

SUSPENSION AND EXPULSION

Student Witness Processing and Rights

Name of Student Recommended for Expulsion: _____

Student witnesses and victims are provided certain protections under the Education Code. To ensure that all applicable rights are preserved, the following steps must be taken when working with student witnesses.

1. Interview the witness and ask him/her/them to write down their statement.
2. The statement **MUST** be written on the district's approved witness / victim declaration form.
3. The statement **MUST** be signed by the student.
4. The student **MUST** mark on the declaration whether or not they are willing to testify.
5. Explain that "testify" means appearing at the hearing and testifying under oath while the offending student and his/her family are present.
6. If the student indicates that he/she/they does not want to testify, **THE STUDENT MUST SPECIFICALLY WRITE ON THE DECLARATION WHY HE/SHE/THEY DOES NOT WANT TO TESTIFY.**
7. If the student indicates he/she/they is willing to testify, complete the following steps:
 - Explain that he/she/they can be questioned by the offending student and his/her family.
 - Explain that he/she/they can have up to two support persons present during his/her testimony.
 - Contact the parent of the witness to get permission for the witness to testify.
 - School site administrators are responsible for informing the witness of the hearing date and time, and for coordinating the presence of the witness at the hearing.
 - School site administrators must give the witness a minimum of five days' notice of the scheduled hearing.
8. If, after having the above is explained, the student witness decides he/she/they does not want to testify (or the parent refuses to let him/her/them testify), have the student mark on

the declaration form that he/she/they does not want to testify, and the reason.

9. In an expulsion hearing in which the offending student is alleged or has been determined through the District's Title IX proceedings to have committed or attempted to commit a sexual assault or to have committed a sexual battery, a complaining witness shall be given five days' notice before being called to testify, and shall be entitled to have up to two adult support persons, including, but not limited to, a parent, guardian, or legal counsel, present during his or her testimony. Before a complaining witness testifies, support persons shall be admonished that the hearing is confidential. The expulsion review panel may, upon a finding that good cause exists, determine that the disclosure of either the identity of a witness or the testimony of that witness at the hearing, or both, would subject the witness to an unreasonable risk of psychological or physical harm. Upon this determination, the testimony of the witness may be presented at the hearing in the form of sworn declarations that shall be examined only by the governing board of the school district or the hearing officer or administrative panel. Copies of these sworn declarations, edited to delete the name and identity of the witness, shall be made available to the offending student.

My signature indicates that I have complied with all of the applicable steps. Not following these steps may prevent the case from being opened or may hinder the evidence in the case.

Principal / Principal's Designee Signature

Date

Exhibit

version: July 18, 2018

Effective: November 1, 2018

Revised: October 27, 2020

SAN DIEGO UNIFIED SCHOOL DISTRICT

San Diego, California