

STUDENT RIGHTS AND RESPONSIBILITIES
SEXUAL HARASSMENT/SEXUAL ABUSE

FFH
(REGULATION)

Note: The procedures below address allegations of prohibited conduct *other than* allegations of sexual harassment prohibited by Title IX. [See FFH] For TASB's Title IX model procedures, see TASB Legal Services' eSource.¹

For provisions regarding bullying, see FFI. Note that FFH should be used in conjunction with FFI for conjunction with FFI for certain alleged conduct.

Please see the student handbook for further information and resources on child sexual abuse, including awareness, prevention, and appropriate action.

Initial Assessment

Except for allegations of conduct that, if proved, would meet the definition of sexual harassment under Title IX, the following guidelines apply when assessing student complaints of discrimination, harassment, or retaliation committed by an employee or another adult associated with the District or a complaint of student-to-student harassment or dating violence when the allegations presented, if proven, would constitute prohibited conduct as defined by District policy at FFH.

In the event that the allegations, if proven, would not constitute prohibited conduct as defined by District policy at FFH, the Superintendent or designee may then need to refer to policies and procedures at FFI, regarding bullying, or the Student Code of Conduct for other improper conduct.

Investigative Procedures

The investigator must maintain confidentiality to the extent possible and as allowed by law and must advise the complainant that limited disclosure may be necessary to complete a thorough investigation. Records of the investigation must be maintained in accordance with FB(LOCAL)

General Consideration

If possible, when investigating allegations of discrimination and/or gender-based harassment, the investigator should be the same sex as the student. During the investigative process, the student to be permitted to be accompanied by a parent, friend, or advisor.

In the course of the investigation, the investigator may also need to determine whether the allegations, if proven, would constitute

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bullying as defined by District policy. If the allegations would constitute bullying, the investigator will need to make a determination about the bullying incident in accordance with policies and procedures at FFI.

Investigative
Procedures

In conducting the investigation, the investigator will:

1. Take immediate action to protect the student from the alleged situation.
2. Notify parents of the allegations, explain to them the purpose of the investigation, and keep them apprised during the process.
3. Assure complainant of protection from retaliation.
4. Advise complainant that the District does not tolerate discrimination, harassment, dating violence, or retaliation and help the complainant feel secure about presenting allegations of wrongdoing.
5. Notify Child Protective Services of the Department of Family and Protective Services or local law enforcement within 48 hours, if there is a cause to believe the student has been sexually abused or neglected or has been a victim of indecency with a child.
6. If a law enforcement or regulatory agency notifies the District that a criminal or regulatory investigation has been initiated, confer with the agency to determine if the District investigation would impede the criminal or regulatory investigation and proceed only to the extent that the District's investigation does not impede the ongoing agency investigation. After the law enforcement or regulatory agency has
7. Reduce all complaints to writing. If the student refuses to make or sign a written complaint, the administrator will carefully document the allegations in writing and record the date and circumstances of the interview.
8. Take a sworn statement if at all possible.
9. Secure any physical evidence.

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10. Interview the complainant first, proceeding chronologically through the allegations.
11. Interview the alleged victim, if that person is not also the complainant. Assure the alleged victim of protection from retaliation.
12. Interview any witnesses.
13. Maintain detailed notes of all interviews. Notes will be read to witnesses to verify details and to ensure accuracy. Record facts, not conclusions. In addition, the interviewer may audio-record the interview.
14. Develop a summary of interview notes, which should be signed by a witness to verify the accuracy of their statements. If a witness declines to sign the summary or to allow the use of his or her name, the interviewer will note that restriction and retain the unsigned document.
15. Interview the alleged harasser and take a written or sworn statement, if possible. The alleged harasser will be presented with all allegations and allowed the opportunity to respond to each.
16. Advise the alleged harasser that retaliation against the victim or any witnesses is strictly prohibited by the District's sexual harassment policy.
17. Not concede the truth or falsehood of the allegations during the course of the investigation.
18. Not divulge information regarding the identity of the victim or alleged perpetrator unnecessarily when interviewing other witnesses.
19. Document all efforts made to investigate the alleged abuse or harassment.
20. If alleged harasser is a District employee, complete the investigation even if the employee resigns from employment before completion of the investigation.
21. Prepare a written report of the investigation.

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Investigation Report	<p>The Superintendent or designee will communicate the results of the investigation to the alleged victim, the alleged victim's parents, the alleged harasser, and the alleged harasser's parents, in accordance with the Family Educational Rights and Privacy Act (FERPA).</p> <p>The investigation report should include any determinations made by the investigator regarding prohibited conduct and bullying and the actions to be taken in response to such determinations.</p>
Dismissal of Complaint	<p>If upon completion of the investigation, the investigator determines that dismissal of the complaint is warranted, he or she will follow up with the alleged victim, the alleged harasser, the complainant, and the witnesses, if possible, to ensure that behavior giving rise to the allegations does not recur.</p> <p>The investigator will advise the alleged victim and his or her parents, the harasser, and the complainant of their right to appeal the investigator's decision through the student complaint process at FNG(LOCAL), beginning at Level Two, as well as notify them of their right to file a complaint with the United States Department of Education Office for Civil Rights.</p>
Disciplinary Action Against a Student	<p>If upon completion of the investigation the investigator determines that disciplinary action against a student is warranted, the investigator will proceed with the appropriate course of action, in accordance with the District's Student Code of Conduct.</p>
Against an Employee	<p>If, upon completion of the investigation, the investigator determines that misconduct occurred or disciplinary action against an employee is warranted, the investigator will notify the principal and the Superintendent.</p>
Principal Report to Superintendent	<p>Within timelines established by law, a principal must notify the Superintendent about an employee's termination or resignation following an allegation of certain misconduct under law. [See DF, DP]</p>
Superintendent Report to SBEC	<p>Within timelines established by law, the Superintendent must notify TEA's Division of Educator Investigations upon gaining knowledge about an employee's termination or resignation when there is evidence of certain misconduct under law or upon receiving the above required notification from the principal. [See DF, DHB, DHC]</p>

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NOTE: Information regarding Superintendent Reporting Requirements² can be found on TEA's website.

¹ TASB Legal Services' eSource: <https://www.tasborg/services/legal-services/tasb-school-law-esource.aspx>

² Superintendent Reporting Requirements: <https://teaa.texas.gov/texas-educators/investigations/superintendent-reporting-requirements>