

SAN DIEGO UNIFIED SCHOOL DISTRICT

Date: February 4, 2016

To: District and Site Administrators

Subject: SITE PROCESS FOR INVESTIGATIONS OF DISCRIMINATION AND BULLYING COMPLAINTS

Department and/or Persons Concerned: District and site administrators responsible for investigating discrimination complaints under the revised procedures

Due Date: Continuous

Reference: Administrative Procedures Nos. 0112 and 6381

Action Requested: Document/investigate complaints at the site level as outlined in this circular

Brief Explanation:

Complaints alleging a violation of sex equity in district programs and/or bullying against students shall be resolved informally at the lowest level whenever possible (by the site principal/administrator).

Confidentiality of information received and the privacy of the person involved will be protected, except for disclosures required by law. For example, some allegations may require a report to Child Protective Services (CPS).

Site investigation and resolution process is designed to encourage any student who believes he or she has been victimized, but does not want to file a formal written complaint, to seek resolution at the site. However, a student or parent may file a formal complaint at any time without using the site-based process. Upon receipt of a report of harassment or bullying, either in writing or orally, the site principal or administrator must:

1. Explain the steps taken in the investigation and information resolution process and advise the complainant about the availability of the Uniform Complaint Procedure (AP 1700) and where it can be found.
2. Notify the district Title IX coordinator, Student Services, of a report of sexual harassment. Notify the Executive Director, Youth Advocacy, of bullying complaints. The Title IX coordinator or site administrator may determine that the allegations are not properly handled through the site-based process; for example, some allegations may require an escalation to a formal process.
3. Take interim preventative measures/remedies to stop the harassment/bullying and protect the reporting party from further harassment/bullying pending the outcome of the investigation and resolution. Choose actions which minimize any possible disadvantage to the complainant.

4. Conclude an investigation within ten school days of the receipt of the report of sexual harassment/bullying. The investigator must document specific steps taken during the investigation, which must include the opportunity to identify witnesses and provide evidence.
 - a. In the event of a sexual harassment site-based investigation, confer with the Title IX coordinator to establish a timeline for the investigation, and communicate that timeline to the appropriate parties.
 - b. Interview parties (reporter and responder).
 - c. Using trauma-informed interviewing techniques:
 1. ask both parties to identify witnesses and evidence, and
 2. compile statements.
 - d. Interview witnesses.
 1. Compile statements.
 2. Verify statements.
 - e. Gather/obtain documentation and evidence.
 1. Draft a report (findings and conclusions).
 - f. Clearly identify the specific procedure(s) that apply to your investigation (0112, 6381, etc.) and give copies to the parties.
 - g. If notified by an outside authority of a parallel investigation, determine appropriate action by consulting the Legal Department.
5. Notify the reporting party in writing of the outcome of the investigation within ten school days of the receipt of the report of sexual harassment or bullying. The response must include:
 - a. findings, conclusions and resolution.
 - b. any corrective actions taken to end the harassment (such as counseling, academic support, separating the harassed student from the harasser, examining the routes each person must take to walk to their classes, following up with the harassed student to make sure the harassment has ended to determine if he/she is subject to retaliation).
 - c. notification to the complainant that he or she may file a formal Uniform Complaint (AP 1700) if dissatisfied with the outcome of the site-based process or if he or she experiences retaliation.
6. Submit a copy of the written response of sexual harassment investigations to the Title IX coordinator, Student Services. Submit a copy of the written response of bullying investigations to the Executive Director, Youth Advocacy.

APPROVED:



Linda Trousdale
Executive Director, Student Services (TOC)

MC:lc

Distribution: Lists A, D, E and F