



PALO ALTO UNIFIED SCHOOL DISTRICT  
**EDUCATIONAL SERVICES DIVISION**

25 CHURCHILL AVENUE  
PALO ALTO, CALIFORNIA 94306  
(650) 329-3709 FAX (650) 326-7463

**DISCRIMINATION COMPLAINTS  
GUIDANCE MEMORANDUM  
2012-2013**

The Governing Board is committed to creating a safe learning and working environment for all students and employees. The Governing Board recognizes the harmful effects of discrimination, harassment, intimidation and bullying on student learning and school attendance and desires to provide safe school environments that protect students from physical and emotional harm. This Guidance Memorandum is designed to summarize information relevant to understanding and accessing the Palo Alto Unified School District's (Hereinafter "District") discrimination complaint policies and procedures.

**1. District Policy:**

The District's policies prohibit discrimination, intimidation, harassment, and bullying based on actual or perceived characteristics and disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or association with a person or group with one or more of these actual or perceived characteristics. (BP & AR 5131.2 – Bullying, Attached Exhibit A)

**2. Dear Colleague Letter:**

It is imperative that the school community understands the relationship between bullying and discriminatory harassment and how schools should respond. Attached as Exhibit B is the October 2010 "Dear Colleague" Letter issued by the Office of Civil Rights that provides a discussion of this relationship.

**3. Prohibited Conduct:**

Students who belong to protected classes, such as students with disabilities, are particularly vulnerable to bullying and are often targeted based on their protected status. Below are some examples of conduct that could constitute discriminatory harassment:

- a. Verbal: Hurtful name-calling, teasing, gossiping, making threats, making slurs or epithets, making rude noises, or spreading hurtful rumors.
- b. Nonverbal: Posturing, making gang signs, leering, staring, stalking, destroying property, insulting or threatening notes, using graffiti or graphic images, or exhibiting inappropriate and/or threatening gestures or actions.
- c. Physical: Hitting, punching, pushing, shoving, poking, kicking, tripping, blocking egress, strangling, hair pulling, fighting, beating, pinching, slapping, "pantsing," biting, spitting, or destroying property.
- d. Emotional (Psychological): Rejecting, terrorizing, extorting, defaming, intimidating, humiliating, blackmailing, manipulating friendships, isolating, shunning, ostracizing, using peer pressure, or rating or ranking personal characteristics.

Charles Young, Ed.D., Associate Superintendent  
Educational Services  
cyoung@pausd.org

e. Cyber-bullying: Sending insulting or threatening messages by phone, e-mail, Web sites, or any other electronic or written communication. This policy pertains to cyberbullying that is related to school activity or attendance and is directed toward a pupil or school personnel. (See Attached Exhibit A)

#### **4. Complaint Procedure:**

The principal or principal's designee at each school shall be responsible for receiving complaints alleging discrimination and bullying. Any student who feels she/he is a victim of such behavior should immediately contact a teacher, counselor, administrator, or staff person. Complaints of bullying shall be investigated and resolved within 15 school days of receipt of the written complaint form. If either party disagrees with the resolution of the complaint, she/he may file an appeal to the Superintendent or designee. An appeal must be filed within 15 calendar days of resolution of the initial complaint.

In addition to the above site-level complaint process, parents/guardians/students may also seek to resolve complaints using policies and procedures known as the Uniform Complaint Procedures (UCP) adopted by the District. Unlawful discrimination complaints may be based on actual or perceived sex, sexual orientation, gender, ethnic group identification, race, ancestry, national origin, religion, color, or mental or physical disability, or age, or on a person's association with a person or group with one or more of these actual or perceived characteristics, in any program or activity that receives or benefits from state financial assistance.

(UCP) Complaints must be filed in writing with the following compliance officer:

Name and/or Title of Compliance Officer: Associate Superintendent – Educational Services

Address: 25 Churchill Avenue, Palo Alto, CA 94306

Telephone Number: (650) 329-3709

Complaints alleging discrimination must be filed within six (6) months from the date the alleged discrimination occurred or the date the complainant first obtained knowledge of the facts of the alleged discrimination, unless the time for filing is extended by the superintendent or his or her designee.

Complaints will be investigated and a written Decision or report will be sent to the complainant within sixty (60) days from the receipt of the complaint. This sixty (60) day time period may be extended by written agreement of the complainant. The District person responsible for investigating the complaint shall conduct and complete the investigation.

The complainant has a right to appeal the District's Decision to the California Department of Education (CDE) by filing a written appeal within 15 days of receiving the District's Decision. The appeal must include a copy of the complaint filed with the District and a copy of the District's Decision. A complete copy of the District's Uniform Complaint Process can be found at [www.pausd.org](http://www.pausd.org), Board Policy 1312.3 and Administrative Regulation 1312.3 (Attached Exhibit C)

#### **5. Internal Complaint Investigation:**

The principal/designee or appropriate administrator shall begin a thorough investigation with the alleged victim and accused upon receiving a notification of complaint. The school administrators/designees will provide

immediate notification to the parents of both the victim and the alleged perpetrator of an act of bullying or harassment. The complete investigation process can be found at AR 5131.2 – Bullying, attached Exhibit A.

## **6. Filing a Complaint:**

The alleged victim/complainant/student/employee or parent(s) or guardian(s), on behalf of the student, may file a written complaint with the principal/designee or appropriate administrator. The Complaint Procedure is contained in District policy AR 5131.2 – Bullying, and a copy of the policy can be obtained through the District website or at any District school site. (See Attached Exhibit A)

## **7. Interviewing witnesses:**

The principal/designee shall interview the alleged victim, alleged perpetrator, and all relevant witnesses. Each individual (victim, alleged perpetrator, and witnesses) will be interviewed separately and at no time will the alleged perpetrator and victim to be interviewed together.

## **8. Documentation:**

The administrators/principal/designee(s) shall document in writing all complaints regarding discrimination or bullying to ensure that they are appropriately addressed in a timely manner, whether the original report of bullying is made verbally or in writing. Records of all complaints, including documentation of witness interviews and complaint resolutions shall be maintained by the school site administrator.

## **9. Resolution Decisions:**

Within fifteen (15) school days of the notification as to the filing of the complaint, there shall be a written decision provided to the Complainant by the Principal/Designee or appropriate administrator regarding the completion and determination of the investigation. The Decision shall indicate all of the issues raised, the findings made on each issue and the rationale for each, the corrective action for each issue, if any, and notice of the right to appeal.

## **10. District Designee:**

If any administrator or school site staff member has any questions regarding the applicability of this Guidance Memorandum to a particular situation and/or scenario, please contact the District Designee indicated below:

Charles Young, Ed.D.  
Associate Superintendent – Educational Services  
25 Churchill Avenue  
Palo Alto, California 94306  
(650) 329-3709