

MEMORANDUM

TO: Board of Education
FROM: William Kang
RE: Investigation Executive Summary
DATE: September 26, 2019

At the request of the Board of Education, I have conducted a confidential investigation into the District's actions in response to reports that an individual, using an alias, was contacting students at the Sleepy Hollow High School ("High School") through "Snapchat", a social media platform, requesting nude photos of female students, as well as the District's actions in response to complaints made to the District between December 2018 and March 2019 regarding alleged harassment, through electronic means/social media, by a student toward another student. As set forth above, the purpose of my investigation was to examine the appropriateness of the District's response after being notified of the above issues. I was not tasked with determining the identity of the individual contacting students through Snapchat (which is being criminally investigated by law enforcement) or determining whether any acts of harassment had actually taken place. As such, all complaints were taken at face value without any judgments as to the veracity of the individuals making the complaints, as my focus was on the process the District followed after receiving the complaints as opposed to whether the complaints were substantiated.

A thorough investigation was conducted which included witness interviews and the review of documents/records received from the District. Numerous District faculty members were interviewed, including, but not limited to, the High School Principal, the High School Assistant Principal and the Superintendent of Schools. I also interviewed the District's School Resource Officer. I also reviewed the following records: the April 18, 2019 Board of Education meeting video; a petition submitted to the Board of Education; student statements submitted to the Board of Education; audio recording of a meeting between the High School Principal and four female High School students; numerous emails from parents, students, board members, the administration and faculty members; social media communications, including Snapchat messages from an unknown individual using an alias and social media communications between students; meeting notes from administrators; District harassment and bullying policies; District phone records; letters from the District to the community; a Dignity for All Students Act Report; and the District Code of Conduct.

Findings

Based on the totality of my investigation and after careful consideration, I make the following findings:

Solicitation Of Students Through Snapchat By An Unknown Individual

Based upon the evidence produced in the course of my investigation, I find that the District responded appropriately upon receiving reports from students that an unknown individual, using an alias, had been soliciting students for nude photographs of female students.

The High School Principal first received reports that someone had been soliciting students for nude photographs of female students on Friday, March 8, 2019, in the late afternoon. The Principal promptly responded to the reports, set meetings with students for the following Monday to obtain more information and promptly informed the Superintendent of Schools of the reports. The Principal quickly conducted a preliminary investigation into the reports she received regarding the solicitations, which included meeting with several students along with the Assistant Principal and the School Resource Officer the following Monday. Given the nature of the issue, which involved the solicitation of nude photographs of minors by an unidentified individual, the investigation was turned over to the Sleepy Hollow Police Department, which opened a criminal investigation into the matter. Upon turning the investigation over to the Police Department, the District took a step back from the investigation in order to avoid interfering with the criminal investigation. Parents were then notified of the solicitations through a letter from the Principal on March 13, 2019, with a copy provided to the High School faculty.

Based upon the above, I find that the District's actions, of conducting a preliminary investigation into the reports that students were solicited for nude photographs and then turning the investigation over to the Police Department, were appropriate. The Principal acted quickly after receiving the reports, by notifying the Superintendent of Schools, speaking to numerous students and notifying the police through the School Resource Officer. I also find that it was appropriate to turn the investigation over to the Police Department, as the matter was criminal in nature (soliciting minors for nude photographs of other minors), apparently occurred off-campus during non-school hours, involved private Snapchat accounts and involved an unidentified perpetrator. Moreover, the District was asked by the Police Department to take a step back given the pending criminal investigation. Under these circumstances, it would not have been prudent for the District to continue to investigate the matter. However, the District may be in a position to conduct an investigation and take appropriate action in the future, including, but not limited to, imposing disciplinary action, if it is determined that the individual is, in fact, a District student, or if the police close its investigation.

I also find that the District acted appropriately in responding to the broader concerns of students and parents related to the solicitations, including general harassment within the student body, which response included: the Principal's letter dated March 13, 2019 advising the school community of the solicitations as well as addressing the issue of "sexting" generally; assemblies with representatives from the District Attorney's office regarding the dangers of social media; homeroom discussions regarding social media responsibility and digital safety; a follow up letter from the Principal and the Superintendent of Schools on April 17, 2019, notifying parents that the criminal investigation was still pending and the actions taken (or to be taken) by the District to address student concerns and to provide support to students; a resource table set up by Hope's Door for a day at the High School; a follow up letter from the Board of Education President dated May 1, 2019, notifying parents that the criminal investigation was still pending and providing an update on the actions taken (or to be taken) by the District to address student concerns and to provide support to students; and presentations by Hope's Door to each of the High School's grade levels. In addition, multiple meetings were held with groups of parents and/or students to discuss their concerns regarding the solicitations, the issue of harassment among the student body and the District's response to the aforementioned issues. Based upon the foregoing, I find that the District took the concerns of the students and parents seriously, listened to their concerns and/or complaints, took action to support and educate students regarding the issue of harassment and the dangers of social media, and also kept parents apprised of those actions.

Complaints By A Student Of Harassment

Based upon the evidence produced in the course of my investigation, I find that the District's response to complaints by a student ("Student A") of harassment by another student ("Student B") was not sufficient. In particular, I find that the complaints warranted further investigation under the District's Code of Conduct and the Dignity for All Students Act ("DASA") to determine whether the complaints were substantiated.

Student A and/or Student A's mother submitted complaints to the Principal, between December of 2018 and March of 2019, that Student A was receiving harassing and threatening messages from Student B. In response to these complaints, the Principal and/or the Assistant Principal (who is the Building-wide DASA Coordinator) spoke to the students in question and their parents. The Principal also referred Student A's mother to the School Resource Officer for the purpose of filing a complaint. However, no further investigation was conducted to determine if there was a violation of the Code of Conduct. Moreover, the Assistant Principal, as the Building-wide DASA Coordinator, did not follow the procedure for processing DASA complaints as set forth in the Board of Education's policy.

In May of 2019, the Principal received additional evidence relating to the allegations that Student B had engaged in harassment of Student A. Specifically, the Principal

received copies of additional messages directed at Student A which were from earlier in the school year and were also harassing and threatening in nature. Upon receiving the messages, the Principal provided them to the Assistant Principal, as the Building-wide DASA Coordinator. These messages were then provided by the Building-wide DASA Coordinator to the School Resource Officer. The Assistant Principal also spoke to Student A, who indicated that the harassment had stopped two months prior. The Assistant Principal then informed the District-Wide DASA Coordinator of his conversation with Student A, who advised him to complete a DASA report and close the matter, based upon Student A's statements that the harassment had stopped. While the Assistant Principal spoke to Student A, who indicated that the harassment had stopped two months prior, the procedure for processing DASA complaints as set forth in the Board's policy in terms of investigation and reporting was not fully followed.

Recommendations

Based upon my findings, I recommend that all the District's administrators receive refresher DASA training, which should include a review of their responsibility to: receive reports of harassment, bullying and/or discrimination; to file written reports of harassment, bullying and/or discrimination that they witness or are made aware of; to investigate any allegations of harassment, bullying and/or discrimination; to take prompt action reasonably calculated to end the harassment, bullying or discrimination; and to take remedial measures with respect to any student found to have violated DASA, including the imposition of discipline pursuant to the District's Code of Conduct, where appropriate. All the District's administrators should also participate in a training session to review the processes surrounding student discipline and on conducting investigations into alleged student misconduct, including violations of the Code of Conduct and DASA.

Finally, I recommend that an investigation regarding Student A's complaints against Student B be conducted by the District-wide DASA Coordinator. The investigation should cover all of Student A's complaints between December 2018 and March 2019. The results of this investigation, as it relates to particular students, will be confidential pursuant to the Family Educational Rights and Privacy Act.