

D.C. OFFICE OF HUMAN RIGHTS

NOTICE OF FINAL RULEMAKING

The Director of the Office of Human Rights hereby gives notice of the intent to amend Title 4 (Human Rights and Relations) of the District of Columbia Municipal Regulations (DCMR) by adding a new Chapter 15 (Youth Bullying Prevention). The rules are being promulgated pursuant to section 10 of the Youth Bullying Prevention Act of 2012, effective September 14, 2012 (D. C. Law 19-167; D.C. Official Code § 2-1535.01 *et seq.*) (the “Act”), and Mayor’s Order 2013-062, issued April 5, 2013, which delegates the Mayor’s authority to promulgate rules to the Director of the Office of Human Rights, and Mayor’s Order-2014-135, issued June 6, 2014, which delegates the Mayor’s authority to effectuate and monitor implementation of the Act to the Director of the Office of Human Rights (OHR).

The purpose of this rulemaking is to provide guidance, procedures, and standards for implementation of the Act. Specifically, the regulations provide clarifying information regarding: covered entities, bullying prevention policies, code of conduct, bullying and retaliation complaint reporting procedures, bullying investigations and appeals procedures, reporting requirements, training requirements, OHR’s role, and the OHR complaint procedures. The work to enforce the Act is guided and monitored by the Bullying Prevention Program Director (BPP Director).

An initial Notice of Proposed Rulemaking was published in the *D.C. Register* on September 19, 2014, at 61 DCR 39. Comments were received from five (5) organizations. Revisions based on OHR’s consideration of these comments were included in a second notice of proposed rulemaking. The revisions included, but were not limited to, the following: (1) specifying covered entities under the term “educational institution;” (2) amending the date for covered entities to finalize bullying prevention policy; (3) clarifying anti-retaliation protection for victims, witnesses, as well as those who report bullying; (4) outlining procedures for investigating reported incidents of bullying and information required in investigation reports; (5) clarifying bullying incidents covered by the Act; (6) amending training requirements; and (7) outlining the steps for filing a complaint with OHR and alternative dispute resolution.

The Second Notice of Proposed Rulemaking was published in *D.C. Register* on October 23, 2015, at 62 DCR 144. OHR received comments from one organization and one agency, which were minimal. OHR met with the groups, discussed the comments, and made minor revisions, which were: (1) clarifying that notification of bullying complaints to parents and guardians is required only to the extent contact information is available upon request; and (2) limiting training to 30 minutes for personnel who have no youth contact.

These final rules were adopted on June XX, 2016 and will be effective upon publication of this notice in the *D.C. Register*.

Title 4, HUMAN RIGHTS AND RELATIONS, of the DCMR is amended by adding a new Chapter 15, YOUTH BULLYING PREVENTION, to read as follows:

CHAPTER 15 YOUTH BULLYING PREVENTION

Section

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1500 PURPOSE

- 1500.1 The purpose of this chapter is to provide guidance, procedures and standards for the implementation of the Youth Bullying Prevention Act of 2012, effective September 14, 2012 (D. C. Law 19-167; D.C. Official Code § 2-1535.01 *et seq.*).

1501 COVERED ENTITIES

- 1501.1 The requirements of this chapter apply in whole or in part to the following entities, which are referred to collectively in this chapter as “covered entities:”
 - (a) Covered agencies, as defined in § 1501.2(a);
 - (b) Educational institutions, as described in § 1501.2(b); and
 - (c) Covered grantees, as defined in § 1501.2(c).
- 1501.2 For the purposes of this chapter, the terms “covered agency,” “educational institution,” and “covered grantee” are defined as follows:

- (a) A “covered agency” means a District government agency that provides services, activities, or privileges directly or indirectly to youth, and includes the following:
- (1) Child and Family Services Agency;
 - (2) Department of Behavioral Health;
 - (3) Department of Employment Services, including, but not limited to, the following activities and programs:
 - (A) In-School Program;
 - (B) Mayor’s Youth Leadership Institute;
 - (C) One City High School Internship Program;
 - (D) Out-of-School Internship Program;
 - (E) Out-of-School Program;
 - (F) Pathways for Young Adults;
 - (G) Summer Youth Employment Program; and
 - (H) Youth Connection Center;
 - (4) Department of Health, including, but not limited to, the following activities and programs:
 - (A) School-based health centers;
 - (B) Violence prevention programs in public schools and public charter schools; and
 - (C) College Student Internship Program;
 - (5) Department of Parks and Recreation;
 - (6) Department of Youth Rehabilitation Services;
 - (7) District of Columbia Public Library;
 - (8) Metropolitan Police Department, including, but not limited to the following activities and programs:

- (A) Summer with the Metropolitan Police Department;
 - (B) Youth Advisory Council;
 - (C) Junior Police Academy; and
 - (D) Fun and Safe Kids;
- (9) Office of the State Superintendent of Education; and
- (10) University of the District of Columbia;
- (b) An “educational institution” means:
- (1) The District of Columbia Public Schools (DCPS); and
 - (2) Each local education agency, as defined in section 101 of the Testing Integrity Act of 2013, effective October 17, 2013 (D.C. Law 20-27; D.C. Code § 38-771.01 *et. seq.*), that receives funds from the District, including charter schools and non-public schools that provide education for students with disabilities with District funds; and
- (c) A “covered grantee” means an entity or contractor of an entity that provides services, activities, or privileges to youth on behalf of the District government or through District funding.

1501.3 Each covered entity and educational institution shall ensure that when hiring or contracting with a contractor or vendor to provide services, activities, or privileges to youth that the contractor or vendor will comply with the requirements of this chapter and the Act.

1501.4 Each covered entity and educational institution shall ensure that when it issues a grant to a grantee to provide services, activities, or privileges to youth on behalf of the District or through District funding that the grantee will comply with the requirements of this chapter and the Act.

1502 ADOPTION OF A BULLYING PREVENTION POLICY

1502.1 Bullying means any severe, pervasive, or persistent act or conduct, whether physical, electronic, written or verbal that:

- (a) May be based on a youth’s actual or perceived race, color, ethnicity, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, intellectual ability, familial status, family responsibilities,

matriculation, political affiliation, genetic information, disability, source of income, status as a victim of an intra-family offense, place of residence or business, or any other distinguishing characteristic, or on a youth's association with a person or group with any person, with one or more of the actual or perceived foregoing characteristics; and

- (b) Can reasonably be predicted to:
 - (1) Place the youth in reasonable fear of physical harm to his or her person or property;
 - (2) Cause a substantial detrimental effect on the youth's physical or mental health;
 - (3) Substantially interfere with the youth's academic performance or attendance; or
 - (4) Substantially interfere with the youth's ability to participate in or benefit from the services, activities, or privileges provided by a covered entity.

1502.2

- (a) If a covered entity wishes to update its bullying prevention policy, it shall do so before the beginning of a school year, and provide a copy of the updated policy to OHR by August 15.
- (b) Each covered entity shall review its list of Point of Contacts annually and provide an updated list of Point of Contacts to OHR by August 15 of each year.
- (c) Newly authorized charter schools or newly established youth organizations that receive funding from the District must adopt a bullying prevention policy (including a Point of Contact) within three months of their opening and provide the policy to the BPP Director.

1502.3

A covered entity's bullying prevention policy shall at a minimum include the following elements:

- (a) The legal definition of bullying set forth above;
- (b) A statement prohibiting bullying, including cyberbullying;
- (c) A statement prohibiting retaliation against a victim or witness of bullying, or a person who reports bullying;

- (d) A statement that the policy applies at all of the locations listed in §1501;
- (e) A code of conduct;
- (f) A list of consequences that can result from an identified incident of bullying that are designed to:
 - (1) Appropriately correct the behavior deemed to be bullying;
 - (2) Prevent future occurrences of bullying or retaliation;
 - (3) Ensure the safety and well-being of the person who has reportedly experienced or is reportedly at risk for future acts of bullying or retaliation; and
 - (4) Be flexible in application, appropriate to the individual incident, and varied in method and severity based on the:
 - (A) Nature of the incident;
 - (B) Developmental age of the person exhibiting bullying behaviors; and
 - (C) Any history of problem behavior of all students involved in the incident(s) and where available, history of behavioral concerns documented in an Individualized Education Program (IEP) or 504 plan as a result of a disability under the Individuals with Disabilities Education Act (IDEA), approved Dec. 3, 2004 (118 Stat. 2647; 20 U.S.C. § 1400 *et seq.*) or Section 504 of the 1973 Rehabilitation Act, approved Sept. 26, 1973 (87 Stat. 394; 29 U.S.C. § 794).
- (g) A mechanism and procedures for staff, students, parents/guardians, and others to report bullying, retaliation for reporting bullying, or other violations of the bullying prevention policy that permits anonymous reporting, provided however, that no formal response shall be taken solely on the basis of anonymous reporting;
- (h) A procedure for prompt investigation of reports of bullying, retaliation, or other violations of the bullying prevention policy that identifies the name and contact information for the person(s) responsible for investigating bullying and retaliation;

- (i) A secondary investigation appeal process, consistent with § 1506, for a person accused of bullying or a person who is the target of bullying or retaliation who is not satisfied with the outcome of an initial investigation under § 1505; and
- (j) A statement that retaliation against any person for reporting an incident of bullying is prohibited and a description of the possible consequences for a person who engages in retaliatory behavior.

1502.4 Each covered entity’s bullying prevention policy shall apply at the following locations:

- (a) On the covered entity’s property, including buildings, fields, parking lots, and walkways;
- (b) At events sponsored by the covered entity, including sponsored events held off the property of the covered entity;
- (c) On any vehicle used for transportation by or on behalf of the covered entity, including transportation for sponsored events of youth; and
- (d) At any transit stop at which youth wait to be transported to the covered entity or an event sponsored by the covered entity.

1502.5 Each covered entity’s bullying prevention policy shall apply to cyberbullying sent from or to someone at a location listed in §1502.4, whether or not the communications device is owned or leased by the covered entity. Cyberbullying is defined as any bullying done through electronic means which meets the definition in §1502.1, including, but not limited to, social media, electronic mail (email), texting or tweeting.

1502.6 Bullying which occurs on-site, but involves off-site activities, is prohibited if it creates a hostile environment at the covered entity for the target or witnesses of bullying, or impedes or interferes with a youth’s ability to participate at the covered entity.

1503 CODE OF CONDUCT

1503.1 The code of conduct required in the bullying prevention policy (referenced in §1502.3(e)) should provide that:

- (a) The covered entity expects youth to behave in a way that supports the covered entity’s objective to provide a safe and welcoming environment for other youth; and

- (b) The covered entity expects youth who are part of the covered entity community to:
 - (1) Treat all other youth at the covered entity with respect;
 - (2) Respect the property of other youth at the covered entity; and
 - (3) Respond appropriately to instructions from covered entity staff regarding behavior toward other youth.

1504 REPORTING BULLYING OR RETALIATION COMPLAINTS

- 1504.1 Each covered entity shall encourage youth, parents, guardians, employees, volunteers and community members to report any incidents of bullying or retaliation that they are witness to, or of which they are aware.
- 1504.2 Reports of bullying, retaliation, and other violations of the bullying prevention policy should be made to the Point of Contact at the covered entity, either by mail, telephone, facsimile, electronically, or through an anonymous drop box at the covered entity's site.
- 1504.3 If an individual is unable to report the complaint to the Point of Contact, the complaint may also be made to a member of the covered entity's management or leadership team, and those individuals shall refer the complaint to the Point of Contact for investigation. If there is some reason why the Point of Contact should not be the investigator on a particular matter, for example if there are any known or raised conflict of interests, the covered entity's management may assign another investigator.
- 1504.4 Employees and volunteers of covered entities shall promptly report incidents of bullying or retaliation to the entity's named Point of Contact identified in the policy when they witness incidents of bullying or retaliation, or for incidents about which they have reliable information.
- 1504.5 Information about reporting bullying and retaliation shall be communicated to all youth associated with the covered entity in an age-appropriate manner.
- 1504.6 Each covered entity shall ensure that there are reporting materials available in a wide variety of languages as required by the Language Access Act of 2004, effective June 19, 2004 (D.C. Law 15-167; D.C. Code § 2-1931 *et seq.*) and 4 DCMR §1205.4.
- 1504.7 The person designated by a covered entity to investigate bullying, retaliation, and other violations of the bullying prevention policy (the

covered entity's Point of Contact) shall create a written description of each incident of bullying, retaliation, or other violation of the bullying prevention policy that was reported to him or her and where applicable, shall include the description in the annual report that is required by §1511.

1505 INVESTIGATIONS

1505.1 Each covered entity shall promptly initiate an investigation into each report of bullying, retaliation, or other violation of the bullying prevention policy within two (2) business days of receiving the complaint and complete the investigation within thirty (30) days of receiving the complaint, as outlined below. If the bullying, retaliation, or other acts in violation of the bullying prevention policy involve multiple covered entities, the entities shall coordinate their investigation and response activities.

1505.2 Within two (2) business days of receiving a report of bullying, retaliation, or other violation of the bullying prevention policy, the Point of Contact shall:

- (a) Draft a written record of the complaint, which must be included in the final report outlined in §1505.5;
- (b) Take appropriate action to protect, to the extent possible, the safety of the alleged target referenced in the report, which may include contacting relevant parties, intercepting the target or alleged perpetrator if information is received regarding a pending act of bullying or retaliation, and ascertaining the presence of teachers or other employees at a location that has been identified as the site of a pending act of bullying or retaliation;
- (c) Inform the target, alleged perpetrator, and if applicable, witnesses, of the alleged incident and of the initiation of the investigation;
- (d) Make a good-faith attempt to inform the parents or guardians of the target about the alleged incident and any planned investigation, if the target is less than eighteen (18) years of age and if the contact information for the parents or guardians is available or can be requested. If the Point of Contact determines that informing the parents or guardians may cause harm to, or endanger the health or well-being of the target, the Point of Contact shall document facts giving rise to such determination, and document the decision not to inform in writing; and
- (e) Make a good-faith attempt to inform the parents or guardians of the alleged perpetrator about the alleged incident and any planned investigation, if the alleged perpetrator is less than eighteen (18)

years of age. If the Point of Contact determines that informing the parents or guardians may cause harm to, or endanger the health or well-being of, alleged perpetrator, as the case may be, the Point of Contact shall document facts giving rise to such determination, and document the decision not to inform in writing; and

- (f) Take into account whether the individuals involved have disabilities and whether the behavior is a manifestation of the disability. Where available, consider whether the individuals have legally mandated protections including an Individualized Education Programs (IEP). The United States Department of Education through its Office for Civil Rights (OCR) has provided helpful information that covered entities are to follow concerning students with disabilities and bullying. One such resource is available through OCR's 2014 Dear Colleague Letter at <http://www.ed.gov/ocr/docs/disabharassltr.html>.

1505.3 The covered entity shall provide confidentiality if possible to individuals interviewed as part of the investigation, including the victim, and inform them that retaliation for reporting acts of bullying is prohibited. However, if the Point of Contact learns during the course of the investigation that the reported incident involves criminal activity, the Point of Contact shall communicate such information to the Principal or the equivalent. If the reported incident or statements during the investigation indicate credible and imminent threat of harm or criminal activity, the Point of Contact shall immediately report such information to the appropriate law enforcement authorities and to the Principal or the equivalent.

1505.4 The investigation shall be completed within thirty (30) days after receipt of a report of bullying, retaliation, or other violation of the bullying prevention policy.

1505.5 The investigator or a designee of the covered entity shall issue a written report setting forth his or her findings and recommendations within thirty (30) days after receiving a report of bullying, retaliation, or other violation of the bullying prevention policy which includes the following:

- (a) A description of the incident(s) including the names of individuals involved and behaviors alleged, location of occurrence(s) and whether or not bullying occurred under the definitions set forth in the Act as outlined in §1502.1;
- (b) Whether the incident was based on a trait that is covered in the Human Rights Act (as listed in the definition of bullying in §1502.1(a)); and

(c) The actions that were taken as a result of the findings.

1505.6 The written report shall be provided to the:

(a) Target, the parents or guardians of the target if the target is under eighteen (18) years of age, the alleged perpetrator, and the parents or guardians of the alleged perpetrator if the alleged perpetrator is under eighteen (18) years of age.

(b) The requirement in paragraph (a) of this subsection to send the written report to the parents or guardians shall not apply if the contact information for parents or guardians is not available after making good-faith attempt to obtain such information, or if the Point of Contact determines that sending the report may cause harm to, or endanger the health or well-being of, the target or alleged perpetrator, as the case may be, but the reasons for the determination not to send the report must be documented in writing.

1506 SECONDARY INVESTIGATION APPEALS

1506.1 Each covered entity shall have an appeals process in place for conducting a secondary investigation where a written request for a secondary investigation is submitted within thirty (30) days after the conclusion of the initial investigation.

1506.2 The secondary investigation shall be conducted by an employee who has a higher level of authority at the covered entity than the one who conducted the investigation and who was not involved in the initial investigation.

1506.3 The secondary investigation shall be completed within thirty (30) days after receipt of the request for a secondary investigation unless the higher-level authority requires additional time to complete a thorough investigation and the higher-level authority sets forth those circumstances in writing. Under those circumstances, the deadline may be extended past the thirty (30) day period by fifteen (15) days.

1506.4 After completing the secondary investigation, the higher-level authority shall notify the parties in writing of the results of the investigation and of the party's ability to seek additional redress under the DCHRA under D.C. Official Code § 2-1402.41. Such notification must be in writing and include:

(a) The name of the BPP Director;

(b) The address and telephone number of the OHR;

- (c) The text contained in § 1513 of these regulations outlining the parties' options for appeal through OHR; and
- (d) Notification that complaints of violations under DCHRA and the Act must be filed within one (1) year of the incident.

1507 DISSEMINATION OF BULLYING PREVENTION POLICY

1507.1 Each covered entity shall develop and implement a plan to publicize its Bullying Prevention Policy that shall include actions to:

- (a) Discuss its bullying prevention policy with youth;
- (b) Publicize the fact that the policy also applies to functions sponsored by the covered entity; and
- (c) Publish the written Bullying Prevention Policy and make copies of the Bullying Prevention Policy available to all youth, families and staff by including it in the entity's handbook and on its website.

1508 ANNUAL REVIEW AND UPDATING OF BULLYING PREVENTION POLICY

1508.1 Each covered entity shall submit an update confirming the identity of its Point of Contact and any substantial revisions in its bullying prevention policy, to the BPP Director by August 15 of each year.

1508.2 The BPP Director will review any new policies or policies with substantial edits within thirty (30) days and provide feedback to ensure full compliance including any recommendations for improvement of the policy.

1509 BULLYING PREVENTION PROGRAMS

1509.1 Each covered entity is encouraged to:

- (a) Establish an ongoing bullying prevention program for youth such that the program is aligned with established health-education standards;
- (b) Inform youth about their right to be free from discrimination in public accommodations and education and of the redress available for a violation of their rights under the Human Rights Act; and

- (c) Provide training on bullying prevention to all volunteers who have significant contact with youth.

1510 TRAINING REQUIREMENTS

1510.1 Except as provided in § 1510.2, each covered entity shall provide bullying prevention training to all of its employees on an annual basis using the following:

- (a) OHR training material for a three (3) hour session provided by the BPP Director; or
- (b) Alternative training that is comparable in scope and content.

1510.2 Each covered entity need only provide a thirty (30) minute general bullying prevention training to employees with no direct contact with youth. This training shall cover the general procedures for responding to a report of bullying and contact information for the designated Point of Contact, or similar personnel. Upon request, OHR will provide content guidance for such training.

1510.3 Each covered entity shall incorporate information on its bullying prevention policy into new employee training.

1510.4 Each covered entity shall provide written documentation of the training provided, to the BPP Director, including the date, time and summary of the content of annual training, along with the names and biographical information of the trainer by August 15 of each year.

1511 EDUCATIONAL INSTITUTIONS REPORTING REQUIREMENTS

1511.1 Each educational institution shall report to OHR by August 15 of each year the following information:

- (a) The aggregate number of incidents of bullying, retaliation, and other violations of the bullying prevention policy at the educational institution during the prior school year (including the prior summer term);
- (b) A brief description of each such incident (as required by § 1505.5); and
- (c) The results of the investigation of the incident.

1511.2 The annual report of each educational institution shall also include any other information that OHR deems necessary or appropriate and requests from the educational institution.

1512 OFFICE OF HUMAN RIGHTS ROLES AND RESPONSIBILITIES

1512.1 The BPP Director shall assist covered entities with developing bullying prevention policies and programs.

1512.2 The BPP Director shall compile and make available to each covered entity a list of free or low-cost methods for establishing the bullying prevention programs.

1512.3 The BPP Director shall conduct training for covered entities on bullying and techniques for investigating allegations of bullying on a periodic basis when requested.

1512.4 When contacted by parents or guardians of youth in covered entities, the BPP Director will contact the school, agency, or grantee to ensure that the bullying prevention policy is compliant and has been fully implemented with regard to reporting, investigating, and addressing alleged incidents. This approach will provide an immediate response to parents and guardians as well as provide support and guidance for all parties (families and school or agencies) to ensure that appropriate steps are taken to address the situation.

1513 COMPLAINT PROCEDURES AT THE OFFICE OF HUMAN RIGHTS UNDER THE YOUTH BULLYING PREVENTION ACT AND THE D.C. HUMAN RIGHTS ACT

1513.1 There are both formal and informal ways to initiate actions with OHR and individuals are encouraged to first use the informal option of working with the BPP Director as outlined in § 1513.2 (a) before bringing formal complaints as outlined in § 1513.2 and § 1513.10. OHR will make efforts to investigate related matters jointly as to avoid duplication of efforts for the parties and the agency.

1513.2 Complaints under the Act may be pursued as follows:

- (a) Youth or other individuals may call or contact the BPP Director with informal complaints under the Act, which may result in incident specific or broader program changes at covered entities; and
- (b) An individual, who is eighteen (18) years or older, or who is younger but acting through a parent or advocate, may file a formal

complaint with OHR alleging a violation of the Act within one (1) year after the alleged violation occurred.

- 1513.3 A complaint to OHR under the Act may include, but is not limited to, allegations regarding:
- (a) The adequacy of an investigation of bullying, retaliation, or another violation of a bullying prevention policy;
 - (b) The failure to initiate an investigation or an unreasonable delay in the processing of a report of bullying, retaliation, or another violation of a bullying prevention policy; or
 - (c) Any other failures by the covered entity to follow the requirements of the Act such as an entity maintaining a policy that is not in compliance with this Act.
- 1513.4 The complaint shall state the name and address of the covered entity (called the Respondent), the name and title (if known) of the person alleged to have committed the violation, a detailed description of the incident(s) or substance of the complaint and alleged violation, and such other information as may be required by OHR.
- 1513.5 OHR shall conduct an investigation of the complaint to determine if there was a violation of the Act with a target completion date for the Determination within ninety (90) days after a complaint is filed with OHR.
- 1513.6 OHR shall report the results of its investigation to the complainant and covered entity and if necessary, provide recommendations to the covered entities.
- 1513.7 Within sixty (60) days of the issuance date of the Determination, the Respondent must meet with the BPP Director and where appropriate, OHR General Counsel, to discuss the findings and corrective actions, if needed.
- 1513.8 A full set of corrective actions must be agreed upon by all parties within ninety (90) days of the Determination.
- 1513.9 If Respondent fails to comply with these timelines or corrective actions within the agreed upon timeframe, OHR shall inform the Deputy Mayor for Education or an appropriate official in the Mayor's Office in writing by submitting a copy of the Determination and a summary of Respondent's failure to resolve the matter.
- 1513.10 Complaints filed under the DCHRA, D.C. Official Code § 2-1401.01 *et seq.*, may be filed as follows:

- (a) If the facts include allegations of discrimination at an educational institution or public accommodation as covered by the DCHRA, an individual, who is eighteen (18) years or older, the parent, or an advocate of youth, may file a complaint with OHR within one (1) year of the alleged discriminatory acts; and
- (b) A complaint under the DCHRA could result in a probable cause finding, conciliation efforts and a Commission hearing.
- (c) Pursuant to D.C. Official Code § 2-1403.16, an individual may also file DCHRA claims in D.C. Superior Court instead of at the OHR.

1599 DEFINITIONS

1599.1 As used in this chapter, the follow words and phrase shall have the following meanings:

Employee – an individual who receives compensation for performing a function for a covered entity;

Point of Contact – the designated individual at each entity responsible for receiving reports of bullying incidents, investigating complaints of bullying, and attempting to resolve matters. Each entity must list a Point of Contact in the Bullying Prevention Policy and update the contact information annually with the BPP Director;

Retaliation – to coerce a person, or attempt to coerce a person, to not report an act of bullying; to threaten to harm a person or otherwise subject the person to an adverse action because the person has reported or may report bullying; or to interfere with a person’s right or obligation to report an act of bullying under the Act;

Youth – (a) an individual of twenty-one (21) years of age or less who is enrolled in an educational institution or who uses the services or programs provided by an agency or grantee, or an individual of twenty-two (22) years of age or less who is receiving special education services from an educational institution; or (b) individuals as described in paragraph (a) of this definition considered as a group.