



LOS ANGELES UNIFIED SCHOOL DISTRICT
Policy Bulletin

TITLE: Sexual Harassment Policy
(Student-to-Student, Adult-to-Student, and
Student-to-Adult)

NUMBER: BUL-3349.1

ISSUER: David Holmquist, General Counsel
Office of the General Counsel

DATE: August 6, 2014

ROUTING
All Employees

POLICY: The Los Angeles Unified School District is committed to maintaining a working and learning environment that is free from sexual harassment. Sexual harassment of, or by employees, students, third parties or persons doing business that takes place or is affiliated with the District, is a form of sex discrimination in that it constitutes differential treatment on the basis of actual or perceived sex, sexual orientation or gender. As such, any act of sexual harassment is a violation of state and federal laws, as well as District policy and is prohibited.

The District considers sexual harassment to be a serious offense which can result in disciplinary action to the offending employee or student, including the suspension or expulsion of the offending student in Grades 4-12. While suspension or expulsion as a disciplinary consequence for sexual harassment shall not apply to students enrolled in Kindergarten and Grades 1-3 under California law, other disciplinary actions or interventions may be taken as appropriate.

Students or employees of the District who believe that they have been a target of sexual harassment shall bring the problem to the attention of the site administrator or site Title IX/Bullying Complaint Manager. All complaints will be promptly investigated in a way that respects the privacy of all parties concerned. The District will take appropriate actions reasonably calculated to eliminate the harassment, prevent its recurrence and remedy its effects. The District prohibits retaliatory behavior against anyone who files a sexual harassment complaint or who participates in the complaint investigation process.

MAJOR CHANGES: This bulletin replaces District policy BUL-3349.0 on the same subject issued by the Office of the General Counsel on November 29, 2006. It reflects current state and federal requirements and provides updated guidance and procedures for reporting and investigating complaints of student-to-student, adult-to-student, and student-to-adult sexual harassment.



LOS ANGELES UNIFIED SCHOOL DISTRICT Policy Bulletin

GUIDELINES: The following guidelines apply:

I. BACKGROUND

A. Legal Definition of Sexual Harassment

California Education Code §212.5 and Title 5 of the California Code of Regulations, §4916, define sexual harassment as unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature made by someone from or in the work or educational setting under any of the following conditions:

- Submission to the conduct is explicitly or implicitly made a term or a condition of an individual's employment, academic status, or progress.
- Submission to, or rejection of, the conduct by the individual is used as the basis of employment or academic decisions affecting the individual.
- Submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the educational institution.
- The conduct has the purpose or effect of having a negative impact upon the individual's work or academic performance, or of creating an intimidating, hostile, or offensive work or educational environment.

B. Protected Categories

California Education Code and Penal Code identify protected categories that, though stipulated independently, are not mutually exclusive. Sexual harassment can violate both Penal Code and Education Code.

1. California Education Code §220 - Applicability to Educational Institutions

No person shall be subjected to discrimination on the basis of disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in §422.55 of the Penal Code in any program or activity conducted by an educational institution that receives, or benefits



LOS ANGELES UNIFIED SCHOOL DISTRICT Policy Bulletin

from, state financial assistance or enrolls pupils who receive state student financial aid.

2. California Education Code §200 - State Policy; Declaration of Purpose as it Relates to Protected Categories

It is the policy of the State of California to afford all persons in public schools, regardless of their disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in §422.55 of the Penal Code, equal rights and opportunities in the educational institutions of the state. The purpose of this chapter is to prohibit acts which are contrary to that policy and to provide remedies therefor.

3. California Penal Code §422.55 - Hate Crime and Victim Characteristics or Protected Classes Indicated

For the purposes of this title, and for purposes of all other state law unless an explicit provision of law or the context clearly requires a different meaning, the following shall apply: "Hate crime" means a criminal act committed, in whole or in part, because of one or more of the following actual or perceived characteristics of the victim: disability; gender; nationality; race or ethnicity; religion; sexual orientation; and association with a person or group with one of more of these actual or perceived characteristics.

II. DEFINITIONS

With respect to this policy bulletin, the following definitions apply:

- Appeal means a written request to review the complaint.
- Complainant means a District student, parent/guardian of a District student, District employee, or other person who submits a complaint.
- Complaint means an oral or written complaint alleging that there has been a violation of this policy bulletin, Title IX, or Education Code §220.
- Complaint Procedure means the District's internal procedure to process complaints.
- Days means calendar days unless otherwise specified.
- District shall mean any operating unit or program of the Los Angeles Unified School District.
- Gender means a person's actual or perceived sex and includes a person's perceived identity, appearance, or behavior, whether or not that identity, appearance, or behavior is different from that traditionally



LOS ANGELES UNIFIED SCHOOL DISTRICT Policy Bulletin

associated with a person's sex at birth.

- Respondent means an individual alleged to have committed acts in violation of this policy, sometimes referred to as "accused."
- Sex means the biological condition or quality of being female or male.
- Sexual Orientation means a person's emotional and/or sexual attraction to another person based on the gender of the other person. Common terms used to describe sexual orientation include, but are not limited to, lesbian, gay, heterosexual and bisexual. Sexual orientation and gender identity are different.
- Target means an individual alleged to have experienced acts in violation of this policy, sometimes referred to as "victim."
- Title IX is Title IX of the Education Amendments of 1972.
- Title IX/Bullying Complaint Manager is an administrator and/or designee responsible to respond to complaints of sex discrimination, sexual harassment, intimidation, bullying and/or hazing.

III. EXAMPLES OF CONDUCT WHICH MAY CONSTITUTE SEXUAL HARASSMENT

Conduct (including electronic communications, acts or postings) which may constitute sexual harassment includes, but is not limited to, the following:

- Verbal - unwelcome conduct such as the use of suggestive, derogatory, or vulgar comments; the use of sexual innuendos or slurs; making unwanted sexual advances, invitations, and/or comments; pestering for dates; making threats; and/or spreading rumors about or rating others as to their sexual activity or performance; threats/demands/pressure to submit to sexual requests in order to keep a job or academic standing or to avoid other loss, and/or offers of benefits in return for sexual favors.
- Visual - unwelcome conduct such as the display of sexually suggestive objects, pictures, posters, written material, cartoons, or drawings; the use of graffiti, texting and/or computer-generated images of a sexual nature; and/or the use of obscene gestures or leering.
- Physical - unwelcome conduct such as unwanted touching, pinching, kissing, patting, or hugging; the blocking of normal movement; stalking; sexual acts or assault; and/or physical interference with work or study directed at an individual because of the individual's actual or perceived sex, sexual orientation, gender identity or gender expression.

IV. RESPONSIBILITY FOR POLICY IMPLEMENTATION



LOS ANGELES UNIFIED SCHOOL DISTRICT Policy Bulletin

A. School Principals or Site Administrators shall:

1. Identify the administrators or designees responsible to serve as the site's Title IX/Bullying Complaint Managers and establish a systematic process to respond to complaints of sexual harassment in a safe and private manner.
 - a. The role of the Title IX/Bullying Complaint Manager is to respond to any complaints of sexual harassment or sex discrimination, as well as to provide support, information, and options to complainants and/or targets regarding sexual harassment or sex discrimination. The Title IX/Bullying Complaint Manager also has responsibilities regarding addressing complaints of bullying and hazing as articulated in District policy BUL-5212.1, "Bullying and Hazing Policy (Student-to-Student and Student-to-Adult)."
 - b. School sites must identify at least two Title IX/Bullying Complaint Managers so complainants can choose the person with whom they feel most comfortable discussing their concerns.
 - c. Provisions must be made to facilitate the ability of non-verbal and limited-English speaking complainants to access the Title IX/Bullying Complaint Managers and file a complaint.
3. Inform staff, students, parents, volunteers, coaches, or activity leaders of District policy requiring the promotion of mutual respect, tolerance and acceptance, as well as District policy regarding nondiscrimination and sexual harassment. When providing this information, the communication shall include information about reporting procedures for targets or witnesses of discrimination or sexual harassment.
4. Distribute the District's "Title IX and Nondiscrimination, Students Know Your Rights" brochure to every student in secondary and adult schools at the beginning of each school year. See District policy memorandum issued annually by the Office of the General Counsel, "Nondiscrimination Required Notices and Ordering of Student Brochures" for how to obtain this brochure.
5. Present the District's policy on nondiscrimination and sexual harassment in age-appropriate language as part of any orientation program conducted for new students at the beginning of each



LOS ANGELES UNIFIED SCHOOL DISTRICT Policy Bulletin

semester or summer session as applicable. This presentation shall include information concerning how to file a discrimination or sexual harassment complaint.

6. Provide training to certificated and classified staff regarding the District's nondiscrimination and sexual harassment policies and communicate to staff their individual responsibilities to respond, intervene, and report such behavior.
7. Certify in the Administrator Certification On-Line System that the school/work location has complied with the mandates of this policy bulletin. See "Administrator Certification On-Line System," memorandum issued annually by the Office of School Operations.
8. Refer to the Educational Equity Compliance Office and the Office of the General Counsel any complaint that names the principal as a respondent or any complaint that alleges school-wide discriminatory practices.

B. Title IX/Bullying Complaint Managers shall:

1. Post the English and Spanish "Title IX/Bullying Complaint Manager" posters attached to this policy in school administrative offices, including student government meeting rooms or other prominent locations (i.e. Parent Centers) accessible to students where notices are regularly posted regarding rules, regulations, procedures, or standards of conduct.
2. Employ this policy at the site level, in consultation with the principal or designee, to provide a comprehensive system through which allegations of sexual harassment and sex discrimination can be safely and easily reported, and the ensuing investigations, interventions and monitoring documented comprehensively using appropriate District forms and electronic protocols.
3. Respond quickly to any complaints of sexual harassment and sex discrimination, and take action to address the behavior, as well as provide support, information, and options to students regarding sex discrimination and sexual harassment.
4. Intervene immediately to witnessed events and take action to remedy sexual harassment and sex discrimination.
5. Track the site's response to sexual harassment and sex discrimination complaints to analyze and identify any patterns or



LOS ANGELES UNIFIED SCHOOL DISTRICT Policy Bulletin

systemic problems revealed in order that they may be addressed. See the sample log attached to this policy for tracking Title IX/Bullying complaints.

6. Promptly refer any complaints of sexual harassment and sex discrimination involving an adult as perpetrator to the site administrator.

C. Employees shall:

1. Share responsibility for modeling appropriate behavior and creating an environment where students and staff know that sexual harassment and sex discrimination is inappropriate and will not be tolerated.
2. Educate students about appropriate interactions and social norms.
3. Cultivate positive relationships with students per the District's "Code of Conduct with Students."
4. Support the District's efforts to recognize and prevent sexual harassment and sex discrimination and take steps to intervene immediately and safely when such incidents occur.
5. Report such incidents to the site administrator and/or Title IX/Bullying Complaint Manager.
6. Encourage anyone alleging to be a target of, a witness, or to have information about sexual harassment and/or sex discrimination to report such an incident.
7. Cooperate in complaint investigations of sexual harassment and sex discrimination.
8. Guard against actions that would be considered retaliatory against anyone who has filed or is participating in a complaint investigation.

D. Students shall be informed that:

1. They are to act respectfully towards everyone, and should consider how others may perceive or be affected by their actions and words.
2. They are to help create a safe school environment by not engaging in or contributing to sexual harassment and sex discrimination.



LOS ANGELES UNIFIED SCHOOL DISTRICT Policy Bulletin

Student resources, such as brochures on flirting versus harassing, can be found on the District's website at <http://achieve.lausd.net> under the Human Relations, Diversity and Equity office link.

3. They are to report incidents of sexual harassment and sex discrimination to the designated administrator or Title IX/Bullying Complaint Manager in cases when they may be the witness or target of sexual harassment and/or sex discrimination.
4. They are never to engage in retaliatory behavior or ask, encourage, or consent to anyone retaliating on their behalf.

V. NOTIFICATION – DISSEMINATION – POSTING

A. Employees

The “Nondiscrimination Statement” and “Sexual Harassment Policy” posters attached to this bulletin shall be provided to all District employees annually at the beginning of each school year.

B. Students

1. All required District nondiscrimination policy statements are included in the “Parent Student Handbook.” Therefore, all schools are required to distribute the “Parent Student Handbook” to all students annually and to every student at the time of initial enrollment.
2. The District's written policy on nondiscrimination and sexual harassment shall be presented in age-appropriate language as part of any orientation program conducted for new students at the beginning of each semester and summer session as applicable. This presentation shall include information concerning how to file and/or report a discrimination or sexual harassment complaint.
3. All secondary and adult schools are required to distribute the District's “Title IX and Nondiscrimination, Students Know Your Rights” brochure to every student at the beginning of each school year. For how to obtain the brochure, see the “Nondiscrimination Required Notices and Ordering of Student Brochures” memorandum issued annually by the Office of the General Counsel.
4. In Grades K-6, the “Students, Don't Let Others Bully or Harass You!” brochure may be distributed and used as “talking points” for



LOS ANGELES UNIFIED SCHOOL DISTRICT Policy Bulletin

providing the required information. It may be found on the Educational Equity Compliance Office website at <http://achieve.lausd.net/eeco>.

C. Parents/Guardians

The District's "Parent Student Handbook" may be used to provide notification of the District's nondiscrimination statement and sexual harassment policy to parents and guardians.

D. Notification – Posting

1. The District's English and Spanish "Nondiscrimination Statement" and "Sexual Harassment Policy" posters must be posted in all schools and offices, including staff lounges and student government meeting rooms, in the main administration building, or other prominent locations where notices are regularly posted regarding rules, regulations, procedures, or standards of conduct.

Schools needing translated copies of the "Nondiscrimination Statement" and "Sexual Harassment Policy" posters in Armenian, Chinese, Farsi, Korean, Polish, Russian or Tagalog should contact the Educational Equity Compliance Office at (213) 241-7682 to obtain translations for the requesting school to duplicate in the quantity necessary to meet the specific language needs of the individual school's student population.

2. The English and Spanish "Title IX/Bullying Complaint Manager" posters attached to this bulletin are to be used to identify those school administrators or designees designated to handle sex discrimination and/or sexual harassment complaints.
3. "Title IX/Bullying Complaint Manager" posters are to be posted in school administrative offices, including student government meeting rooms or other prominent locations accessible to students where notices are regularly posted regarding rules, regulations, procedures, or standards of conduct. Suggested other prominent locations may include classrooms, cafeterias and student bulletin boards.

E. Notification - Publication

The District's "Nondiscrimination Statement" and "Sexual Harassment Policy" poster summaries attached to this bulletin shall be included in school or District publications (e.g., a Student Planner, Student



Handbook, or Staff Handbook) that set forth the school's or District's comprehensive rules, regulations, procedures, and standards of conduct.

VI. CONFIDENTIALITY AND NON-RETALIATION

Complaints of sexual harassment and sex discrimination involving students shall be handled in a confidential manner to respect the privacy of all parties to the fullest extent possible under the law.

The District prohibits retaliation in any form against anyone who files a complaint of suspected sexual harassment and/or sex discrimination or participates in the complaint investigation process. Retaliation is grounds for a separate complaint. Incidents of retaliation may be reported to the Title IX/Bullying Complaint Manager or administrator for appropriate investigation and follow-up. These confidentiality and non-retaliation requirements extend to all parties involved.

VII. DUAL RESPONSIBILITIES IN REPORTING SUSPECTED CHILD ABUSE AND RESPONDING TO STUDENT SEXUAL HARASSMENT COMPLAINTS

Child abuse reporting procedures, sexual harassment policies and procedures, and disciplinary policies and procedures must be effected in a coordinated manner as follows:

1. If it is suspected that conduct could constitute both child abuse and sexual harassment, the child abuse report should be filed immediately as required by District procedures outlined in BUL-1347.2, "Child Abuse and Neglect Reporting Requirements."
2. Separate and apart from filing a suspected child abuse report, immediate steps should be taken to protect any alleged target(s) of child abuse and/or sexual harassment.
3. If conduct could constitute both child abuse and sexual harassment, school administrators are responsible for implementing this policy and the steps outlined herein for responding to and conducting a prompt investigation into whether sexual harassment has occurred.
4. School administrators should communicate with the local law enforcement agency as to whether the school's sexual harassment complaint investigation would compromise the local law enforcement agency's criminal investigation. Administrators should clarify when they can proceed with their administrative investigation. Once released to handle the issue administratively, administrators should begin the



investigation promptly.

A determination of child abuse or sexual harassment involves very different standards and outcomes. Suspected child abuse investigations involve addressing possible criminal conduct. Making a report of suspected child abuse does not relieve the District of its responsibility to take administrative action to respond, investigate, to determine whether sexual harassment has occurred and to resolve the situation.

For further information on District child abuse reporting policies and procedures, see the District's policy BUL-1347.2, "Child Abuse and Neglect Reporting Requirements."

5. For allegations of sexual misconduct involving employees as perpetrators, administrators should also consult with the Educational Service Center Administrator of Operations/designee or division head to coordinate next steps in the administrative investigation. See District policy, "Employee Inappropriate Conduct Allegation Policy and Procedures," BUL-6211.0

VIII. COMPLAINT PROCEDURES

Schools/sites that know, or reasonably should know, of possible harassment must promptly investigate to determine what occurred and take appropriate steps to eliminate the harassment, prevent its recurrence and remedy its effects. The school's investigation is different from law enforcement or personnel investigations. A law enforcement or personnel investigation does not relieve schools of their independent obligation to investigate the conduct.

Complainants may access either an informal resolution at the site level or formal complaint resolution process through the District's Educational Equity Compliance Office. Informal processes are encouraged for expedient resolutions. However, the informal process shall be bypassed if the complainant names a principal as a respondent or the complaint alleges school-wide discriminatory practices. In those circumstances, the complainant should initiate a formal complaint directly with the Educational Equity Compliance Office.

Below are the guidelines for investigating and responding to sexual harassment and sex discrimination complaints.



A. Informal Process or Site-Level Investigation Response:

Any written or oral report of sexual harassment is a sexual harassment complaint and must be addressed. A reasonable effort must be made to investigate and address allegations submitted anonymously if the report contains sufficient information to identify alleged targets and/or accused persons.

The following guidelines are recommended to investigate and resolve complaints using the informal process at the Site-Level:

1. Assure targets the District takes allegations of sexual harassment and/or sex discrimination seriously, will not tolerate such treatment, and has strong policies against it.
2. Inform targets of the confidentiality and non-retaliation guidelines, and assure them that they will not be required to confront the accused persons.
3. Assure targets of interim steps that will be taken to monitor the parties and effectively address any alleged harassing behavior, to include providing additional monitoring of the safety of targets and any specific steps to eliminate the behavior. Make targets aware of available resources and the right to report a crime to law enforcement.

Interim measures to protect targets may include options to avoid contact with the accused in academic and extracurricular settings, safety plans, increased monitoring, training and educational materials to address school climate, as well as support resources, such as academic support, counseling, health and mental health services. In general, when taking interim measures, minimize the burden on the targets.

4. Provide the names of school personnel who can help if the situation/incident continues or escalates.
5. Provide all parties, including parents and guardians, with the District's "Nondiscrimination Statement" and/or "Sexual Harassment Policy" poster summaries as applicable. The attached English and Spanish "Sexual Harassment Policy Acknowledgement" posters can be used to document via the sign-off section that the sexual harassment policy has been reviewed and is understood by all parties. Secondary students may also be provided with the District's "Title IX and Nondiscrimination, Students Know Your Rights" brochure. In Grades K-6, students



LOS ANGELES UNIFIED SCHOOL DISTRICT Policy Bulletin

may be provided with the “Students, Don’t Let Others Bully or Harass You!” brochure.

6. When investigating sexual harassment complaints, carefully consider all available information in determining whether the conduct described violates the District’s sexual harassment policy and whether it rises to the level of creating a hostile environment. The following elements should be used for this analysis:
 - a. Was the conduct unwelcome?
 - b. Was the conduct of a sexual nature or based on actual or perceived sex, sexual orientation, gender identity or gender expression?
 - c. Was the conduct severe, persistent, or pervasive?
 - d. Was the conduct objectively offensive, in other words, would a reasonable victim of similar characteristics (i.e. age, gender) find the conduct objectively offensive?
 - e. Did the conduct limit the individual’s ability to participate in or benefit from an educational program or activity?

When the answers to questions “a” and “b” are “yes”, the conduct is sexual harassment. Taking into consideration the totality of the circumstances, if the answers to all the questions are “yes” then the sexual harassment has risen to the level of also being a hostile environment which is a violation of Title IX law.

It is important to note that sexual harassment is inappropriate and requires an immediate response and/or corrective actions to be taken to prevent its recurrence and address its effects, whether or not the conduct has risen to the level of a hostile environment.

If the conduct does not meet the elements of this analysis for sexual harassment or hostile environment, the conduct may still be inappropriate and require an immediate response and corrective action.

7. Obtain specific information relevant to the complaint such as where, when, and the frequency with which the incident(s) occurred, as well as the identities of the accused persons, other affected parties and any witnesses. If appropriate, request that complainants provide a written statement. If complainants are unable to provide written statements, District personnel will provide assistance. It is recommended that transcribed statements be done in the presence of a District witness.



LOS ANGELES UNIFIED SCHOOL DISTRICT Policy Bulletin

8. Interview accused persons and provide assurances regarding confidentiality and non-retaliation. If appropriate, request that accused persons provide written statements. If accused persons are unable to provide written statements, District personnel will provide assistance. It is recommended that transcribed statements be done in the presence of a District witness.
9. Interview any witnesses or other affected parties identified by the targets and accused persons and provide assurances regarding confidentiality and non-retaliation. If appropriate, request written statements. If witnesses or other affected parties are unable to provide written statements, District personnel will provide assistance. It is recommended that transcribed statements be done in the presence of a District witness.
10. Take appropriate administrative steps in response to sexual harassment, including acting to end the harassment, monitoring to ensure the conduct does not reoccur, and addressing any hostile environment that may have been created. Response strategies may involve the initiation of counseling and/or disciplinary proceedings for the accused and providing supports to targets and other affected parties, which can be documented using the District's electronic tools for documenting discipline, counseling and incidents. Using the "Complaint Investigation Record" attached to this policy along with the District's electronic tool for reporting and documenting incidents, known as the Incident System Tracking Accountability Report (ISTAR), provides a vehicle to document the incident, required investigation, whether any harassing behavior has ceased and interventions provided for target(s) and the accused. See District policy, "Incident System Tracking Accountability Report (ISTAR)," BUL-5269.2.
11. Refer to District policies, BUL-5655.2, "Guidelines for Student Suspension," and BUI-6231.0, "Discipline Foundation Policy: School-Wide Positive Behavior Intervention and Support" for further guidance with interventions. For assistance in providing written communication of the school's investigative responses to parents of the accused, see the attached English and Spanish "Sample Follow-Up Letter to Parents" for students accused of sexual harassment.
12. Inform complainants in general terms that protects the privacy and confidentiality of individuals as required by law of the outcomes and whether corrective actions specific to the claims have been or will be taken to resolve the complaint. Tell complainants of applicable appeal processes.



LOS ANGELES UNIFIED SCHOOL DISTRICT Policy Bulletin

13. Inform parents/guardians of student complainants about the filing, the status of the investigation and findings, as well as the resolution of any complaint of sexual harassment in general terms. Care must be taken to protect the identity of the accused and any witnesses and the confidentiality of the specific administrative actions. For assistance in providing written communication of the school's investigative responses to parents/guardians of student complainants, see the attached English and Spanish "Sample Follow-Up Letter to Parents" for student targets.
14. If a student has been a target of harassment based on sexual orientation or gender identity, consult with the student to determine an appropriate way to inform the student's parents/guardians of the harassing conduct. Student sexual orientation and/or gender identity should be divulged only on a need-to-know basis among staff and cannot be otherwise divulged without permission of the student. See the District's policy, "Transgender Students – Ensuring Equity and Nondiscrimination," BUL-6224.0.
15. Monitor with targets that the harassment has ceased. For example, arrange for a designated staff person to check-in with targets after one week and then again after two weeks to evaluate whether the remedies implemented have been effective.
16. Use the "Complaint Investigation Record" attached to this bulletin to document findings and actions taken to address the complaint, as well as to document monitoring and assessment of the effectiveness of actions taken. If harassing conduct has not ceased, additional actions and monitoring will be required. The completed sexual harassment complaint investigation documentation is in addition to noting incidents, discipline and counseling using the District's electronic databases. A copy of the completed "Complaint Investigation Record" should be provided to the site's ISTAR designee to attach to the electronic incident record.
17. The same "Complaint Investigation Record" may be used when the conduct is determined to be inappropriate behavior that did not constitute sexual harassment or when there are no findings of violations of the District's nondiscrimination or sexual harassment policies. Corrective action may still be necessary and the form provides a vehicle to document the investigation and actions taken.
18. "Complaint Investigation Record" forms must be safeguarded by retaining them in a separate school file in a central location as



LOS ANGELES UNIFIED SCHOOL DISTRICT Policy Bulletin

opposed to a student's cumulative record. Upload electronic copies of the completed investigation record to ISTAR, if applicable, as well as print and attach copies of relevant ISTARs to the hardcopy file for the investigation record. Access to these records is restricted to those individuals with a legitimate need for such access. These records must be kept for five years from the school year in which the complaint was filed. Duplicate copies should also be filed in each accused student's individual disciplinary file.

B. Formal Complaint of Discrimination/Harassment and/or Appeal of Site Informal Decision:

1. In addition to or instead of filing a complaint at a site, any individual has the right to file with the Educational Equity Compliance Office a formal written complaint of discrimination within six months of the last occurrence or when knowledge of the complaint was first obtained depending on which comes first. A complainant unable to make a written complaint will be assisted by District personnel.
2. The written complaint/appeal may be filed using the "Title IX Complaint Form," the District's Uniform Complaint Procedures (UCP) form or simply by filing a written complaint statement.
3. The complaint shall contain the following information:
 - a. The specific facts about the complaint which may be helpful to the complaint investigator including, but not limited to the following: the nature of the complaint, names of those involved, witnesses, and dates/places of occurrences;
 - b. The specific relief being sought; and
 - c. Any other relevant or supportive documentation or information the complainant believes will provide assistance in understanding the complaint.
4. The formal complaint should be made to the District's Title IX Coordinator in the District's Educational Equity Compliance Office, at 333 South Beaudry Avenue, 20th Floor, Los Angeles, California 90017 for appropriate investigation and response.

C. Formal Complaint/Appeal Process: The Educational Equity Compliance Office will follow steps as outlined below and in the District's UCP policy in response to a formal written discrimination complaint or appeal of a site decision.



LOS ANGELES UNIFIED SCHOOL DISTRICT Policy Bulletin

1. Provide the complainant with a written acknowledgement of the complaint within 10 days which:
 - a. Advises and assures the complainant that confidentiality of the facts will be observed to the maximum extent possible.
 - b. Advises and assures the complainant that the District prohibits retaliation against anyone who files a complaint or participates in a complaint investigation.
 - c. States that the complaint investigation/resolution process will be completed within 60 days of receipt of the complaint.
 - d. Advises the complainant to call or send any additional information or documentation relevant to the complaint.
 - e. Informs the complainant that a written report of findings and conclusions, listing any corrective action taken, will be provided at the conclusion of the investigation.
 2. Conduct an impartial investigation and work to resolve the matter.
 3. Provide a written report of findings and conclusions to the complainant and the respondent within 60 days of receipt of the complaint/appeal that also contains the following:
 - a. The assurance that the District will not tolerate retaliation against a complainant for the filing of a complaint or participating in the complaint investigation.
 - b. A statement advising the complainant of the option to appeal the Educational Equity Compliance Office's decision to the California Department of Education within 15 days of receipt of the Educational Equity Compliance Office's decision letter.
- D. Further Options Regarding Complaints of Discrimination/Harassment: An appeal of the Educational Equity Compliance Office's findings may be made to the California Department of Education – Office of Equal Opportunity. The written appeal must be sent within 15 days of receipt of the letter of findings. Such appeals should specify the reason(s) for appealing the decision, include a copy of the District's decision and be addressed to: California Department of Education, Office of Equal Opportunity, 1430 N Street – Room 4206, Sacramento, California 95814.
- E. Civil Law Remedies: Pursuant to the California Education Code §262.3, persons who have filed a complaint should also be advised that civil law remedies, including, but not limited to, injunctions, restraining orders, or other remedies may be available to them.



LOS ANGELES UNIFIED SCHOOL DISTRICT
Policy Bulletin

AUTHORITY: This is a policy of the Superintendent of Schools. The following legal standards are applied in this policy:

California Education Code §200 State Policy; Declaration of Purpose; §212.5 “Sexual Harassment;” §220 Applicability to Educational Institutions; and §48900.2 Sexual harassment as ground for suspension or recommendation for expulsion

California Penal Code, §422.55 Hate Crime Defined

Title IX of the Education Amendments of 1972, 20 U.S.C. §1681, et seq.

Title IX Regulations, Title 34, Code of Federal Regulations, Part 106 et seq.

Title 5, California Code of Regulations, §4910 General Definitions, §4910(k) Gender; §4910(v) Sex; §4910(w) Sexual Orientation, and §4916 Sexual Harassment Definitions

**RELATED
RESOURCES:**

- Administrator Certification On-Line System, Memorandum issued annually by the Office of the Superintendent
- Bullying and Hazing Policy (Student-to-Student and Student-to-Adult), BUL-5212.1, September 17, 2012, Office of School Operations
- Board Resolution, To Enforce the Respectful Treatment of All Persons, October 10, 1988
- Child Abuse and Neglect Reporting Requirements, BUL-1347.2, July 1, 2011, Office of the General Counsel
- Code of Conduct with Students – Distribution and Dissemination Requirement, BUL-5167.0, July 1, 2010, Office of the Superintendent
- Coordination of District Child Abuse Reporting Procedures and Sexual Harassment Policy, Reference Guide No. L-2 (Rev), June 20, 2003, Office of the General Counsel
- Discipline Foundation Policy: School-Wide Positive Behavior Intervention and Support, BUL-6231.0, February 14, 2014, Office of School Operations
- Employee Inappropriate Conduct Allegation Policy and Procedures, BUL-6211.0, December 20, 2013, Office of School Operations, Office of General Counsel and Human Resources Division
- Expulsion of Students – Policy and Procedures, BUL-6050.1, August 19, 2013, Office of School Operations
- Guidelines for Student Suspension, BUL-5655.2, August 19, 2013, Office of School Operations
- Incident System Tracking Accountability Report (ISTAR), BUL-5269.2, July 10, 2013, Office of School Operations
- LAUSD MAX Discipline Module Required Usage, BUL-5808.2, September 9, 2013, Office of School Operations



LOS ANGELES UNIFIED SCHOOL DISTRICT Policy Bulletin

- Nondiscrimination Required Notices and Ordering of Student Brochures, Memorandum issued annually by Office of the General Counsel
- Parent Student Handbook Distribution, Memorandum issued annually by the Office of the Superintendent
- Responding to and Reporting Hate-Motivated Incidents and Crimes, BUL-2047.0, October 10, 2005, Office of the General Counsel
- Sexual Harassment Policy – Employee-to-Employee, BUL-1893.1, August 1, 2005, Office of the General Counsel
- Students, Don't Let Others Bully or Harass You!, student brochure for Grades K-6 may be downloaded from the Educational Equity Compliance Office website at <http://achieve.lausd.net/eeco>
- Title IX and Nondiscrimination, Students Know Your Rights, student brochures may be ordered from the District's General Stores Distribution by using the current Stores' Supplies and Equipment Catalog
- Title IX Policy/Complaint Procedures, BUL-2521.1, June 7, 2006, Office of the General Counsel
- Transgender Students – Ensuring Equity and Nondiscrimination, BUL-6224.0, February 3, 2014, Office of the General Counsel
- Uniform Complaint Procedures (UCP), BUL-5159.3, May 16, 2014, Office of the General Counsel

ASSISTANCE: For information/assistance, contact the following:

Child Abuse Reporting

- Los Angeles Police Department – (213) 486-0530
- Department of Children and Family Services – (800) 540-4000
- Local Law Enforcement Agency, as applicable

Educational Equity Compliance Office – (213) 241-7682

- Julie Hall-Panameño, Director/District Title IX Coordinator
- <http://achieve.lausd.net/eeco>

Educational Service Center (ESC)

- Administrators of Operations
- Operations Coordinators/Title IX Designees

ESC North – (818) 654-3615

ESC South – (310) 354-3417

ESC East – (323) 224-3100

ESC West – (310) 914-2100

Intensive Support and Innovation Center (ISIC) – (213) 241-0167

Equal Opportunity Section – (213) 241-7685

(employee-to-employee and student-to-employee sexual harassment complaints)



LOS ANGELES UNIFIED SCHOOL DISTRICT
Policy Bulletin

Office of General Counsel – Education Legal Services Team – (213) 241-7600

Office of the Inspector General – (213) 241-7700

Student Discipline and Expulsion Support Unit – (213) 202-7555

ATTACHMENTS: *Nondiscrimination Statement Posting – English (Attachment A)*
Nondiscrimination Statement Posting – Spanish (Attachment B)
Sexual Harassment Policy Posting – English (Attachment C)
Sexual Harassment Policy Posting – Spanish (Attachment D)
Title IX/Bullying Complaint Manager Posting – English (Attachment E)
Title IX/Bullying Complaint Manager Posting – Spanish (Attachment F)
Title IX/Bullying Complaint Log (Attachment G)
Title IX Sex Discrimination/Sexual Harassment Complaint Form – English (Attachment H)
Title IX Sex Discrimination/Sexual Harassment Complaint Form – Spanish (Attachment I)
Sexual Harassment Policy Acknowledgement Posting – English (Attachment J)
Sexual Harassment Policy Acknowledgement Posting – Spanish (Attachment K)

Sample Follow-Up Letter to Parents:

Student Accused of Sexual Harassment – English
Student Accused of Sexual Harassment – Spanish
Student Target of Sexual Harassment – English
Student Target of Sexual Harassment – Spanish