

# *Guidelines for Sexual Harassment Investigation and Followup For Students, Parents, and Staff*

*Below are some general guidelines Carmel Unified School District has in place for sexual harassment cases. Some of these guidelines may vary as appropriate to the circumstances.*

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## **Definitions**

- *Complainant* – The person making the complaint of sexual harassment. This person may be the victim.
- *Respondent* – The person accused of or alleged to be harassing someone.
- *Title IX Officer* – Paul Behan, 831-624-1546, ext 2040, pbehan@carmelunified.org.

## **Investigation and interviews**

- CUSD administration must investigate all claims of sexual harassment and provide a written report of findings within a 60-day period (see timeline below).
- Both the complainant and the respondent will be informed that the investigation is underway. The respondent has the right to know the charges being investigated.
- Whenever possible, an administrator or counselor of the same gender as the student will be present during internal interviews of student complainants.
- If there is evidence to suspect a crime has been committed, law enforcement will be notified.
- CUSD administration has an obligation to investigate, whether or not law enforcement is investigating. The timing of the district's investigation may be affected by factors such as an ongoing law enforcement investigation or unavailability of the respondent or witnesses.
- If law enforcement officer(s) interview student witnesses or suspects, CUSD administration may participate in the interview if allowed by the law enforcement official and by the student. The CUSD administrator will inform the student of the right to not have the administrator at the law enforcement interview and will inform the student that this may necessitate a separate interview by the administrator.
- Be aware that the school and district is not typically informed of the status of ongoing law enforcement investigations.
- The investigating administrator will gather relevant documentation and take clear notes of interviews. These documents and notes will be collected in a case file by the Title IX Coordinator and used to help in writing the final summary report of findings.



## Trauma-informed practices

School staff working with complainants or victims should use trauma-informed practices, such as the following:

- Being aware of how experiences can impact victim trauma, memory, reactions and behavior and how staff's interpretation of this behavior impacts sexual harassment investigations.
- Being sensitive to the tone of an interview to ensure it does not feel like an interrogation. Being aware of body language and word choice.
- Providing a welcoming and comfortable space.
- Offering options and choices and allowing the person to ask questions.
- Explaining next steps.
- Understanding that victim disclosure often occurs in pieces over time and requires trust and communication.
- Postponing judgment regarding the validity of a case until a thorough investigation is completed.
- Using techniques that focus on offender behavior rather than the victim's behavior.
- Recognize potential sources of their own bias and ways to mitigate its impact on reports.



## Confidentiality



- All complaints and allegations of sexual harassment shall be kept confidential, except as needed to carry out the investigation or take other necessary follow-up action.
- The administrator will inform the parent/guardian about which staff members need to know about the situation. Parents or victims may choose to share with other staff/ teachers as they deem appropriate.
- A complainant or victim of sexual harassment may request confidentiality. The administrator will inform him/her that the request may limit the district's ability to investigate the harassment or take other necessary action. When honoring a request for confidentiality, the district will nevertheless take all reasonable steps to investigate and respond to the complaint consistent with the request.
- When a complainant or victim of sexual harassment notifies the district of the harassment but requests that the district not pursue an investigation, the district will determine whether or not it can honor such a request while still providing a safe and nondiscriminatory environment for all students.
- Complaints and respondents are encouraged to let the investigating administrator know of rumors and/or social media posts that are circulating. School administrators will take action to mitigate rumors and social media posts when it is in their power to do so.

## Interim Measures

- The school will take immediate measures necessary to stop the harassment and protect students and ensure their access to the educational program (“interim measures”). Examples may include placing the individuals involved in separate classes or transferring a student to a class taught by a different teacher.
- Interim measures should not disadvantage the complainant or victim of the alleged harassment to the extent possible.
- The school should notify the individual who was harassed of his/her options to avoid contact with the alleged harasser and allow the complainant or respondent to change academic and extracurricular arrangements as appropriate.
- The school should ensure the complainant and respondent are aware of district resources, such as counseling and academic support.

## Discipline

- Based on the evidence, the administration will discipline the respondent as appropriate.
- The administration cannot report disciplinary measures to the complainant or complainant’s parents, except to the degree that it directly affects the complainant. For example, a complainant would be told if the respondent had been instructed not to interact with the complainant while at school, or of the respondent would no longer be in attendance in the school.
- A copy of disciplinary documentation will be kept in the case file by the Title IX Officer.
- All reports of retaliation or intimidation against a complainant, witness, or respondent will be investigated and acted upon as appropriate.



## Communications

- The district’s Title IX Officer will inform the complainant’s and respondent’s parents of these guidelines, as well as applicable policies, including the Sexual Harassment policy and the Uniform Complaint Policy.
- The district’s Title IX Officer will keep parents informed about the progress of the investigation at regular intervals within the 60-day investigation period.
- During these progress updates, the Title IX Officer will also inquire about any interim measures to see if they need to be modified.
- Parents should direct questions about the sexual harassment case to the Title IX Officer. Questions unrelated to the sexual harassment case should be directed to school staff as normal.

## Timelines



### **60 days - UCP investigation/resolution window**

All UCP-related complaints shall be investigated and resolved within 60 calendar days of the district's receipt of the complaint unless the complainant agrees in writing to an extension of the timeline.

### **Immediately - Notification about compliance officer**

The lead compliance officer shall promptly notify the complainant and respondent of compliance officer assigned to the complaint.

Mediation shall not be offered or used to resolve any complaint involving an allegation of sexual assault or where there is a reasonable risk that a party to the mediation would feel compelled to participate.

### **10 days – Initiate investigation, starting with notification to provide evidence**

Within 10 business days after the compliance officer receives the complaint, the compliance officer shall begin an investigation into the complaint.

**1 day** - Within one business day of initiating the investigation, the compliance officer shall notify the complainant/representative of the opportunity to present the compliance officer with any evidence, or information leading to evidence, to support the allegations in the complaint.

**Ongoing** - At appropriate intervals, the compliance officer shall inform both parties of the status of the investigation.

**60 days** - Final Written Decision due to the complainant and respondent.

### **Additional civil law, state and federal timelines**

**15 days after receiving district Report of Findings** - Complainant may appeal findings to the California Department of Education (CDE).

**60 additional days after CDE appeal** – Complainant may seek civil law remedies for unlawful discrimination complaints (such as discriminatory harassment, intimidation, and bullying). Complainant may pursue available civil law remedies, including assistance from mediation centers or public/private interest attorneys, 60 calendar days after the filing of an appeal with the CDE.

### **180-day window for complaints alleging discrimination based on race, color, national origin, sex, gender, disability, or age**

Complainant may also file with the U.S. Department of Education, Office for Civil Rights at [www.ed.gov/ocr](http://www.ed.gov/ocr) within 180 days of the alleged discrimination.