

NONDISCRIMINATION INVESTIGATION GUIDE

This document is intended as a guide to investigate complaints or reports of prohibited conduct under Policy 8400. The investigator should be considerate of the parties' lived experiences and are responsible for conducting the investigation in a culturally responsible manner. The District's Title IX/Nondiscrimination Coordinator may provide additional training and resources for investigators to facilitate this process.

RECOGNIZE

- Immediately notify law enforcement if a student poses a danger to the educational community or themselves. Contact the mental health team at your school if a student is in crisis.
- Consider your obligation to make a child abuse report. Document the mandatory report on the form attached to District Policy 5540.
- Review definitions of prohibited conduct under Policy 8400.
 - Consider whether additional information is needed to make a preliminary determination.
 - Conduct a preliminary inquiry to determine whether to proceed to an investigation under Policy 8400 or refer the complaint to another appropriate process.

RESPOND

Pre-Investigation:

- Consider supportive measures.
 - Immediately implement supportive measures to maintain safety in the educational environment.
 - Offer supportive measures and discuss available supportive measures with the student and their parent/guardian.
 - Complete a supportive measures plan. Calendar a reminder near the agreed upon end date to follow up with the parent/guardian to either continue or close out the plan.
 - Share the completed supportive measures plan with the Title IX/Nondiscrimination Coordinator.
- Secure any video footage of the incident.
 - Bookmark the footage
 - Share the bookmarked camera dates and times with the Title IX/Nondiscrimination Coordinator.
 - The Title IX/Nondiscrimination Coordinator will preserve the video evidence.
- Review whether the Designated Administrator is the appropriate person to conduct the investigation. As needed, consult with the Title IX/Nondiscrimination Coordinator to make this decision.

Investigation:

- Communicate individually with the parent/guardian of the Complainant and Respondent.
 - Provide written notice of the specific section of the policy allegedly violated and the conduct constituting the alleged violation. Remember the district's FERPA obligations when sharing information.
 - Arrange a phone call or meeting with the parent/guardian where appropriate.

- Provide the parties with the same opportunity to have an advisor of their choice present.
- Conduct interviews of the parties and any witnesses, review any available relevant evidence, consider patterns of misconduct.
- Provide written updates to the parent/guardian of the parties with the status of the investigation.
- If the investigator reaches 15 days in the investigation, the investigator shall provide a written update to the parent/guardian of the Complainant and Respondent and to the Title IX/Nondiscrimination Coordinator.

Findings:

- Make a finding of whether it is more likely than not that the Respondent violated this policy.
 - Consider the policy violation included in the written notice to the parent/guardian of the parties.
 - Consider whether:
 - a. Submission to the conduct or communication explicitly or implicitly made a term or condition of the individual's access to an educational service, opportunity, or benefit;
 - b. Submission to, objection to, or rejection of the conduct or communication is used or explicitly or implicitly threatened to be used as a basis for educational decisions affecting the individual; or
 - c. The conduct or communication has the purpose or effect of unreasonably interfering with the individual's access to their educational service, opportunity, or benefit or creating an intimidating, hostile, or offensive educational environment.
 - Consider the totality of the circumstances including, but not limited to:
 - The frequency of the conduct or communication, recognizing that a single incident may rise to the level of harassment or discrimination;
 - The number of individuals engaged in the conduct or communication;
 - The type or nature of the conduct or communication;
 - The duration of the conduct or communication;
 - The location where the conduct or communication occurred;
 - Whether the conduct or communication is threatening;
 - Whether any power differential exists between the individual alleged to have engaged in harassment or discrimination and the individual alleging the harassment or discrimination;
 - Any use of epithets, slurs, or other conduct or communication that is humiliating or degrading,
 - Whether the conduct or communication reflects stereotypes about an individual or group of individuals in a protected class; or
 - Whether the conduct includes an act of physical violence.

REPORT

- If the investigation finds Respondent violated this policy, enter the applicable discipline code in Infinite Campus.
- Issue consequences and provide learning opportunities.

Provide all documentation of the investigation to the Title IX/Nondiscrimination Coordinator.