MEMORANDUM

TO: All SCUSD Site Administrators
    All District START Program Directors
    Sara Noguchi, Interim Superintendent
    Lisa Allen, Chief of Schools
    Koua Franz, Chief of Staff
    Olivine Roberts, Chief Academic Officer
    Cancy McArn, Human Resources Assistant Superintendent
    Stephan Brown, Director Student Hearing and Placement

FROM: Raoul Bozio, Legal Services Manager II

SUBJECT: Responding to a Discrimination Complaint Based on Race, Color, or National Origin

DATE: June 9, 2014

Responding to a Complaint of Discrimination Against a Student Based on Race, Color, or National Origin

Sacramento City Unified School District prohibits any discrimination based upon race, color or national origin. Harassment of a student based on race, color or national origin is prohibited by Title VI of the Civil Rights Act of 1964. If a school has notice that harassment of student by a peer, a District employee, or anyone else, based on race, color or national origin, may have taken place in any District program, the District has a responsibility under the federal civil rights laws to respond promptly and appropriately regardless of whether a complaint has been filed.

The District will hold a mandatory training for all District School Site Principals and Administrators who are responsible for investigating a claim of discrimination against a student based on race, color, sex, national origin, or disability during its annual Human Resources trainings on August 14, 2014.

What is racially harassing conduct

Racial harassment consists of physical or verbal abuse relating to an individual's race, color, national origin or ethnicity. Racial harassment may include, but is not limited to:

1. racial name-calling;
2. graffiti containing racially offensive language or images;
3. offensive or humiliating statements or jokes based on a student’s race, color, national origin or ethnicity;
4. threatening or intimidating conduct directed at a student because of their race, color, national origin or ethnicity;
5. written material containing racial or ethnic comments or stereotypes which is posted or circulated;
6. an act of aggression upon a student because of their race, color, national origin or ethnicity.

Racial harassment does not need to be based on the race of the victim, so long as it is racially motivated (for example, a White student who was harassed by other White students for her association with an African-American student would be protected under Title VI of the Civil Rights Act of 1964).

**Procedure for Responding to Notice of Harassment**

- Consistent with District BP/AR 5145.3, attached hereto, any staff person who receives a report of racial harassment will notify the site principal or designated site administrator. The site administrator or staff person will also notify the parents/guardians of their right to file a formal complaint under the District’s Uniform Complainant Procedures (UCP), pursuant to District BP/AR 1312.3, attached hereto. The parents/guardians will be provided with a copy of the UCP.

- If the parents/guardians do not wish to file a formal UCP complaint, the site administrator or designee will immediately investigate the matter by interviewing the complainant or student who was allegedly subjected to harassment, the individual against whom the complaint is filed, and others who may have knowledge of the alleged incident or circumstances giving rise to the complaint.

- The investigation will determine:
  - When and where the incident took place
  - What was said and done by the parties
  - Whether the incident was isolated or part of a continuing practice
  - How the complainant was affected
  - Whether the incident created a racially hostile environment for the student who was harassed or for other students

- The investigator will ascertain whether the victim has any immediate needs such as safety or psychological trauma that might need to be addressed.

- The investigator will keep notes of any interviews and document their investigative findings.

- If the investigator finds that racial harassment occurred, s/he and/or the site administrator will determine what actions are needed to end the harassment, eliminate any hostile environment, remedy the effects on the victim and other students, and prevent the harassment from recurring.

- The parents/guardians will be notified about the results of the investigation and the steps the school is taking in response to the reported incident. The results will be provided to the parents/guardians within 2 weeks either by a meeting or in writing.

**Uniform Complaint Procedure**

If the parent/guardian decides to file a UCP complaint, consistent with BP/AR 1312.3, the Director of Student Hearing and Placement will investigate the matter as follows:

- Within 60 calendar days of receipt of a written complaint, the District will investigate the matter and complete a written report.

- Investigations shall include interviews of all relevant witnesses, including the complainant, victim, individual against whom the complaint is filed, and anyone else who may have knowledge of the alleged discrimination.
• Records shall be maintained documenting the investigation. Such records will include notes from witness interviews, any documentary evidence, and correspondence between the school and the parents/guardians.

• The parents/guardian shall be provided with written notice of the outcome of the complaint, including a statement of all the issues raised; the findings made on each issue, the rationale for each finding; the corrective actions for each issue, if any; and notice of the right to appeal.

Corrective Steps

• If racial harassment is found to have occurred, the Director of Student Hearing and Placement will determine what steps to take to address the effects of the harassment on the victim and any other students and ensure that the offending student is counseled about the nature and seriousness of the offense, and where applicable receives disciplinary consequences.