

Sacramento City USD

Administrative Regulation

AR 5145.3

Students

Nondiscrimination/Harassment

Reports of racial harassment raise the issue of possible discrimination and shall be addressed through the District's nondiscrimination/harassment policy and complaint procedures regardless of whether the matter has been referred to another agency.

School districts are responsible for responding to reports of racial harassment even if a formal complaint is not filed. [United States Code, Title 42, 2000d-2000e-17 Title VI & VII Civil Rights Act of 1964 as amended.]

Any student who feels that s/he is being discriminated against or harassed because of his or her ethnic group, religion, gender, color, race, national origin and physical or mental disability should immediately contact either the nondiscrimination coordinator or the principal or designee.

(cf. 5145.7 - Sexual Harassment)

Investigation of Complaints at School:

1. The principal or designee shall promptly investigate all complaints of discrimination and shall immediately notify the student who is complaining that an investigation will be conducted. As part of the investigation, the principal or designee shall talk individually with:
 - a. The student who is complaining
 - b. The person accused of discrimination and/or harassment
 - c. Witnesses who saw the discrimination and/or harassment take place
 - d. Witnesses mentioned as having related information
2. The student who is complaining shall have an opportunity to describe the incident, present witnesses and other evidence of the discrimination and/or harassment, and put his/her complaint in writing.
3. The principal or designee shall discuss the complaint only with the people described above. When necessary to carry out his/her investigation or for other good reasons that apply to the particular situation, the principal or designee also may discuss the complaint with the following persons:
 - a. The Superintendent or designee
 - b. The parent/guardian of the student who complained
 - c. The parent/guardian of the person accused of discrimination and/or harassment
 - d. A teacher or staff member whose knowledge of the students involved may help in determining who is telling the truth
 - e. Child protective agencies responsible for investigating child abuse reports

(cf. 5141.41 - Child Abuse Prevention)

 - f. Legal counsel for the district
4. The principal or designee shall consider and implement any reasonable means to prevent further incidents of discrimination and/or harassment.
5. When the student who complained and the person accused of discrimination and/or harassment so agree, the principal or designee may arrange for them to resolve the complaint informally with the help of a counselor, teacher, administrator or trained mediator. The student who complained shall never be asked to work out the problem directly with the accused person unless such help is provided.

6. The principal or designee shall tell the student who complained that s/he has the right to file a formal complaint at any time in accordance with the district's uniform complaint procedures. If the student wishes to file a formal complaint, the principal or designee shall assist the student in doing this.
(cf. 1312.3 - Uniform Complaint Procedures)
7. In reaching a decision about the complaint, the principal or designee may take into account:
 - a. Statements made by the persons identified above
 - b. The details and consistency of each person's account
 - c. Evidence of how the complaining student reacted to the incident
 - d. Evidence of past instances of discrimination and/or harassment by the accused person
 - e. Evidence of past discrimination and/or harassment complaints that were found to be untrue
8. To judge the severity of the discrimination and/or harassment, the principal or designee may take into consideration:
 - a. How the misconduct affected one or more students' education
 - b. The type, frequency and duration of the misconduct
 - c. The number of persons involved
 - d. The age and sex of the person accused of discrimination and/or harassment
 - e. The subject(s) of the discrimination and/or harassment
 - f. The place and situation where the incident occurred
 - g. Other incidents at the school
9. Depending upon the extent and complexity of the investigation, within a reasonable period of time (approximately two weeks) after receiving the complaint, the principal or designee shall determine whether or not the student who complained was discriminated against and/or harassed.
10. Within a reasonable period of time thereafter, the principal or designee shall write a report of his/her findings, decision, and reasons for the decision and shall present this report to the student who complained and the person accused.
11. The principal or designee shall give the Superintendent or designee a written report of the complaint and investigation. If s/he verifies that discrimination and/or harassment occurred, this report shall describe the actions s/he took to end the discrimination and/or harassment, address the effects of the discrimination and/or harassment on the complaining student, and prevent retaliation or further discrimination and/or harassment. The principal or designee shall retain a copy of the report at the school site and forward a copy to the Coordinator for Nondiscrimination.

Enforcement

The Superintendent or designee shall take appropriate actions to reinforce the district's nondiscrimination and harassment policies. As needed, these actions may include any of the following:

1. Removing vulgar or offending graffiti
2. Providing staff inservice and student instruction or counseling
3. Notifying parents/guardians
4. Notifying child protective services
5. Taking appropriate disciplinary action. In addition, the principal or designee may take disciplinary measures against any person who is found to have made a complaint of discrimination and/or harassment which he/she knew was not true.