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June 2, 2015

Attorney-Client Privileged and Confidential Communication

Via Electronic Mail Only
cyoung@pausd.org

Charles Young
Associate Superintendent and
Title IX Compliance Officer
Palo Alto Unified School District
25 Churchill Avenue
Palo Alto, CA 95306

Re: *Palo Alto High School Title IX Investigation*
Investigative Findings

Dear Dr. Young:

As you know, the Palo Alto Unified School District ("District") requested our law firm's assistance to investigate reports of alleged sexual harassment of former Palo Alto High School ("Paly") student, [REDACTED], by current Paly teacher, [REDACTED], during her senior year of high school. To evaluate the reports and allegations, we reviewed available documentary evidence and interviewed the former student; her parents; the teacher involved in the allegations; a former classmate; two current Paly students; two Paly counselors; three Paly teachers; two Paly administrators; and two District administrators. In accordance with the District's Uniform Complaint Procedures, as outlined in Administrative Regulation 1312.3 and Title 5 of the California Code of Regulations, section 4631, this letter provides our findings of fact and conclusions of law.

Pursuant to Title IX of the Education Amendments of 1972 ("Title IX"), upon learning of allegations of sexual harassment, abuse, or assault, federal law requires a school district to take prompt action to (1) end the harassment, (2) address the effects of any harassment that has occurred, and (3) prevent the harassment from recurring. After careful investigation of the allegations through interviews and review of documents, we find the District complied with its responsibilities concerning the allegations. (20 U.S.C. 1681; 34 C.F.R. part 106; Dear Colleague Letter, U.S. Dept. of Educ., Office for Civil Rights (April 24, 2015).) Nonetheless, based on the allegations reviewed and information received in our investigation, we provide recommendations

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at the close of this report for proactive steps the District may take to strengthen its compliance efforts under Title IX. These recommendations are intended to enhance Paly's and the District's preventive and protective measures to ensure non-discriminatory and respectful school environments.

The District has an obligation to provide a learning environment free from discrimination and harassment. Certainly, the District endeavors to maintain a positive environment for all students and parents, and we appreciate the opportunity to assist the District in ensuring compliance with federal and state law to maintain a learning environment in which no student is denied access to the benefits of education based on his/her sex, gender or sexual identity. Below is a summary of our investigative findings.

I. BRIEF BACKGROUND

The Reports/Complaints

This investigation arose from allegations initially brought to the District's attention through [REDACTED] ("Parents"), that their [REDACTED] and [REDACTED] engaged in a consensual sexual/romantic relationship that began a week after her graduation from Paly. On or about September 22, 2014, three months after [REDACTED] graduated from Paly, Parents met with Paly Assistant Principal Kathie Laurence and shared that [REDACTED] had informed them of a sexual relationship she had with [REDACTED] during the summer of 2014, following her graduation from Paly. This matter was first referred to Human Resources, and Dr. Scott Bowers completed a personnel investigation (outlined below). Dr. Bowers' investigation found certain allegations could not be substantiated, and there was inadequate factual evidence to support disciplinary action against [REDACTED].

Additionally, a 2014 Paly graduate and former boyfriend of [REDACTED] sent a letter on February 23, 2015, to the District alleging that [REDACTED] may have engaged in grooming behavior while [REDACTED] was still a student at Paly, and that such behavior facilitated consummation of a sexual relationship soon after graduation. [REDACTED] questioned whether it was safe for other students if [REDACTED] remained a teacher at Paly. You and Dr. Bowers met with [REDACTED] soon after receipt of his letter. Due especially to the proximity in time between alleged sexual activity, [REDACTED] position as a teacher of [REDACTED], and the allegations of grooming while [REDACTED] was a student, the District determined that it had an independent obligation to investigate the allegations as a Title IX/UCP matter in addition to the completed personnel investigation.

II. INVESTIGATION

As part of our investigation, we reviewed information received through the District's personnel investigation and correspondence between the District and potential witnesses. As outlined

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above, Parents met with school and District staff on September 22, 2014, and September 26, 2014. In addition, we reviewed available documentation and interviewed the following:

- Dr. Charles Young, Associate Superintendent
- Scott Bowers, Assistant Superintendent
- [REDACTED], former Paly student
- [REDACTED]
- [REDACTED], Teacher (interviewed with PAEA representation)
- [REDACTED], former Paly student
- Kim Diorio, Paly Principal
- Kathie Laurence, Paly Assistant Principal
- Charles Taylor, Paly Counselor
- Paige Johnson, Paly Counselor
- Shirley Tokheim, Paly Instructional Supervisor & Teacher
- Julia Taylor, Paly Teacher
- Sarah Bartlett, Paly Teacher
- [REDACTED] Current Paly Student
- [REDACTED] Current Paly Student

We also tried to meet in person or by phone with three current or former Paly students who we understood had potentially relevant information for our review. After multiple communications, these three students declined to be involved in the investigation:

- [REDACTED]
- [REDACTED]
- [REDACTED]

Personnel Investigation

On September 26, 2014, Parents met with Dr. Scott Bowers, Assistant Superintendent of Human Resources for the District, and Paly Principal Kim Diorio. As a result of information Parents provided to the District, Dr. Bowers promptly initiated a personnel investigation into the allegations. The District also promptly reported the allegations to the Palo Alto Police Department. The Police Department declined to investigate because [REDACTED] was eighteen years old¹ at the time a consensual relationship is alleged to have occurred, and she was no longer a student of the District.

¹ [REDACTED]

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We spoke with Dr. Bowers, and Dr. Bowers also provided us notes of his investigation. Dr. Bowers' investigation did not reveal any actions by [REDACTED] that could be substantiated by evidence to support disciplinary measures against [REDACTED]. In reaching this conclusion, Dr. Bowers interviewed multiple staff members at Paly, whom we also interviewed. Dr. Bowers concluded that the information received did not provide a sufficient factual basis for personnel action against [REDACTED].

Nonetheless, as described above, because of continuing reports and communications that raised concerns under Title IX, you initiated an independent investigation into potential Title IX issues that may affect current or former students at Paly and the overall school environment. Our findings of fact and legal conclusions for this independent investigation are below.

III. FINDINGS OF FACT AND LEGAL CONCLUSIONS

Legal Framework

Title IX prohibits various forms of sexual harassment, including those potentially carried out by school employees. Sexual harassment is unwelcome conduct of a sexual nature and can include unwelcome sexual advances, and other verbal, nonverbal or physical conduct of a sexual nature. (Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, U.S. Dept. of Educ., Office for Civil Rights (Jan. 2001).) When sexual harassment of a student denies or limits that student's ability to "participate in or receive the benefits, services, or opportunities in a school's program," such harassment violates Title IX. (*Id.*) In relationships where there is an imbalance of power, such as with a student and teacher² who generally has power and authority over a student, the Department of Education's Office for Civil Rights ("OCR") will view even sexual relationships alleged to be "consensual" with a strong presumption that they are unwelcome and not consensual. (*Id.*)

In determining whether a school employee's sexual advances or other sexual conduct is unwelcome, OCR looks to a number of factors, including: the nature of the conduct and the degree of influence or authority the employee has over the student; and the student's age or disability status and how this affects the student's ability to legally or practically consent to sexual conduct. When welcomeness is an appropriate issue for consideration (such as with an adult student), several types of information can be helpful in resolving the dispute:

- Statements of any witnesses.

² OCR makes clear that it will never view sexual conduct between an adult and an elementary student as consensual. In cases involving secondary students, there is a presumption that any sexual conduct is not consensual.

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- Evidence about the credibility of the harassed student and the alleged harasser.
- Evidence of the allegedly harassed student's reaction or behavior after the alleged harassment.
- Evidence as to whether the student filed a complaint or otherwise spoke or wrote about it soon after the alleged incident(s) occurred.

When a school district "knows or reasonably should know" of possible sex-based harassment, it must take immediate and appropriate steps to investigate the alleged harassment and, if harassment is found to have occurred, take prompt and effective steps to end the harassment, eliminate the hostile environment, prevent the harassment from recurring, and remedy its effects. (Title IX Resource Guide, U.S. Dept. of Educ., Office for Civil Rights (April 2015).)

In cases where an employee engages in sexual harassment in the context of the employee's service to students (e.g., teaching, coaching, or counseling students), and the school is not on notice at the time sexual harassment occurred, the school nevertheless remains responsible for (1) remedying any effects of the harassment, (2) ending the harassment, and (3) preventing its recurrence. (Questions and Answers on Title IX and Sexual Violence, U.S. Dept. of Educ., Office for Civil Rights (April 29, 2014).) As such, it is essential that districts take preventive and proactive measures to protect students from sexual harassment or abuse by its employees. Schools should develop policies that expressly prohibit inappropriate conduct for school personnel and procedures for identifying and responding to such conduct. (*Id.*) As an example, OCR suggests implementing codes of conduct that address "grooming, a desensitization strategy common in adult educator sexual misconduct," so that teachers, parents, and school personnel have "clear guidelines on what are appropriate and inappropriate interactions between adults and students in a school setting or at school-sponsored activities." (*Id.*)

Findings of Fact and Legal Conclusions By Allegation

Allegation #1: That a sexual relationship between [REDACTED] and [REDACTED] began during the summer of 2014, shortly after [REDACTED] graduation from Paly.

No one, during the course of our investigation, alleged that a physical sexual relationship occurred between [REDACTED] and [REDACTED] either while she was a student at Paly or before she turned 18 years of age. Nonetheless, due in particular to the proximity in time between [REDACTED] graduation and the alleged sexual relationship, it is important for the District to attempt to establish what sort of relationship transpired between the two and when it occurred. Based on our conversations with multiple parties and our review of available documents, under a preponderance of evidence standard we are unable to conclude with confidence that a sexual relationship was consummated between [REDACTED] and [REDACTED] after her graduation from high school, although there are strong and supported suspicions of such a relationship. A

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preponderance of the evidence supports our conclusion that there was not a physical sexual relationship between [REDACTED] and [REDACTED] at any time prior to her graduating from high school. The results of our investigation into this allegation are below.

Parents reported that two days before [REDACTED] left Palo Alto to begin her studies at [REDACTED] [REDACTED], [REDACTED] informed them that she had been in a consensual sexual relationship with her former teacher, [REDACTED], during the summer. She stated that the relationship began a week after graduation and that at each progressive step of sexual activity, [REDACTED] asked for her verbal permission and received her consent. According to Parents, [REDACTED] revealed this information because [REDACTED], her former boyfriend, with whom Parents remained friendly, threatened to tell them if she did not. Parents reported that [REDACTED] had learned of the alleged relationship when he read [REDACTED] private journal without her permission.

[REDACTED] denied that any sexual relationship ever transpired between him and [REDACTED]. He maintained that following graduation he and [REDACTED] interacted socially, but that the relationship was primarily mentor-mentee relating to [REDACTED]. He stated that this post-graduation relationship built upon the teacher-student relationship they shared while [REDACTED] was a student. [REDACTED] declined to speculate whether a sexual relationship between a teacher and former student could be based on an equal partnership or whether it would violate a teacher's ethical obligations. He volunteered that several teachers at Paly are married to former students.

During our telephone conversation with [REDACTED] she adamantly asserted and repeated that nothing improper ever transpired between her and [REDACTED] prior to graduation, and that [REDACTED] behavior toward her was always professional and appropriate. We asked multiple questions regarding the nature of her relationship with [REDACTED] after her graduation from Paly. [REDACTED] would neither admit nor deny a sexual relationship occurred after graduation, and she strongly and repeatedly objected to this line of questioning as beyond the District's interest and an invasion of her personal privacy. [REDACTED] expressed frustrations at her parents' and [REDACTED] participation in the investigation and especially at his and other students' participation in rumors concerning the alleged relationship. She asked us to consider the source of the rumor-making and the allegations.

[REDACTED] former boyfriend [REDACTED] stated that [REDACTED] informed him of a sexual relationship between her and [REDACTED] after graduation, during a time when the romantic relationship between [REDACTED] and [REDACTED] was coming to an end. [REDACTED]

[REDACTED] In our interview with [REDACTED] it appeared that he considered [REDACTED] relationship with [REDACTED] to be the primary cause of the break-up between [REDACTED] and [REDACTED].

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Our interviews with other Paly students did not provide definitive information regarding a sexual relationship between [REDACTED] and [REDACTED] after graduation. Two current students inferred that a relationship occurred based on rumors circulating among mutual friends, but they had no firsthand knowledge on which to base their belief. [REDACTED] had not communicated directly to either student that she was involved in a romantic relationship or had engaged in sexual activity with [REDACTED]. One student and Parents indicated that some students who were close friends with [REDACTED] and who may have direct knowledge of a relationship between [REDACTED] and [REDACTED] were refusing to participate in the investigation at [REDACTED] request. We did not, however, have any direct report on which to determine that to be true. [REDACTED] stated that she had spoken to no students about a relationship with [REDACTED] and that any students claiming otherwise were spreading rumors unfairly damaging to her and [REDACTED] reputations.

As mentioned above, no one with whom we spoke claimed that a physical sexual relationship occurred prior to graduation; however, some interviewees observed friendly interactions between [REDACTED] and [REDACTED] such as their walking to get coffee or ice cream together; [REDACTED] carrying a bag of bagels to a student group; [REDACTED] reviewing [REDACTED] college applications; and [REDACTED] and [REDACTED] spending time alone in [REDACTED] classroom during a shared prep period. These reported interactions appeared to observers as benign at the time they occurred (during the spring semester of [REDACTED] senior year), but the interactions took on potential signs of a developing relationship for the observers based on hindsight.

Based on this information and the lack of firsthand observation or other factual evidence, it is not possible for us to reach a definitive conclusion regarding the nature of [REDACTED] relationship with [REDACTED] after graduation. [REDACTED] strong reactions to our questions concerning the relationship between them, and her lack of denial of a sexual relationship after graduation, coupled with Parents' and [REDACTED] credible and concerned reports that [REDACTED] admitted a sexual relationship to them, create strong suspicions that an apparently consensual relationship may have occurred after graduation. [REDACTED] descriptions of their relationship seemed overly formal, and he denied even friendly interactions that were credibly observed by students and reported by Parents and students. [REDACTED] however, would not confirm or deny that a sexual relationship ever happened, and [REDACTED] denied that a romantic relationship ever formed. Accordingly, we do not have sufficient direct evidence to conclude that a sexual relationship transpired.

It is important to emphasize, however, that our limited factual finding should not limit the District's continuing development of proactive and preventive efforts to ensure compliance with Title IX and related federal and state guidance. A credible strong suspicion that a sexual relationship may have occurred soon after graduation and the ongoing presence of rumors concerning such a relationship justify continued proactive and preventive work by the District in this important area.

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Allegation #2: That [REDACTED] sexually harassed [REDACTED] by grooming her for a potential sexual relationship.

[REDACTED] denied, repeatedly and adamantly, that anything ever occurred while she was a student to make her feel threatened, objectified, or unsafe. [REDACTED] asserted confidently and unequivocally that at no time did [REDACTED] act inappropriately toward her while she was a student.

There is no indication that [REDACTED] participation or performance in any educational activities were diminished in any way by actions of [REDACTED]. On the contrary, [REDACTED] performed well throughout her high school career, with only slight declines in grade point average in the spring of her junior and senior years. [REDACTED] indicated that [REDACTED] classes, as well as [REDACTED], are areas of strong academic interest and a likely college major for her. [REDACTED]'s very high grades in these subject areas demonstrate that interest and are consistent with [REDACTED]'s reports of [REDACTED] being a high-performing and expressive student.

All current and former students interviewed were unable to provide any firsthand knowledge of inappropriate or unwelcome behavior on the part of [REDACTED] toward [REDACTED] at any time. Assertions that leaned toward seeing inappropriate behavior, for example in their getting coffee together or from a reported hug following a [REDACTED], appeared based on secondhand beliefs that the relationship became sexual following graduation. One male student interviewed took a restrictive view of whether high school students and teachers can become friends, asserting that there should always be clear professional boundaries between teachers and students.

[REDACTED]'s recollection of [REDACTED] while she was a student was that she had was outgoing and had a lively personality. Within the classroom, he recalled that [REDACTED] was interested in the subject matter and excelled in [REDACTED],³ but he did not remember specifics about her work. This assertion appeared to contradict accounts from Parents that [REDACTED] assisted [REDACTED] in all of her college application essays and the fact that, by multiple accounts, [REDACTED] awarded [REDACTED] during her junior year with [REDACTED] that Parents and at least one former student characterized as distinctively glowing. When pressed on these reports regarding his [REDACTED], [REDACTED] stated he had no real recollection of the [REDACTED]. Though initially [REDACTED] denied recollection of much interaction with [REDACTED] outside the classroom, when asked about specific reports of interactions, [REDACTED] stated he helped her carry bagels from her car to a lunch time club meeting on multiple occasions, but denied any memory of personally emailing her or spending time alone with her either in his classroom or off campus. [REDACTED]'s characterization of his relationship with [REDACTED] while she was a student seemed to lack some credibility as he was hesitant to recall seemingly benign interactions that other interviewees credibly reported.

³ [REDACTED]

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One female teacher who considers [REDACTED] a friend and has kept in touch with her following graduation asserted that if anything happened of a sexual nature between [REDACTED] and [REDACTED] following graduation, it was likely because [REDACTED] was interested in exploring a relationship. This teacher credibly reported that [REDACTED] [REDACTED]. This teacher indicated that friend may be too strong a term to describe her relationship with [REDACTED], but she reported that she has taught with him as a colleague in her department for many years, and she has never seen anything she would consider inappropriate in [REDACTED]'s interactions with students. This teacher and Parents also reported that there were two female friends in [REDACTED]'s peer group who had engaged in apparently consensual sexual relationships with an older male outside the school setting. The teacher reported that [REDACTED] was friends with both students involved in the sexual relationships.

Counselors for this year's senior class and last year's senior class reported that a couple students switched out of [REDACTED]'s classes during the two years, but their reasons for doing so were based primarily on wanting to take a different class or not liking [REDACTED] as an instructor. Both counselors reported that they had not received reports from students of inappropriate behavior by [REDACTED] toward students, and one counselor reported that [REDACTED] was very responsive in a professional interaction concerning how best to address a student's educational needs. Two other colleagues of [REDACTED] indicated that they had never observed any interactions between [REDACTED] and students that they would consider inappropriate. Colleagues indicated that as [REDACTED] is a [REDACTED], he is in an unusual position as a high school teacher and exhibits [REDACTED]. That said, they indicated [REDACTED] is generally well-liked by students and colleagues, and he has always behaved very professionally in their interactions and observations.

A friend of [REDACTED]'s spoke of potential flags raised by interactions observed between [REDACTED] and [REDACTED] late in the spring semester when [REDACTED] was a senior. These involved observing [REDACTED] and [REDACTED] going to get coffee together and even a light touching of [REDACTED] of [REDACTED]'s arm during an interaction at school that seemed friendly. By the student's credible admission, nothing the student observed rose to a level of the student believing that s/he needed to report the observations to anyone. The student also expressed that the observations took on greater significance in hindsight. This student credibly recalled [REDACTED] inquiring as a friend about a potential relationship with an older person near the end of senior year, and observing [REDACTED] reviewing guidelines on sexual harassment that seemed to be in the context of reviewing when such a relationship may be permissible. Again, the student credibly characterized these observations as taking on greater significance in the context of rumors of an actual relationship happening after graduation. The student discussed some of [REDACTED]'s questions with a friend at that time, but the student never felt concerned to the level of wanting to contact an adult at school. The student credibly stated that if s/he believed the observations or conversations were sufficiently serious, or that [REDACTED] was in any way potentially unsafe or becoming victimized by unwelcome behavior or attention, s/he would certainly have reported the concerns. S/he

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identified counselors and administrators to whom s/he would have immediately reported concerns.

Similar to findings and conclusions on Allegation #1, we are left with a credible strong suspicion that behavior between [REDACTED] and [REDACTED] was more friendly than either admitted during interviews, but the preponderance of the evidence does not support a conclusion that any behavior rose to a level of sexual harassment of [REDACTED] or unwelcome behavior during the time she was a student. From reports of teachers and students, it is difficult to determine whether behavior that appeared friendly was at [REDACTED]'s initiative, [REDACTED]'s initiative, or simply a mutual interest. Teachers credibly reported that over a significant time period as colleagues they never observed interactions between [REDACTED] and students that appeared inappropriate in any way.

Again, it is important to emphasize that our limited factual finding and legal conclusion should not limit the District's continuing development of proactive and preventive efforts to ensure compliance with Title IX guidance. A credible strong suspicion that a sexual relationship may have occurred soon after graduation, and a credible strong suspicion there may have been behavior or interactions that desensitized the student while she was a student to the potential of a future sexual relationship, raise serious concerns that justify continued proactive and preventive work by the District in this area.

IV. RECOMMENDED ADDITIONAL PROACTIVE STEPS FOR CONSIDERATION

Based on all available information and extensive interviews, we conclude that the District was always in compliance with Title IX with respect to the allegations in this matter. The information gathered, however, also indicates that development of additional proactive steps for Title IX education and outreach should be considered.

The investigators are aware of the extensive educational efforts that the District and Paly undertake in this area (see attachment). Certainly, these steps make the District a leader among school districts in California and nationwide on Title IX outreach and compliance. Nonetheless, the environment at Paly also reflects a college-like atmosphere in many ways, for example in terms of the academic maturity, goals, and discussions among students and a campus-like social atmosphere, and the District should continue to be vigilant and proactive in this area. It also should be noted that there is a presence of potential Title IX concerns reflected in contemporary literature and filmmaking portraying Palo Alto; for example, see the short stories of James Franco (2010) or the film by Gia Coppola (2013), both named "Palo Alto." In part, the stories and film portray inappropriate and unbalanced adult and student sexual interactions. For these reasons as well as the serious allegations investigated in this matter and insightful comments provided by students, parents, and teachers during our review, we recommend additional steps for the District to consider toward its goal of encouraging and maintaining a positive and respectful environment for all students at all times.

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- The making and circulation of rumors at Paly are among the most concerning aspects of this case. Irrespective of factual and legal conclusions, the spreading of rumors among students concerning a potential sexual relationship between a former student and current teacher certainly can affect students, parents, teachers, and administrators' perceptions of a teacher whose alleged impropriety was unproven and under review. Such rumors can affect a teacher's morale and reputation and cause a teacher to consider leaving a professional position. Such rumors also have the potential to cause students to consider not enrolling in a teacher's classes which may impact students' engagement in educational programs. Based on the initial allegation, administrators considered a very serious consequence – paid leave – that ultimately was not warranted by available factual evidence, and additional steps were available, such as increased observations and communications with the teacher. [REDACTED] credibly described unsuccessful attempts to have conversations with administrators concerning the allegations and a difficult period of not knowing if and when he would be placed on leave.

Paly and the District must be prepared to take proactive, responsive steps to address and short-circuit rumors and enhance efforts to educate students and staff on the prevention and potential damage of rumors. Certainly, the District took important steps in this area in meeting with students involved and educating them on the importance of factual information and due process. We recommend additional, responsive steps in the future that may include immediate action plans for conducting meetings with parties known to be discussing or involved in such information; creating open lines of communication between site and District administrators and involved teachers and students; and continuing to educate students and staff members on the importance of preventing rumors, respecting the privacy of individuals, and reporting any concerns promptly based on factual information.

- Paly and the District should continue to address Title IX issues proactively, including prevention of sexual harassment and assault. These efforts should include discussion of grooming and desensitizing behavior and unbalanced sexual relationships. Some students interviewed reported that they completed the Living Skills class three or four years ago, prior to inclusion of new, enhanced components addressing bullying prevention, sexual harassment and assault. Students expressed awareness of Not In Our Schools Week activities and curriculum discussed in Advisory classes on bullying and harassment prevention, but students acknowledged some students do not take these classes and activities very seriously. Paly and the District should continue to find ways to emphasize these issues in the high school curriculum and to encourage all teachers and students to take discussion of these issues very seriously for the benefit of all.

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Appropriate boundaries between teachers and students should be discussed at teacher in-services and in classes with high school students. For instance, OCR has provided guidance on implementing codes of conduct that establish clear guidelines on appropriate and inappropriate behavior between adults and students.⁴ This is particularly important at a school like Paly because of the college-like atmosphere and adult nature of discussions and interests at the school. The presence of inappropriate actions in portrayals of the community in literature and film may provide a useful bridge to continued outreach on prevention of such actions in the community and articulation of what the school community truly values among students, teachers, and parents. Parents indicated the District may want to consider implementing a policy restricting relationships between high school teachers and graduates for a period of time following graduation, or at least discuss how related professions, such as psychology, implement such ethical measures. Some students indicated that students do not consider proactive steps the school and student groups take with sufficient seriousness. Certainly, the District has made significant strides in recent years on these issues as detailed in the attachment and, for example, in the increased prevention of streaking on campus. Continued, thoughtful attention and discussion are recommended on these issues.

VI. CONCLUSION

Our investigation revealed that students and teachers in the Paly community generally experience the school environment to be safe and equitable for students, regardless of their sex and/or gender. We thoroughly investigated the specific allegations in this matter, and based on all available information we determined that the District complied fully with its obligations under Title IX. The District has done a great deal of positive and constructive work in this area. It is evident from interviews we conducted with students and staff that this work has had a positive impact and staff and students are aware of the importance of preventing discriminatory behavior. Our recommendations are intended to bolster the District's current and past efforts to ensure a learning environment free from discrimination or harassment based on sex, gender, national origin or disability. We appreciate the opportunity to work with the District in addressing this matter. Please do not hesitate to contact us with any questions or concerns you may have with respect to our findings, conclusions, or recommendations.

⁴ See Questions and Answers on Title IX and Sexual Violence, referenced at page 5 above.

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Sincerely,

FAGEN FRIEDMAN & FULFROST, LLP

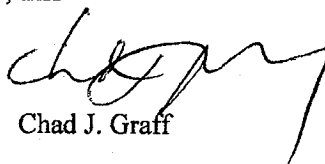


Maria Asturias

Attachment

MA/CJG:MDA

00258-00002/774670.1



Chad J. Graff

PALO ALTO UNIFIED SCHOOL DISTRICT

25 Churchill Avenue - Palo Alto, CA 94306

Phone (650) 329-3709 - Fax (650) 326-7463

Policies and Activities Promoting Social-Emotional Health, Awareness, and Acceptance of Students, and Proactive and Remedial Steps to Address and Prevent Sexual Discrimination/Harassment and Related Bullying at District, School, Classroom, and Individual Levels.

(current as of May 2014)

District Level

1. Board Policies and Administrative Regulations - addressing discrimination, including sexual harassment
2. Parent Notification of District Policies
3. Title IX - public notices posted, Compliance Officer available by phone and in person
4. California Healthy Kids Survey - data on school climate, school connectedness, harassment, youth resiliency, grades 5, 7, 9, 11, administered every other year, last administration 2013-14
5. Staff Training: e.g. Creating Safe Schools - bullying intervention and prevention: students with disabilities; bi-annual Sexual Harassment Training
6. District-wide Activities - e.g. Unity Week and Unity Day, events that promote inclusion and acceptance
7. District-wide Communications - Board and Superintendent/District website e.g. Launch of Stepping Up for Safe and Welcoming Schools Initiative
8. Summary Documents - Discrimination Policy and Complaint Procedure/Staff Guidance Memorandum and Nondiscrimination Notice
9. Investigate Complaints/Concerns and Encourage Reporting of Concerns/UCP BP/AR 1312.3
10. District Climate Committee / Safe and Welcoming Schools Initiative
11. Palo Alto Reality Check Survey (PARCS) - measures student behaviors, attitudes, and perceptions concerning bullying and substance use and abuse (middle school)
12. UCP Training for principals, assistant principals, school staffs
13. Developmental Assets - in partnership with Project Cornerstone
14. Developmental Assets Survey - survey of students every five years for understanding of youth's acquisition of 41 developmental assets and areas in need of additional attention
15. Adolescent Counseling Services (ACS) - on school sites throughout school year and 3 session community referrals
16. LGBTQ Committee - committee of parents, staff, community working to increase awareness of issues around AB1266, make schools safe and welcoming for all
17. Partnership with Palo Alto Police Department - School Resource Officers (SROs)
18. QPR Program (Question, Persuade, Refer) - suicide prevention training
19. Proposed Trainings for 2014-15 - e.g. *Campus Outreach Services*, training for parents, students, staff on sexual harassment, sexual assault, and respectful relationships
20. Project Safety Net - community partnership focused on outreach activities for suicide prevention
21. District Health Council - partnership with Palo Alto Medical Foundation, Stanford, and Dairy Council on addressing student health needs
22. Continuity of Care - coordinated monthly meetings of contracted mental health providers for identification of student needs
23. Student Services Fair - annual District event for parents on available resources for social-emotional and academic support

School and Classroom Level (Paly and Gunn)

24. Parent Handbooks - includes related policies and regulations, resources and contact persons
25. Student Handbooks - same as above, discussed in classes first full week of school, Gunn and Paly
26. School Climate Committees with TOSA support - Gunn and Paly

27. School Climate Surveys – CHKS, alumni, developmental assets, strategic plan
28. School-level Trainings/Encourage Reporting – e.g. Staff training: *Creating Safe Schools*, UCP Training
29. Investigate Complaints/review activities and responsive actions
30. Discipline Procedures – conduct policies and regulations, progressive discipline and education
31. School-level Communications – including principal letters, e.g. 8/15/13 letter on efforts to end student streaking; 1/22/14 blogpost encouraging attention of school community to White House report "Rape and Sexual Assault: A Renewed Call to Action"
32. Student Journalism – related articles, e.g. "You Can't Tell Me I Wasn't Raped" Verde Magazine April 2013; "Streaking should be halted due to federal investigation" The Campanile (Paly), April 25, 2014; "Ask.fm is a burden on teenagers' emotional security" The Oracle (Gunn), November 18, 2013; "Acceptance on campus: How Gunn measures up" The Oracle (Gunn), April 8, 2013
33. Not In Our School (NIOS) - activities week, lesson plans in classrooms on inclusion, acceptance, and harassment prevention <http://gunn.pausd.org/not-our-schools-kristy-todd?destination=node/1491> (Gunn NIOS page/curriculum); <http://libguides.pausd.org/nios> (Paly NIOS curriculum guide)
34. Day of Silence (DOS) - national youth movement bringing attention to the silence faced by lesbian, gay, bisexual and transgender people and their allies (Gunn)
35. Student Clubs – <https://sites.google.com/site/pahsasb/clubs> (Paly club list)
<https://docs.google.com/spreadsheets/ccc?key=0Akb6ir4-H3r7dG4xc2JzdUNZaWhHOHRLdGx2Y0ITTC&usp=sharing#gid=0> (Gunn club list)
36. Reach Out, Care, and Know (ROCK) – student-run peer advisory group/student support group to listen and share experiences (Gunn)
37. Student Leadership – Associated Student Body (ASB) activities (Paly and Gunn)
38. Student Senate – a day for feedback from students, including about experiences and school climate (Gunn)
39. Student Performances – related themes, e.g. "The Vagina Monologues" May 2013 (Paly); February 2014 (Gunn)
40. Assemblies – related themes, e.g. May 21, 2013, with Eve Ensler, author of "The Vagina Monologues" (Paly); April 19, 2012, screening of "Miss Representation" with Jennifer Siebel Newsom, Director, and representatives of YWCA, About Face and Girls For a Change (Gunn)
41. School-wide Curriculum - Living Skills classes (including QPR) with units on individuality, health, substance abuse, sexuality, media literacy, and life lessons, including Teen Talk Curriculum on sexuality education and presentations from attorneys on sex-related misconduct, including date rape, accomplice liability and cyber-crimes (including cyberbullying); Teacher Advisory classes, school-wide lessons on bullying/harassment prevention and digital citizenship
42. Counseling Services – Advisories for students in grades 9-12 (Paly), guidance counseling, ACS on-site during school year and 3-session community referrals, ASAT Program through ACS (Paly and Gunn)
43. Individual Advisory - lessons regarding mental health awareness and anti-bullying/anti-discrimination for each grade level (Paly)
44. Advisory Periods - 6 for grade 9, 4 for grades 10-12, specifically designed for TAs to meet individually with struggling students or students of concern (Paly)
45. Digital Citizenship curriculum (Gunn and Paly)
46. "What Would You Do?" – What is harassment? School-wide curriculum for grades 9-12 encouraging reporting and upstander behavior (Paly and Gunn)
47. 18-Year-old Presentation and Discussion – police involvement for discussion of California Bar Association Pamphlet on When You Turn 18
48. Camp Everytown – annual development of leadership skills with a focus on breaking down stereotypes and promoting inclusion (Paly and Gunn)
49. Common Ground – similar to Camp Everytown for incoming 9th graders, make friends, connect to school (Paly and Gunn)
50. Summer Bridge Program – includes unit on harassment prevention (Paly and Gunn)
51. Link Crew (Paly) and Titan Ambassadors (Gunn) – peer monitoring and support, student connectedness

52. Freshman Orientation Program (Paly) and Titan 101 (Gunn) – orientation to high school, including social and emotional issues and navigation of resources
53. Freshman orientation program (Paly) – orientation to high school, including social and emotional issues and navigation of resources
54. Alliance Groups – creating a safe school for all students, joint social activities (Paly and Gunn)
55. Service Day - applying messages of NIOS and making social change (Paly and Gunn)
56. Challenge Success (CS) – partnership with Stanford, CS Team's focus to promote environment that examines the social and emotional well-being of students while maintaining high academic standards (Paly and Gunn)
57. TEAM (Together Everyone Achieves More) - 100 freshmen share core academic classes, develop supportive relationships with peers and teachers (Paly)
58. Small Learning Community (SLC) – 28 freshmen in integrated curriculum, explore place in history and the local and global communities, make connections at school (Gunn)
59. Friday Night "Camp Everytown" – on-site at Gunn
60. Anonymous Bullying/Harassment Reporting Form – on school and District websites
61. Sources of Strength – partnership with Stanford, wellness program/research study to help all students become more resilient (Gunn)

Individual Student Level

- Encourage reporting of concerns, problems
- Investigations
- Parent contacts
- SRO involvement as appropriate
- Interim protective measures/remedial and proactive steps/responsive actions and referrals
- Counseling/education
- Disciplinary consequences
- Follow-up communications and monitoring