

**SAN DIEGO UNIFIED SCHOOL DISTRICT**

**Date:** September 22, 2016

**To:** Principals and Vice-Principals

**Subject:** TITLE IX PROCESS FOR INVESTIGATING SEXUAL HARASSMENT REPORTS AND STUDENT NONDISCRIMINATION AND SEXUAL HARASSMENT POLICY POSTING

**Department and/or Persons Concerned:** Principals and Vice-Principals

**Due Date:** Complete and return Attachment 2 by October 21, 2016

**Reference:** Title IX, Administrative Procedures 0112 and 1700

**Action Requested:** Follow the procedure outlined in this circular for all sexual harassment reports and post the Student Nondiscrimination and Sexual Harassment Policy in several prominent locations throughout campus

**Brief Explanation:**

In order to maintain compliance with Title IX, site administrators are required to do the following:

1. All site student handbooks or new-student orientation packets must include the district's Student Nondiscrimination and Sexual Harassment Policy. The exact wording of the policy is essential. The policy is available on-line in English and Spanish languages, and individual master copies (PDF format) can be obtained on the district web page under About/Administrative/Policies & Procedures/Title IX Educational Equality/Resources.
2. All sites are required to permanently post the Student Nondiscrimination and Sexual Harassment Policy poster (Attachment 1) in several prominent places, i.e., office, staff lounge, student government meeting room. Complete Attachment 2 with the name of the school and the name and position of the employee responsible for posting the policy. Return the form to the Title IX office by fax to 619-725-5529 or email to Lynn Ryan ([lryan@sandi.net](mailto:lryan@sandi.net)).
3. Provide an opportunity (policy assembly, new-student orientation, health class, etc.) for students to discuss the Student Nondiscrimination and Sexual Harassment Policy.
4. ALL formal AND informal reports of student sexual harassment must be investigated. Formal sexual harassment complaints should be received on the district's Uniform Complaint form (see AP 1700.) A written complaint (not on the Uniform Complaint form) stating it is a "formal" complaint is also acceptable. Formal complaints require a response from the Legal Services Division following specific timelines. If a Uniform Complaint Form or formal letter of complaint alleging sex-based harassment or discrimination is received at a school site

directly from a victim, parent, student, district employee, etc. immediately call the Title IX office and forward a copy of the complaint to the Title IX office.

5. ALL reports of student sexual harassment MUST be investigated. The principal or designee shall advise the complainant (victim or victim's parent/guardian) of the right to file a formal complaint either in person or on the phone, and immediately follow up by sending a written notification letter along with Administrative Procedures 0112 and 1700 (Nondiscrimination on the Basis of Sex in District Programs and Activities, and the Uniform Complaint Procedure including the Uniform Complaint Form.)
6. Immediately implement interventions and remedies to protect the victim during the investigation, launch an independent investigation, and report the issue to the Title IX Coordinator. Administrative Circular No. 48 posted in February 2016 outlines the "Site Process for Investigations."
7. Regardless of whether the investigation proves the allegation of sexual harassment or not, all incidents are to be reported to the Title IX office. Please call (619) 725-7225 or email to Lynn Ryan ([lryan@sandi.net](mailto:lryan@sandi.net)). Include the date of the incident, the date you received the report of sexual harassment, students' name(s), and a short summary of the claim. DO NOT wait until the investigation is complete.
8. The principal or designee must complete the investigation and respond to the complainant (victim or victim's parent/guardian) in writing within ten (10) school days. Letter templates are available through the Staff Portal under Departments/Title IX/Support Materials. A copy is to be sent to the Title IX office.
9. In the event a formal written complaint is filed, documentation (witness statements, evidence, interview notes, police incident numbers, etc.) will be required during and/or after the investigation. The Title IX office will request this documentation and launch an independent investigation (in conjunction with the school site) upon receipt of a formal complaint.

Should you have questions concerning this circular please email [lryan@sandi.net](mailto:lryan@sandi.net) or call (619) 725-7225.

Lynn A. Ryan  
Title IX Coordinator

APPROVED:



Andra Donovan  
General Counsel

Attachments (2)

Distribution: Lists A, D, E and F

**SAN DIEGO UNIFIED SCHOOL DISTRICT**  
**Student Nondiscrimination and Sexual Harassment Policy**

**ATTACHMENT 1**

**NOTICE OF STUDENT NONDISCRIMINATION**

San Diego Unified School District is committed to equal opportunity for all individuals in education. District programs and activities shall be free from discrimination by reason of the following actual or perceived characteristics: actual or perceived sex, sexual orientation, gender, gender identity, gender expression, ethnic group identification, race, ancestry, national origin, religion, color and mental or physical disability, nationality, age, creed, or marital status, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics. Discrimination is also prohibited based on a student's actual or perceived potential parental, family, or marital status.

Students who violate this policy may be subject to discipline, up to and including expulsion, in accordance with district policy, administrative procedure and state law.

Employees who violate this policy shall be subject to discipline up to and including dismissal. Any disciplinary action shall be in accordance with applicable federal, state and/or collective bargaining agreements.

**STUDENT SEXUAL HARASSMENT POLICY**

San Diego Unified School District is committed to making the schools free from sexual harassment and discrimination. Sexual harassment is a form of sex discrimination under Title IX of the Education Amendments of the Civil Rights Act of 1972 and is prohibited by both federal and state laws. The district prohibits sexual harassment of students by other students, employees or other persons, at school or at school-sponsored or school-related activities. Sexual harassment is defined in Education Code to mean unwelcome sexual advances; requests for sexual favors; or verbal, visual, or physical conduct of a sexual nature, made by someone from or in the educational setting. The superintendent or his/her designee shall ensure that district students receive age-appropriate instruction about their rights to be free from sexual harassment, the district procedure for reporting and investigating complaints of sexual harassment including with whom a complaint should be filed.

The district prohibits conduct that has the purpose or effect of having a negative impact on the individual's work or academic performance, or that is sufficiently severe, persistent, or pervasive to create an intimidating, hostile, or offensive educational environment.

The district further prohibits sexual harassment that conditions a student's status, progress, benefits, services, honors, program or activities based on submission to such conduct.

Any student who feels that he/she is being, or has been, sexually harassed by a school employee, another student, or a non-school employee at school or at a school-related event, shall immediately contact his/her teacher or any other district employee. An employee who receives such a complaint shall report it in accordance with administrative procedures.

Employees who violate this policy shall be subject to discipline up to and including dismissal. Any disciplinary action shall be in accordance with applicable federal and state laws and/or collective bargaining agreements.

Students who violate this policy may be subject to discipline, up to and including expulsion, in accordance with district policy, administrative procedure and state law.

The district believes that it can resolve issues of harassment and discrimination at the school site.

**TO FILE A FORMAL DISCRIMINATION OR SEXUAL HARASSMENT COMPLAINT**

1. **Filing a complaint:** A complaint may be filed by a student or parent/guardian by obtaining a copy of the Uniform Complaint Form (AP 1700) and Administrative Procedure 0112 from the school or the district's Legal Office. Remedies available outside of the district are listed in this procedure.
2. **Investigation:** San Diego Unified School District will immediately undertake an effective, thorough, and objective investigation of the harassment and/or discrimination allegations and provide a written report within sixty (60) days from the date the complaint is filed. The Superintendent or his/her designee shall ensure that any complaint received is investigated in accordance with district administrative procedures and that school personnel take immediate steps to intervene, when safe to do so, when they witness any act of harassment.
3. **Action:** When an allegation of sexual harassment is validated by the investigation and disciplinary action is necessary, the superintendent will determine the appropriate course of action, to prevent reoccurrence and follow up with the harassed student, depending upon whether the harasser is a student, staff member or agent of the district. If the complaint of sexual harassment is validated the superintendent and/or designee shall take prompt, appropriate action to end the harassment and to address the effects on the victim.

Complaints will be kept confidential. The person filing the complaint may also pursue action in civil court.

The district prohibits retaliation against any person who complains, testifies, assists or participates in district complaint procedures.

**A student who has a complaint of sexual harassment or discrimination shall immediately contact his/her teacher or any other district employee. If the complaint cannot be resolved, or at any time the student may contact:**

**Lynn A. Ryan, Title IX Coordinator**  
**Eugene Brucker Education Center**  
**4100 Normal St., Room 2129**  
**San Diego, CA 92103**  
[lryan@sandi.net](mailto:lryan@sandi.net)

**For questions or additional information, call 619.725-7225.**

**DISTRITO ESCOLAR UNIFICADO DE SAN DIEGO**  
**Políticas estudiantiles contra discriminación, acoso, y hostigamiento**

**ATTACHMENT 1**

**AVISO DE NO DISCRIMINACIÓN A LOS ESTUDIANTES**

El Distrito Escolar Unificado de San Diego se compromete a la igualdad de oportunidades en la educación para todas las personas. Los programas y actividades del distrito deben estar libres de discriminación a causa de las siguientes características reales o percibidas: sexo, orientación sexual, género, identidad de género, expresión de género, identificación de grupo étnico, raza, genealogía, origen nacional, religión, color, discapacidad mental o física, nacionalidad, edad, credo, o estado civil o en virtud de la asociación de una persona con otra persona o grupo con una o más de éstas características reales o percibidas. También se prohíbe la discriminación basada en el estado parental, familiar o marital, real o potencial de un estudiante.

Los estudiantes que violen esta política quedarán sujetos a las medidas disciplinarias, incluyendo la expulsión, de acuerdo a la política del distrito, procedimientos administrativos y a las leyes estatales.

Los empleados que violen esta política quedarán sujetos a las medidas disciplinarias, incluyendo el despido, cualquier medida disciplinaria debe estar de acuerdo con las leyes federales y estatales pertinentes y/o con los acuerdos de convenios colectivos.

**POLÍTICA DE ACOSO SEXUAL DE LOS ESTUDIANTES**

El Distrito Escolar Unificado de San Diego se compromete a eliminar el acoso sexual y la discriminación en las escuelas. El acoso sexual es una forma de discriminación sexual bajo el Título IX de las Enmiendas Educativas de la Ley de Derechos Civiles de 1972 y está prohibido tanto en la ley federal como estatal. El distrito prohíbe el acoso sexual a estudiantes por otros estudiantes, empleados, u otras personas, en la escuela o en actividades organizadas o relacionadas con la escuela. El acoso sexual se define en el Código de Educación como insinuaciones sexuales no deseadas, solicitud de favores sexuales, conducta verbal, visual, o física de naturaleza sexual hecha por cualquier persona del o dentro del ambiente educativo. La Superintendente o su designado debe garantizar que los estudiantes del distrito reciban educación apropiada a su edad sobre su derecho de ser libres de acoso sexual y sobre el procedimiento del distrito para informar e investigar quejas de acoso sexual, incluyendo a quién se debe presentar la queja.

El distrito prohíbe la conducta cuyo resultado o propósito tenga un efecto negativo en el trabajo o rendimiento académico de las personas o que sea suficientemente severa, persistente o generalizada para crear un ambiente educativo intimidante, hostil, u ofensivo.

El distrito prohíbe además acoso sexual por el cual el estado, progreso, beneficios, servicios, honores, programa o actividades de un estudiante dependan de que éste se someta a dicha conducta.

Cualquier estudiante que sienta que está siendo o ha sido acosado/a sexualmente por un empleado de la escuela, otro estudiante, u otra persona no empleada en la escuela, o en un evento relacionado con la escuela, deberá contactar inmediatamente a su maestro o a cualquier otro empleado del distrito. Un empleado que recibe tal queja deberá reportarla de acuerdo con los procedimientos administrativos.

Los empleados que violen esta política quedarán sujetos a medidas disciplinarias que pueden incluir el despido. Cualquier acción disciplinaria deberá cumplir con las leyes federales y estatales que sean pertinentes y/o con los acuerdos de convenios colectivos.

Los estudiantes que violen esta política pueden quedar sujetos a medidas disciplinarias que pueden incluir la expulsión, de acuerdo con la política del distrito, los procedimientos administrativos y la ley estatal.

El distrito considera que se pueden resolver los problemas de acoso y discriminación en el plantel escolar.

**CÓMO PRESENTAR UNA QUEJA FORMAL POR DISCRIMINACIÓN, O ACOSO SEXUAL**

- 1. Presentar una queja:** Los estudiantes o padres/tutores pueden presentar una queja obteniendo una copia de la Forma de Queja Uniforme (AP 1700) y del Procedimiento Administrativo 0112 en la escuela o en la Oficina de Servicios Legales del distrito. Los remedios disponibles fuera del distrito están enumerados en este procedimiento.
- 2. Investigación:** El Distrito Escolar Unificado de San Diego conducirá de inmediato una investigación eficiente, detallada y objetiva de los alegatos de acoso y/o discriminación y proporcionará un informe escrito dentro de un período de sesenta (60) días a partir de que se presente la queja. La Superintendente o su designado deben garantizar que cualquier queja recibida sea investigada de acuerdo con los procedimientos administrativos y de que el personal de la escuela tome medidas inmediatas para intervenir, cuando sea seguro hacerlo, si son testigos de cualquier acto de acoso.
- 3. Acción:** Si la investigación valida los alegatos de acoso sexual y se hace necesaria una medida disciplinaria, la Superintendente determinará el curso apropiado de la medida, para prevenir la reincidencia y hará seguimiento con el/la estudiante acosado/a, dependiendo de si el acosador es un estudiante, miembro del personal, o agente del distrito. Si se valida la queja de acoso sexual, la Superintendente y/o su designado tomará medidas inmediatas y apropiadas para terminar el acoso y para tratar los efectos en la víctima.

Las quejas se mantendrán confidenciales. La persona que presenta la queja también puede perseguir el caso en un tribunal civil.

El distrito prohíbe las represalias en contra de cualquier persona que se queje, testifique, asista o participe en los procedimientos de queja del distrito.

**Un estudiante que tiene una queja de acoso sexual o discriminación debe contactar de inmediato a su maestro o a cualquier otro empleado del distrito. Si la queja no puede resolverse, o en cualquier momento, el estudiante puede contactar a:**

**Lynn A. Ryan, Title IX Coordinator**

**Eugene Brucker Education Center**

**4100 Normal St., Room 2129**

**San Diego, CA 92103**

[lryan@sandi.net](mailto:lryan@sandi.net)

**Si tiene dudas o desea información adicional,  
por favor llame al 619-725-7225**



**San Diego Unified**  
SCHOOL DISTRICT

Lynn A. Ryan  
Title IX Coordinator  
P – 619-725-7225  
F – 619-725-5529

**ATTACHMENT 2**

**MEMORANDUM**

**TO:** Lynn Ryan, Title IX Coordinator

**FROM:**

**DATE:**

**SUBJECT: THE STUDENT NONDISCRIMINATION AND SEXUAL  
HARASSMENT POLICY HAS BEEN POSTED IN SEVERAL  
PROMINENT LOCATIONS THROUGHOUT CAMPUS**

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School

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Date Posted

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Responsible Employee (Please print name)

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Position

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Signature of Responsible Employee

**RETURN BY OCTOBER 15, 2016**  
**FAX to 619-725-5529 or**  
**email to Lynn Ryan at [lryan@sandi.net](mailto:lryan@sandi.net)**