

# Recommendations to Improve BUSD Approach/Response to Issues of Sexual Misconduct

Presented to the PTA Council 2-24-2020

Below is a listing of recommendations developed by long standing non-school staff members of the BUSD Sexual Harassment Advisory Committee (SHAC). These are intended to facilitate BUSD's compliance with federal Title IX law and to build BUSD's capacity and capability on a sustained basis to deliver the services and supports students need to improve school climate to: reduce incidents; to navigate and/or report incidents when they occur; to ensure that incidents are promptly and properly investigated; and to ensure that student safety is promptly and properly implemented until corrective remedies or discipline are applied.

**Immediate Response to the current crisis:** based on suggestions by internal BUSD Title IX staff since 2017 and expanded to include Middle School and 4-5<sup>th</sup> grades (CA Education Code identifies students in the fourth grade as capable of sexual misconduct).

1. **SET UP Hotline ASAP with Presidium or similar service** to take either anonymous or direct reports of sexual assaults and to refer reporting parties to appropriate resources; demonstrate BUSD acknowledgement of the enormity of the problem and its lack of sufficient in-house and contracted resources to support students. In 2019 the Title IX office investigated over 200 uniform complaints or informal reports of sexual misconduct.
2. **SEND a mass email and paper mailing to students'** home informing the entire BUSD community (HS/MS/ES students, parents, faculty and staff) of the availability of the hotline and the purpose.
3. **ASSEMBLE a team of Title IX Trained Investigators** to review hotline reports and determine which require investigation. This will require personnel that know Title IX law and processes.
4. **LAUNCH Title IX Staff Training** such as EVERFI for all "Responsible Employees (RE)" to ensure consistent understanding of online harassment, discrimination and retaliation dynamics and the obligations of the institution to respond. RE's are any employees who have the authority to: 1) take action to redress the harassment; 2) have the duty to report harassment or other misconduct to appropriate officials; and are 3) someone who a student could reasonably believe to have this authority and responsibility.
5. **CREATE and DISSEMINATE widely a written notification** of Rights and Reporting Options -- including confidentiality options -- for students and parent/guardians.
6. **DEVELOP and DELIVER age-appropriate differentiated training ASAP** for students grades 4 through 12 using external providers or **qualified** internal expert resources.

### **Budget & Organizational:**

1. **Establish independent budget for the Title IX Coordination function** – today it is funded under the Student Services budget; there is no transparency as to the degree to which the Title IX function is funded.
2. **Include the Title IX Coordinator as a regular member of the Superintendent’s core cabinet.**
3. **Establish independent annual standing budget for Green Dot Program, and annual training developed and delivered to students in grades 4-12** (age appropriate differentiated training) and K-12 staff training for Title IX related issues including trauma informed intake and support.
4. **Establish the Sexual Harassment Advisory Committee (SHAC) as a standing District non-Brown-act Committee**, staffed by the Title IX Coordinator and comprised of representatives from High School and Middle School stakeholder groups including student, teacher, parent/guardian and community participants – approx. 15 persons. The SHAC should be included in the Committee Reports segment of school board meetings for updates on the status of climate, programs and data collection for issues of sexual misconduct.
5. **Authorize Title IX Coordinator to conduct an annual survey at the High and Middle School levels** to understand the prevalence and nature of incidents of sexual harm that make students feel unsafe at school. The data from such surveys should be the basis of programmatic investments to improve BUSD response to sexual misconduct.

### **Other Key Practices:**

1. **Remediation Programs Transparency** in annual Seth’s Law reporting– including identification of each program BUSD utilizes for remediation of sexual misconduct cases with details on: 1. Program administrator; 2. actual program FTE staffing level, 3. annual program budget, 4. the number of cases referred to the program in the last academic year (starting with 2018-2019), and 5. the number of cases closed by the program in that same period.
2. **Develop plans and deploy resources to address peer social retaliation** dynamics at school when an incident becomes public knowledge.
3. **Clarify policy and practices for discipline or remediation** for student-on-student sexual harassment incidents that include: 1. a special needs student, 2. a student identified through the Academic Support Index (ASI) , or 3. Any case where the District elects to waive a mandatory expulsion hearing when the nature of the incident requires such a hearing.
4. **Clearly articulate BUSD stance on the revised Title IX regulations (when they are released)** and detail any planned changes to practices based in the new regulations. (NOTE: In January 2019 BUSD filed comments with the US Dept of Education on the proposed changes to the Title IX regulations and represented that it would continue to utilize the “preponderance of evidence” standard and NOT embrace the proposed optional rules, including limited “responsible employee” staff authorized to take an incident report and adoption of the “deliberate indifference” standard as pertaining to incidents that occur off campus).