

Austin Independent School District Student-on-Student Altercation Response Chart

All charges or reports of a student-on-student altercation (e.g., sexual harassment, harassment, and bullying) should be referred to the principal or the principal’s designee. Principals are responsible for responding to incident reports. This checklist has been provided to assist the principal or designee in ensuring that necessary steps are taken when incidents have been brought to the principal’s attention. To the greatest extent possible, confidentiality should be maintained when investigating reports.

Steps:	Date:
1. Take necessary steps to separate alleged offender and target.	
2. Call SRO if appropriate. If the altercation is assaultive in nature, see legal and policy guidelines for reporting and discipline, as well as CPS requirements.	
3. ALLEGED TARGET: Conference with the alleged target outside of the presence of the accused student. Use every reasonable effort to protect the due process rights of the alleged offender. Contact parent/guardian. The student may be accompanied by a parent/guardian or other representative. <ul style="list-style-type: none"> a) Provide the parent/guardian and/or student with a “Notice of Parent and Student Rights” (Attachment A). Inform the student of his or her right to file a complaint alleging sexual harassment directly with the Title IX coordinator, Office of General Counsel and with the Office for Civil Rights. Obtain signature if possible. b) Assist the student in documenting the incident on a complaint form. If the student or parent declines to document the incident, note this on the complaint form. See FFH (Exhibit), Attachment B. c) Identify immediate actions that can be taken to increase the targeted student's safety and ability to participate in school without being subject to harassment. Refer the student to a school counselor as appropriate. d) Record your observations related to the student conference. 	
4. ALLEGED OFFENDER: Conference with the alleged offender out of the presence of the alleged target. Use every reasonable effort to protect the due process rights of the alleged offender. Contact parent/guardian. The student may be accompanied by a parent/guardian or other representative. <ul style="list-style-type: none"> a) Allow the student an opportunity to respond in writing to the allegations. b) Provide the parent/guardian and/or student with a “Notice of Parent and Student Rights” (Attachment A). Obtain signature if possible. c) Refer the student to a school counselor as appropriate. d) Record your observations related to the student conference. 	
5. Further investigate the complaint by interviewing any witnesses separately. Document findings.	
6. Communicate in a confidential manner with the SRO and counselor and principal or designee.	

7. Make determinations regarding alleged conduct, ordinarily within 5 (five) days. If extenuating circumstances delay the investigation, inform the alleged target or parent. Record determination and actions, as follows (check box):

Findings indicate that a student-on-student altercation occurred.

a) **VICTIM:** Conference with the alleged victim and parent/guardian. Possible interventions:

- Identify actions to increase the targeted student's safety and ability to participate in school without fear or intimidation.
- Inform the student and parent of support services.
- Ensure the alleged offender has access to support when needed (e.g., administrator or counselor gives his/her business card to the student to carry and writes on the back: *Please allow NAME to see me when requested.*)
- Inform the student of his or her right to request a "Stay Away Agreement." See FFH (Exhibit), Attachment C.
- Encourage the target to report further incidences.
- Parent has right to pursue transfer as a victim of bullying. Share form and process as appropriate. Requires verification of harassment/bullying from administration. See Attachment D.
- Document conference and action plans.

b) **OFFENDER:** Conference with the alleged offender and parent. Possible interventions:

- Emphasize expectations for positive behavior.
- Identify and implement disciplinary consequences and other actions that will be taken to prevent further incidences.
- Inform the student and parent of support services.
- Ensure the alleged offender has access to support when needed (e.g., administrator or counselor gives his/her business card to the student to carry and writes on the back: *Please allow NAME to see me when requested.*)
- Address the seriousness of retaliation.
- If harassment was severe or repeated, a "Stay Away Agreement" may be issued. See FFH (Exhibit), Attachment C.
- Depending on the nature of the offense, disciplinary action may be warranted or mandated.
- Increase supervision of the offending student as appropriate.
- Behavior contract.

c) **REMINDER:** If there is a finding that the altercation involved physical or sexual assault or threats, notify the SRO immediately and follow legal and policy guidelines for reporting and discipline, as well as CPS requirements.

Unable to determine that inappropriate behavior occurred, but there has been a determination that the situation justifies the communication of warnings, recommendations, and/or information regarding support services.

There are no findings of inappropriate behavior.

<p>8. After determination made:</p> <ul style="list-style-type: none"> • Give notice of the outcome to the parties – follow FERPA guidelines. • Advise the parents and students that they may appeal the decision of the principal or designee regarding the outcome of the investigation into the allegation in accordance with FNG(LOCAL), Level II. Inform the student or parent that he or she has 10 (ten) days to request a conference with the Associate Superintendent and that a written complaint must be submitted. The appeal notice must be filed in writing, on a form provided by the District (FNG (Exhibit)), within 10 (ten) days after receipt of a response or, if no response was received, within 10 (ten) days of the response deadline at Level One. A conference will be held within 10 (ten) days after the appeal notice is filed. (See Attachment E) 	
<p>9. If findings indicate that inappropriate behavior has occurred:</p> <ul style="list-style-type: none"> • Monitor the safety of the target • Encourage the target to immediately communicate any safety concerns that may arise to an administrator or counselor or SRO. • Document subsequent follow-up actions and complaints in the space provided on the complaint form. 	
<p>10. Advise Title IX Coordinator Mel Waxler by email or memo (see Attachment F) of all incidents of sexual harassment that occur on your campus. Label correspondence regarding sexual harassment issues “Attorney-Client Privileged Information.” Include (a) the date of the incident, (b) the names of the students involved in the incident, (c) action taken to address the matter, and (d) whether the matter is closed or remains open. Use form titled “Reports of Allegations of Sexual Harassment (Title IX). (Title IX Coordinator: Mel Waxler, General Counsel, 1111 W. 6th Street, Austin, 78703, (512) 414-6425, mwaxler@austinisd.org)</p>	
<p>11. Store complaint forms in a separate, confidential file.</p>	