



PALO ALTO UNIFIED SCHOOL DISTRICT
HUMAN RESOURCE CENTER
25 CHURCHILL AVENUE
PALO ALTO, CALIFORNIA 94306
(650) 329-3958

To: Kimberly Diorio, Principal, Palo Alto High School
From: Anne Brown, Interim Assistant Superintendent, Human Resources
Date: January 11, 2018
Re: Letter of Reprimand

In November of 2016, you failed to provide a Complainant in a Title IX incident with the full range of procedural options available under Title IX, state law, Board policy and administrative regulations. Specifically, it was determined through the Cozen investigation that under your leadership:

- The Principal/designee did not inform the Complainant and their parent/guardian of the resolution options under the UCP, including the right to file a written complaint, as required by AR 1312.3 (the UCP) and AR 5145.3 (Nondiscrimination/Harassment).
- School administrators did not use trauma-informed or effective investigation practices
- School administrators participated in law enforcement interviews, but did not maintain formal documentation as required by Board policy
- School administrators did not conduct a thorough interview of either the Complainant or Respondent that would allow the School to evaluate issues of consent, the potential impact of a power differential between the parties based on age, grade or status, or the welcomeness of the conduct;
- The School did not interview all relevant witnesses (including the first witness to whom the Complainant disclosed)
- The School relied upon written summaries from witnesses (a student and staff members), rather than conducting interviews
- The School did not gather available documentary evidence (text messages)
- The School did not create an investigation report or maintain detailed records of the investigation in a central place
- There is no indication that the School evaluated or assessed the complaint for the potential of pattern conduct by the Respondent
- The School did not conclude the initial investigation or reach a determination, by a preponderance of the evidence, as to whether the underlying conduct violated Title IX, the Education Code or Board policy
- The School did not synthesize or critically analyze the available information to evaluate the totality of the circumstances, welcomeness, the severity of the reported conduct, or whether the conduct created a hostile environment or otherwise interfered with the Complainant's education

These actions are in violation of Administrative Regulations/Board Policies 1312.3 and 5145.3, as well as Board Policy 5145.7.

Failure to meet the legal requirements of Title IX does not provide complainants with their legal rights under the law.

Effective immediately, you are to follow all Title IX procedures and processes as outlined in Board Policy. To assist you in correcting this conduct, I offer the following suggestions:

- Review the Title IX procedures as outlined in the PowerPoint Presentation from the 9/19/17 training, KEEPING OUR STUDENTS SAFE: Title IX, Our Responsibility, and Follow-Up Administrator Training with your administrative staff.
- Reference and share with your administrative staff the Title IX Resources: Digital Binder, when a Title IX complaint has been made, including the Administrator's Checklist. If you have any questions meet with the district's Title IX Coordinator for support and guidance.
- Develop a clearly identified site-based flowchart of responsibilities and communication regarding all Title IX investigations. The Principal must be identified as the first person with whom to report received complaints as well as scheduled updates during the investigation process.
- Ensure all staff attends annual mandated Title IX trainings.
- Maintain centralized records for all investigations and discipline
- Routinely update school administrative staff on all disciplinary actions and investigations

A copy of this letter will be placed in your personnel file ten days from the date of the letter. Prior to that, you may prepare a written response, which will be attached to this document when placed in your file.

Sincerely,



Anne Brown
Interim Assistant Superintendent, Human Resources



1/10/18