following guidelines:

- To the maximum extent possible, meet in a public place where both the staff member and the student are in full view of others.
- Avoid physical contact that can be misinterpreted.
- If meeting in a room or office, leave the door open or move to an area that can be clearly observed by others if passing by. If the door must be closed due to a confidential setting (e.g., a counseling session), then ensure that the window is not blocked so that anyone walking by can view into the room.
- Document and immediately report any unusual incidents, including disclosures of abuse or maltreatment, behavior problems and how they were handled, injuries, or any interactions that might be misinterpreted.
- Always email from school-issued email addresses. When sending or replying to emails and text messages, copy a supervisor and/or the students' parent/guardian.

### **Prohibition Against Assisting Employment of Perpetrators of Child Sexual Abuse Offenses**

CHS employees, contractors, and agents are prohibited from assisting a school employee, contractor, or agent in obtaining a new job, apart from the routine transmission of administrative and personnel files, if the individual or agency knows, or has probable cause to believe, that such

school employee, contractor, or agent engaged in sexual misconduct regarding a minor or student in violation of the law. CHS staff members may not help perpetrators by giving recommendations to prospective employers. This prohibition shall not apply if the information giving rise to probable cause has been reported to a law enforcement agency with jurisdiction over the alleged sexual misconduct or sexual assault and any other appropriate authorities as required by federal and Maryland law District law and one of the following conditions is true:

1. The matter has been officially closed, or the United States Attorney's Office for the State of Maryland or MCPD or District of Columbia or MPD has investigated the allegations and notified school officials that there is insufficient information to establish probable cause that the employee, contractor, or agent engaged in sexual misconduct or sexual abuse regarding a minor or student in violation of Maryland, District or federal law; or
2. The employee, contractor, or agent has been charged with and acquitted or otherwise exonerated of the alleged misconduct or abuse; or
3. The case or investigation remains open and there have been no charges filed against, or indictment of, the employee, contractor, or agent within four years of the date on which the information was reported to the United States Attorney's Office for the State of Maryland or MCPD or District of Columbia or MPD.

Any school employee, contractor, or agent who knowingly assists another school employee, contractor, or agent who is known or believed to have engaged in sexual misconduct regarding a minor or student shall be subject to appropriate disciplinary action in accordance with the CHS staff handbook, up to and including termination of employment.

CHS shall maintain records of all allegations of sexual misconduct, child abuse, or the failure to report child abuse, as well as the outcome of any subsequent investigation for all school employees, contractors, or agents. CHS shall provide this information when contacted by another school that is considering hiring an applicant.

### **Addressing Student Sexual Abuse by School Staff**

#### **Student, Parent, and Guardian Reporting**

Students, parents, guardians, and other individuals are encouraged to file complaints as soon as possible after the alleged act. However, there is no time limit for filing a complaint. Complaints, including anonymous complaints, may occur through any form of communication, including in writing, via telephone, or via in-person conversation. Complaints shall be filed with Nate Dennison, Head of School, 6050 Wisconsin Ave, Chevy Chase, MD 20815; 301-654-2626. his/her designee ("Coordinator"). If a student, parent, guardian, or other individual files a report of student sexual abuse with a school staff member other than the Coordinator, then that school staff member shall immediately follow mandated reporter requirements to alert MCPD or MPD by calling 911. The staff member shall then report the information to the Coordinator, through which all communication should go. The Coordinator will in turn, notify CHS's lawyer and insurance company of the allegation/s.

Reporting students, parents, guardians, or other individuals may choose to simultaneously alert MCPD or MPD by calling 911. Even if MCPD or MPD is investigating, CHS shall continue its own investigation, as legal standards for criminal investigations are different from the standards under this policy. Concord Hill shall not delay its investigation while the MCP or MPD investigation occurs. However, Concord Hill shall refrain from interviewing any involved parties until after MCPD or MPD has conducted its interviews.

If a reporting student decides against filing a formal complaint, CHS still investigate and take appropriate steps to resolve the situation and ensure the safety of all students. Furthermore, the school shall investigate any incidents of misconduct involving direct observation by school staff, regardless of whether the student files a report or requests any action. In an effort not to compromise the integrity of the law enforcement and child protective services investigation, the timing and manner of the school's investigation shall be coordinated with both of those entities.

### **Mandated Reporting by Concord Hill School Staff**

All CHS staff have the duty to report the complaint to appropriate school officials. Additionally, all mandated reporters of CHS are required to report any information of neglect or abuse of a child to CPS at 240-777-4417 or MCPD by calling 911 or CFSA by calling (202) 671-SAFE or MPD by calling 911. CFSA shall only be contacted if the alleged perpetrator of the abuse is the student's parent, guardian, or custodian. In all other cases, the school staff member shall file the report with MPD by calling 911.

The report shall include as much of the following information as possible:

- The name, address, age, and gender of the student;
- The staff member allegedly perpetrating the sexual misconduct against the student;
- The nature and extent of the sexual misconduct, as the individual knows it – and any previous sexual misconduct that the individual may know about; and
- Any additional information that may be helpful.

There is no requirement that the reporter determine whether the report is substantiated. It is not the responsibility of CHS staff to prove that the student has been a victim of sexual misconduct or to determine whether the student is in need of protection.

School staff shall cooperate with the CPS and MCPD or CFSA and MCPD personnel authorized to investigate reports of sexual misconduct, including by preserving any video footage, providing access to students, providing space for CPS or MCPD or CFSA or MPD to conduct interviews, and allowing for the student to be interviewed without school staff present. CHS shall limit communication about the investigation to only those individuals who are required to know.

Upon making the report to CPS or MCPD or CFSA or MPD, CHS staff shall then promptly deliver the report to the Coordinator and the headmaster. In an instance where the Coordinator and/or the headmaster is the subject of the report, CHS staff shall deliver the report to the President.



## **Confidentiality**

CHS shall discuss confidentiality standards and concerns with the reporting student. Every effort shall be taken to protect the confidentiality of reporting students. Some reporting students may wish to remain anonymous. CHS shall inform the reporting student that a confidentiality request may limit its ability to respond. If the reporting student continues to request to remain anonymous, then CHS shall take all reasonable steps to investigate and respond to the complaint consistent with the reporting student's request, as long as doing so does not prevent the school from responding effectively to the complaint and preventing the action from recurring with other students.

## **Retaliation**

Retaliation against any person who has filed a complaint, or has testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this policy is prohibited, and therefore a party engaged in retaliatory behavior shall be subject to disciplinary action. Retaliation may include, but is not limited to, harassment, threats, taunting, spreading rumors, unauthorized disclosure of the details of an investigation, ostracism, assault, destruction of property, or any negative conduct toward participants in response to an investigation and the events causing it. Anyone found to have engaged in retaliation will be subject to disciplinary action.

## **Responding to Allegations of Student Sexual Abuse by School Staff**

The school shall adhere to the following procedures when responding to allegations of student sexual abuse by school staff.

### **Immediate Steps**

After a report has been filed with CPS or MCPD or CFSA or MPD and the Coordinator, then CHS shall immediately begin the following protocol.

#### *Acknowledgement of Receipt of Complaint*

Within three business days of receipt of the complaint, the Coordinator shall acknowledge in writing receipt of the complaint and inform the reporting student, parent, guardian, or staff member of the steps of the investigatory process.

#### *Interim Measures to Protect the Safety of the Student Experiencing Alleged Student Sexual Abuse*

Upon becoming aware of any allegation of student sexual abuse, the school shall take immediate actions to interrupt or stop the occurrence, prevent its recurrence, and address its effects. These actions shall occur regardless of whether the incident is the subject of criminal investigation. Responsive measures shall be designed to minimize, as much as possible, the burden on the reporting student. In order to protect, as much as possible, the confidentiality of the reporting student, responsive measures shall only be shared with school staff who are actively involved in

their implementation. The school shall formalize the actions it is taking in a written action plan. These actions may include the following:

- Altering the reporting student's and/or the accused staff member's schedule to minimize or eliminate contact between them. Preference shall always be given to maintaining the reporting student's schedule and modifying the accused staff member's schedule;
- Changing locker locations;
- Allowing the reporting student to withdraw from a class without penalty;
- Providing an escort to ensure that the reporting student feels safe throughout the school building;
- Providing academic support, such as tutoring, for the reporting student;
- Considering steps to ensure safe passage to and from school for the student;
- Providing access to the school's behavioral health team;
- Providing referrals to community-based services; and
- Placing the staff member on administrative leave while the investigation occurs.

### **Informing the School Community**

CHS shall work with MCPD or MPD to determine when it is appropriate to notify the school community, including parents/guardians, of a complaint. Each complaint will be considered on a case-by-case basis, and the appropriate communication will then be developed. CHS shall take care not to compromise any investigation by releasing information prior to being instructed to do so by MCPD or MPD. Once MCPD or MPD has determined that a communication can be released, it may contain the following information:

- 1) A statement that an investigation into sexual misconduct is taking place at the school; and
- 2) Information about the administrative action taken by the school to ensure that the alleged offender, at a minimum, has no unsupervised contact with students.

In order to ensure the integrity of the investigation and to comply with confidentiality requirements, the school shall make every effort to prevent disclosure of the name of the reporting student, the name of the accused staff member, and the name(s) of any witness(es), except as instructed by MPD. Publicized accusations, if ultimately found to be false, may nevertheless irreparably damage the reputation of the accused staff member.

### **Impartial Procedures for Investigating Complaints**

CHS shall impartially complete its investigation of complaints using the preponderance of the evidence standard. Disciplinary action shall be instituted and resolved immediately upon completion of the investigation, in accordance with CHS's grievance procedures and staff handbook.

### **Resources for Affected Students and Families**

The DC Victim Hotline is available 24/7 by telephone, text, or online chat. Through a partnership with the Mayor's Office of Victim Services and Justice Grants (OVSJG) and the

National Center for Victims of Crime, the hotline provides comprehensive information, resources, and referrals in the District of Columbia. The DC Victim Hotline represents a collaboration of service providers in the District who are working to seamlessly connect victims of crime to free resources and to help them navigate the physical, financial, legal, and emotional repercussions of crime. To contact the Hotline, dial or text 1-844-4HELPDC (1-844-443-5732) or access the online chat at [www.DCvictim.org/Chat](http://www.DCvictim.org/Chat).

Additionally, CHS's counselor is available to provide support for students, which may include individual counseling and referral for community-based services.

Please consult the following for lists of appropriate resources, services, and information for students and families affected by student sexual abuse.

- Department of Behavioral Health's (DBH) Behavioral Resource Directory;
- MPD's Sexual Assault Resources List;
- MPD's Victim Specialists Unit; and
- OSSE's Supporting Mental Health in Schools Resources List.