

Anti-Harassment and Discrimination Complaint Procedures Administrative Regulation

Verbal or Written Complaints from Students

If, at any time, a student is subjected to harassment or discrimination at school, the student should initiate a complaint to a teacher or administrator either verbally or in written form. The complaint should include information regarding the witnesses' names, the name(s) of the person(s) who engaged in offensive conduct, and the description of the offensive conduct, including the nature of the conduct, when and where the conduct occurred, the number of times it occurred, and any informal attempts at resolution.

Administrative Review and Procedures

Receipt of Complaints

1. A teacher who receives a complaint shall notify the school principal of the complaint and direct the student to the principal. If the principal is the subject of the complaint, the teacher shall direct the student to the Superintendent or designee. The directive that staff report harassment will be included in the District's personnel policies.
2. A principal who receives a verbal complaint of harassment shall provide the student with a copy of the District's anti-discrimination and anti-harassment policy and this administrative regulation and direct the student to prepare a written complaint and return it to him/her.
4. In the case of a minor, the administrator should review the legal demands for filing a child abuse report to determine whether they apply to the particular circumstance. (Penal Code 11166)
5. If possible, the complaint shall be submitted on the official complaint form. If this is not possible, the student must provide the following information in writing: student's name and grade; home telephone number; description of incident; name of alleged offender; witnesses; other pertinent information that is available so as to allow an investigation to be conducted.
6. If it appears to the principal that the student is unable to prepare a written complaint without assistance, s/he shall assist the student with preparation of a written complaint.
7. The complaint and results of the investigation shall be kept confidential to the extent that maintenance of confidentiality is consistent with a thorough investigation and appropriate resolution of the matter.

Notice to Parties

Within 3 days of receiving a written complaint, the Superintendent or designee shall:

1. Meet with the complaining student if necessary to obtain clarification of the student's written complaint.
2. Individually advise the student and alleged offender that the complaint and results of the investigation shall be confidential to the extent that maintenance of confidentiality is consistent with a thorough investigation and appropriate resolution of the matter.
3. Provide a copy of the District's policy and procedures on anti-discrimination and anti-harassment to the alleged offender.
4. Talk to the alleged offender about the nature of the student's complaint.

5. Offer restorative justice intervention to the involved parties as a step in the resolution process.¹ If the incident is resolved through an informal intervention, the Superintendent or designee will create an Incident Report, as designated below, noting the method of resolution.

Investigation

1. The Superintendent or designee shall promptly commence and coordinate a thorough and objective investigation within 7 school days of receipt of the written complaint.
2. The investigation shall be conducted discreetly, maintaining confidentiality of all involved students insofar as confidentiality is consistent with a thorough investigation and appropriate resolution of the matter. Anonymity of the complainant shall be preserved when appropriate for reasons of safety.
3. The District acknowledges that some incidents of harassment may come to the school's attention as a result of fights or other misconduct on the part of the target of the harassment as well as the harasser. For example, when racial, ethnic or similar slurs are used in or before a fight between persons of different groups, school officials should determine whether any aspect of the event or the precipitating circumstances are covered by the District's anti-harassment policies. If so, the consequences should be adjusted accordingly.

Investigation Report and Decision

1. The Superintendent or designee shall prepare a written report ("Incident Report") summarizing the results of the investigation. The report shall reflect the record of the circumstances (i.e. the nature of the alleged conduct, the context in which the alleged incident occurred and the result of the District's investigation). The report shall be considered a confidential document that shall be given only to the Superintendent or designee, and, if the matter is appealed as indicated below, to the Governing Board.
2. Based on the report, the Superintendent or designee shall prepare a written response ("Response") that shall include, at a minimum: (i) the name of the person making the allegation, and, if different, the name of the alleged victim; (ii) the nature of the allegation and the date of the alleged incident; (iii) the names of any staff persons alleged to have committed violations; (iv) the initials of any students alleged to have committed harassment or other misconduct (v) the names of all staff persons believed to have relevant information about the incident, (vi) the initials of any and all student witnesses; (vii) the statements of the complainant, the victim (if different from the complainant), the alleged perpetrator (if known), and any witnesses; (viii) the outcome of the investigation; and (ix) any action taken by the District.
3. The Superintendent or designee shall provide a copy of the Response to the principal, complainant, and alleged offender, within 30 days of the receipt of the Complaint
4. The District will collect and maintain a copy of the Incident Report, Response, and any other documentation created or received in relation to the complaint. The purpose of collecting this data is to provide the District with a means to monitor compliance with their anti-discrimination and anti-harassment policies. The confidentiality of those named in the complaints will be protected to the extent required by law.
5. A finding of discrimination or harassment of a student by a District employee shall be referred for appropriate personnel action consistent with the collective bargaining agreement and/or Board Policy.
6. A finding of discrimination or harassment of a student by a student shall be referred for appropriate intervention consistent with the District's anti-discrimination and anti-harassment policies. Discipline will only be used where necessary for student safety. In all other cases, the consequence for student discrimination or harassment shall be educative in content. If appropriate, the District will consider that the harasser, as well as the target of the harassment, may need help. An offender counseling program or restitution program may help perpetrators dispel stereotypes, prejudices, fears, ignorance and other contributors to harassment.

¹ Under federal policy, districts should informally resolve discrimination complaints, including complaints of harassment, only if the parties, after full notice of their rights, agree to do so. The district should consider whether there are instances in which informal mechanisms for resolution should not be used, for example, complaints of harassment of students by employees, complaints in which other students are also apparent victims, complaints that indicate possible threats to the safety of the complainant or other persons, and complaints of harassment that continued or reoccurred after previous informal resolution attempts.

It may be appropriate to involve the perpetrator in efforts to repair the damage caused by the harassment. The findings regarding discipline of a student or other resolution of the complaint and investigation shall remain confidential consistent with the District's obligations to maintain the confidentiality of student records except where Education Code section 48918 (k) applies.

7. Whether the harasser is a student or employee, remedial steps, including discipline where appropriate, shall be calculated to stop the specific harassment and prevent recurrence. If harassment continues, stronger responses will be employed. The District shall consider all of the kinds of actions that will be necessary to fully address the specific problems experienced at the school site as a result of the harassment.

8. The District will consider the need for institutional remedies or changes, particularly where a pattern of harassment exists. Institutional remedies may include increased supervision, additional training of students and staff, changes in classroom or other school procedures, statements of nondiscrimination issued by school officials, and curricular and extracurricular programs to reduce prejudice and conflict.

9. If the conduct was not sufficiently severe, pervasive, or persistent to violate the District's anti-harassment or anti-discrimination policy, the District should still consider action geared to address the target's concerns to prevent recurrence and indicate that unlawful harassment will not be tolerated.

10. Students experiencing harassment may continue to suffer psychological problems, including impaired self-esteem, even after the harassment has ended. The District will encourage the student and the student's parents to consider treatment, where appropriate. The target of the harassment should be offered school services, such as counseling, and referred to publicly available sources of victim assistance.

Appeal Procedures

1. If the complaining student is dissatisfied with the District's Response to the complaint, he/she may file a written appeal to the Governing Board within 15 days after receipt of the decision.

In closed session, the Governing Board shall review the student's written complaint, the Incident Report, and the Response to determine whether the alleged offender has engaged in discrimination or harassment and the appropriateness of the action contained in the Response.

2. The Governing Board, in its discretion, may request additional information and the personal appearance of any or all parties and witnesses in closed session.

3. The Governing Board shall issue a written decision within 45 days of the student's written appeal. The written decision and findings shall remain confidential except where Education Code section 48918 (k) applies.