

**AUSTIN INDEPENDENT SCHOOL DISTRICT
STUDENT COMPLAINT FORM
BULLYING, SEXUAL HARASSMENT, DATING VIOLENCE
COMPLAINT FORM INSTRUCTIONS**

A counselor or administrator who receives a report of bullying, cyberbullying, sexual harassment, or dating violence will address the following issues with the student who was the target of the reported behaviors in a private meeting before assisting the student to complete the Complaint Form.

Your Right to File a Complaint

The policy of Austin ISD is that all students and employees be free from bullying and sexual harassment, including violence in students' relationships. All charges of bullying, sexual harassment, and dating violence are to be taken very serious by students, faculty, staff, administration, and parents. The District will make every reasonable effort to handle and respond to every charge and complaint filed by students and employees in a fair, thorough, and just manner. Every reasonable effort will be made to protect the due process rights of all victims and all alleged offenders.

Instructions: Use this form to report bullying, cyberbullying, sexual harassment, and dating violence so that school officials may investigate and take appropriate steps to increase your safety.

Complete the form, providing as much detailed information as possible so that the complaint may be properly investigated.

It is important that you report the facts as accurately and completely as possible and that you cooperate fully with the persons designated to investigate the complaint.

Where to file: Complaint forms will be available from any counselor or administrator. Once completed, the principal or designee will handle all complaints.

Confidentiality: To conduct this investigation in a confidential manner, the school will disclose the contents of your complaint only to those persons who have a need to know of your complaint. In signing the complaint form, you authorize the school to disclose as needed the information you have provided, and may in the future provide, regarding your complaint. Your complaint form will not be shown to the accused student.

Retaliation prohibited: Retaliation against a person who files a formal complaint is strictly prohibited and is grounds for disciplinary action, including but not limited to detention, Saturday school, community service, etc. [See the Student Code of Conduct]

**AUSTIN INDEPENDENT SCHOOL DISTRICT
STUDENT COMPLAINT FORM
BULLYING, CYBERBULLYING, SEXUAL HARASSMENT, DATING VIOLENCE**

Name: _____ Student ID: _____

Grade: _____ Date: _____ Time: _____ School: _____

Please answer the following questions about the most serious incident:

List the name of the student(s) accused of bullying, cyberbullying, sexual harassment, or dating violence:

Relationship between you and the accused student: _____

Describe the incident: _____

Where and when did it happen? _____

Were there any witnesses? yes no If yes, who? _____

Is this the first incident? yes no If no, how many times has it happened before? _____

Other information, including previous incidents or threats: _____

Student or parent declines to complete this form: _____ Initial and date: _____

I certify that all statements made in the complaint are true and complete. Any intentional misstatement of fact will subject me to appropriate discipline. I authorize school officials to disclose the information I provide only as necessary in pursuing the investigation.

Signature of student: _____ Date: _____

**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, bullying, cyberbullying, inappropriate dating relationships) 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) Save the email or other evidence regarding cyberbullying complaint. d) 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. e) 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 victim 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.
- IMPACT Team referral if appropriate.
- 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.
- IMPACT Team referral if appropriate.

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.

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<p><input type="checkbox"/> 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.</p> <p>8. <input type="checkbox"/> There are no findings of inappropriate behavior. 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>	

Other Disciplinary Actions:

Violations of this agreement and acts of retaliation directly or indirectly toward the target or the target's friends or family members will be taken seriously and will result in further disciplinary actions. Your compliance will be monitored by (Name and Title of School Staff).

Agreement is valid from _____ (date) to _____ (date).

This Agreement will be reviewed on _____ (date).

Signatures

Student: _____ Date: _____

Parent/Guardian: _____ Date: _____

Administrator: _____ Date: _____

Cc: Principal
Assistant Principal
Counselor
SRO

Request for a Transfer as a Victim Of Bullying

Dear Parent/Guardian:

Legislation passed during the 79th Texas Legislative Session requires the district's school board or its designee, on the request of the parent/guardian of a student who is a victim of bullying, to transfer the victim to another classroom or another campus other than the classroom or campus the bully attends. To complete this requirement, the board or designee must first verify that the student has been a victim. Please complete this form and submit it to your principal for consideration of a transfer under this provision.

Campus:

Date form submitted to campus principal:

Name of Student:

Name of Parent:

Phone:

Address:

City, State, Zip:

Request for a transfer to Another classroom
 Another campus

Definition of Bullying:

Bullying, defined as written or oral expression or physical conduct that a school district's board of trustees or the board's designee determines: 1) To have the effect of physically harming a student, damaging a student's property, or placing a student in reasonable fear of harm to the student's person or of damage to the student's property; or 2) To be sufficiently severe, persistent, or pervasive to create an intimidating, threatening, or abusive educational environment for a student.

Please use additional paper as needed.

Please explain the nature of the bullying behavior (please use initials to indicate other students):

Has this behavior had a negative impact on your student? Please explain.

Was this behavior previously reported to campus administrators? Yes No

If "yes," please indicate dates, the campus contact person, and any actions taken at that time (e.g., complaint, stay away agreement, mediation).

Please submit this form to your campus principal.

Within 3 (three) District business days, a campus administrator will meet with you to discuss your request.

Date meeting held:

Campus administrator's decision: Verified Not verified

Date of decision: _____ Date of Notification: _____

If verified: Another classroom Another campus

Administrator's signature: _____

Basis for decision: _____

If the campus administration does NOT verify that the student is a victim of bullying, you may pursue further action in accordance with policy FNG (Local) at Level II with the Associate Superintendent. Should you wish to pursue an appeal, you must do so within 10 (ten) District business days of the date of the notification of the decision. You may request a copy of this policy from your campus administration. It is also available online: <http://www.tasb.org/policy/pol/private/227901/>.

If the campus administration DOES verify that the student is a victim of bullying and a transfer was **approved for another classroom**, the campus administration will work to accommodate this change by _____ (14 calendar days from the date of the notification of approval).

*If the campus administration DOES verify that the student is a victim of bullying and you wish to pursue a transfer to **another campus**, please bring this form to the Office of Student Services (1111 West 6th Street, phone 414-1726) within 14 calendar days of the date of notification. The Office of Student Services will provide this transfer by _____ (14 calendar days from the date it was received by Student Services).*

Date received by Student Services: _____ (to be entered by Student Services only)

Requests for a transfer to a particular school are reviewed on a space-available basis and observation of class-size caps. Please understand that the receiving school will have the right to revoke this transfer under certain conditions (see Policy FDB). Note: The district is not required to provide transportation for a transfer under this provision.