



designee shall help the complainant file the complaint. If a complaint is presented in another written format, such as a letter or email, the District may request that the complainant complete the form. If there is a delay in obtaining a completed form, or the complainant refuses to transfer the information or otherwise complete the form but wishes to pursue the formal complaint process, the District may attach the letter to the form and open an investigation. The District will investigate reports of discrimination, harassment, intimidation or bullying falling under this procedure regardless of whether they are made in writing.

Consistent with the Board's Policies on Nondiscrimination/Harassment - BP 5145.3, Sexual and Gender-Based Harassment - BP 5145.7, and Hate-Motivated Behavior - BP 5145.9, any employee who receives such a complaint, or becomes aware of discrimination, harassment, intimidation or bullying, shall immediately report it to the Compliance Officer or principal or vice principal of the relevant school site. If the principal or vice principal receives such a report, they shall immediately inform the Compliance Officer so that the District may ensure it provides an appropriate response to the incident. If the incident involves a sexual assault, the Compliance Officer will contact law enforcement immediately if the principal or vice principal has not already done so.

- a. Within 10 calendar days of receiving the complaint, the Compliance Officer or designee shall meet with the complainant by telephone or in person to allow the complainant and/or their representative(s) an opportunity to present the complaint and any evidence, or information that may lead to evidence, to support the allegation(s) in the complaint.
- b. During the course of the investigation, the Compliance Officer or designee shall collect relevant documents, consider available physical evidence, and interview witnesses with information pertinent to the complaint.
- c. Alternatively or in addition, the complainant or complainant's representative or the other witnesses may also present information relevant to the complaint in writing to the Compliance Officer or designee.
- d. The Compliance Officer or designee may obtain statements from other individuals who were witnesses to the alleged violation or who can provide relevant information concerning the alleged violation and review documents that may provide information relevant to the alleged violation.
- e. Refusal by the complainant to provide the Compliance Officer or designee with documents or other evidence related to the allegations in the complaint, or to otherwise fail or refuse to cooperate in the investigation or engage in any ble pht

- f. Refusal by the District to provide the Compliance Officer or designee with access to records and/or other information related to the allegation in the complaint, or to otherwise fail or refuse to cooperate in the investigation or engage in any other obstruction of the investigation, may result in a finding based on the evidence collected that the violation has occurred and may result in the imposition of a remedy in favor of the complainant.
- g. Throughout the investigation, the Compliance Officer or Designee will maintain ongoing contact with the student allegedly targeted.

The District respects students' and employees' rights to privacy. Discrimination complaints shall be investigated in a manner that protects the confidentiality of the parties and the facts to the extent possible. This includes keeping the identity of the complainant confidential except as necessary to carry out the investigation and implement remedies, as determined by the Compliance Officer or Designee on a case-by-case basis. The Compliance Officer or designee will inform witnesses and others involved in the resolution process of the importance of maintaining confidentiality.

If a complainant requests that the District not reveal their name or other identifiable information to the alleged perpetrator or that no investigation or disciplinary action be pursued, then the Compliance Officer or designee will inform the complainant that honoring the request may limit the ability to respond effectively, and that the District prohibits retaliation. If the complainant continues to request confidentiality, the Compliance Officer or designee must evaluate the request in the context of its responsibility to provide a safe and nondiscriminatory environment for all students; the Compliance Officer will consider factors such as the seriousness of the alleged harassment, the complainant's age, and whether there have been other harassment complaints about the same individual.

If the Compliance Officer or designee determines that the District can honor the student's confidentiality request, the District will take reasonable steps to respond to the complaint consistent with the request. This may include, for example, increasing monitoring, supervision, or security where the misconduct occurred; providing relevant education for students and employees; counseling the alleged perpetrator if this may be done without indirectly revealing the identity of the complainant; and actions to protect the complainant, such as providing support services, or changing schedules, assignments, or tests.

The Compliance Officer or designee will consider whether, prior to the final outcome of the investigation, interim steps are necessary to protect the student allegedly targeted and the broader school community. Examples of interim measures include, but are not limited to:

conclusions regarding whether any substantiated conduct constituted discrimination, harassment, intimidation or bullying; and, where discrimination, harassment, intimidation or bullying is found, determine the appropriate remedial action. Remedial action will be designed to end the conduct, prevent its recurrence and address its effects on the student targeted and the broader school community.

Where remedial action includes proposed discipline of an employee, the District's Human Resources Department will give substantial weight to the factual findings, legal conclusions and recommendations of the Compliance Officer or designee in the disciplinary process; consult with the Compliance Officer or designee during the disciplinary process; and inform the Compliance Officer or designee of the final outcome of the disciplinary process.

Examples of appropriate remedial action for harassment, intimidation or bullying include:

- a. Interventions for the individual who engaged in the conduct, such as parent notification, counseling, guidance, education about the impact of the conduct, positive behavior support, referral to a student success team, transfer to alternative programs, denial of participation in extracurricular or co-curricular activities or other privileges, and discipline.
- b. Interventions for the student targeted, such as counseling, academic support, health services, assigning an escort to allow the student to move safely between classes, and instruction on how to report other incidents of harassment or retaliation.
- c. Separating the student targeted and the individual who engaged in the conduct, provided the separation does not penalize the student targeted.
- d. Follow-up inquiries with the student targeted and witnesses to ensure that the conduct has stopped and that they have not experienced any retaliation.
- e. Training or other interventions for the larger school community to ensure that students, staff and parents understand the types of behavior that constitute harassment, intimidation and bullying, that the District does not tolerate it, and how to report it.

The Compliance Officer or designee will contact the student targeted periodically for a reasonable period of time following conclusion of the investigation to determine whether there has been recurrence of the conduct or retaliation, and to assess the effectiveness of the remedial measures.

- a. Within 60 calendar days of receiving the complaint, the Compliance Officer or designee shall prepare and send to the complainant a written report of the findings and decision, unless the complainant agrees in writing to extend the timeline. The timeline may be

transferring the employee to another work location. The report shall otherwise state that effective action was taken and that the employee was informed of District expectations. The report shall not give any further

Ed. Code 48985

Ed. Code 49020-49023

Ed. Code 49060-49079

Ed. Code 51204.5

Ed. Code 51500

Ed. Code 51501

Ed. Code 60010

Ed. Code 60040-60052

Gov. Code 11135

Pen. Code 422.55

Pen. Code 422.6

20 USC 1681-1688

28 CFR 35.107

29 USC 794

34 CFR 100.3

34 CFR 104.7

34 CFR 104.8

34 CFR 106.1-106.82

34 CFR 110.25

34 CFR 99.31

42 USC 12101-12213

42 USC 2000d-2000e-17

34 CFR 106.30

CA Office of the Attorney
General Publication

CA Office of the Attorney
General Publication

California Department of
Education Publication

Court Decision

0410	<hr/>
0415	<hr/>
0450	<hr/>
1240	<hr/>
1312.1	<hr/>
1312.1	<hr/>
1312.2	<hr/>
1312.3	<hr/>
1312.3	<hr/>
1312.4	<hr/>
1312.4-E PDF(1)	<hr/>
1340	<hr/>
1340	<hr/>
3515.4	<hr/>
3515.4	<hr/>
3530	<hr/>
3530	<hr/>
3553	<hr/>
3553	<hr/>
3580	<hr/>
3580	<hr/>
4112.9	<hr/>
4118	<hr/>
4118	<hr/>
4119.11	<hr/>
4119.11	<hr/>
4119.21	
4119.23	
4131	

4212.9

4219.11

4219.11

4219.21

4219.23

5141.52	<hr/>
5144	<hr/>
5144.1	<hr/>
5144.1	<hr/>
5144.2	<hr/> <hr/>
5145.12	<hr/>
5145.2	<hr/>
5145.6	<hr/>
5145.7	<hr/>
5145.7	<hr/>
5145.71	<hr/> <hr/>
5145.9	<hr/>
5146	<hr/>
6142.1	<hr/>
6142.8	<hr/>
6143	<hr/>
6144	<hr/>
6145	<hr/>
6145.2	<hr/>
6145.2	<hr/>
6153	<hr/>
6159.4	<hr/>
6159.4	<hr/>
6161.1	<hr/>
6161.11	<hr/>
6163.1	<hr/>
6163.4	<hr/>

