



LOS ANGELES UNIFIED SCHOOL DISTRICT
Policy Bulletin

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

NUMBER: BUL-3349.0

ISSUER: Kevin S. Reed, General Counsel
Office of the General Counsel

DATE: November 29, 2006

ROUTING
Principals
Administrators
School Staff
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, or persons doing business with the District, is a form of sex discrimination in that it constitutes differential treatment on the basis of sex, sexual orientation (actual or perceived) or gender (actual or perceived). As such, any act of sexual harassment is a violation of state and federal laws and a violation of District policy.

The District considers sexual harassment to be a serious offense which can result in disciplinary action to the offending employee or 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, other disciplinary actions or interventions may be taken, as appropriate.

Any student or employee of the District who believes that she or he has been a target of sexual harassment shall bring the problem to the attention of the site administrator or Title IX Complaint Manager so that appropriate action may be taken to resolve the concern. All complaints will be promptly investigated in a way that respects the privacy of the parties concerned. 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 Bulletin No. BUL-1041 on the same subject issued by the Office of the General Counsel on June 10, 2004. It reflects current state and federal requirements and provides guidance and procedures for investigating student-to-student, adult-to-student, and student-to-adult complaints of sexual harassment.

GUIDELINES: The following guidelines apply.



I. BACKGROUND

A. Legal Definition of Sexual Harassment

California Education Code Section 212.5 and Title 5 of the California Code of Regulations, Section 4916, define sexual harassment as unwelcome sexual advances, requests for sexual favors, or other verbal, visual, or physical conduct of a sexual nature made by someone from or in the work or educational setting (whether it occurs between individuals of the same sex or individuals of the opposite sex) under any of the following conditions:

- Submission to the conduct is explicitly or implicitly made as a term or a condition of an individual's employment, academic status, or progress.
- Submission to, or rejection of, the conduct by an individual is used as the basis of employment or academic decisions affecting the individual.
- 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 (also known as "hostile environment").
- 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.

B. Protected Categories

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

No person shall be subjected to discrimination on the basis of sex, ethnic group identification, race, national origin, religion, color, mental or physical disability, or any actual or perceived characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code in any program or activity conducted by an educational institution that receives, or benefits from, state financial assistance or enrolls pupils who receive state student financial aid.

2. California Education Code Section 200 - State Policy; Declaration of



Purpose

It is the policy of the State of California to afford all persons in public schools, regardless of their sex, ethnic group identification, race, national origin, religion, mental or physical disability, or regardless of any actual or perceived characteristic that is contained in the definition of hate crimes set forth in Section 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 therefore.

3. California Penal Code Section 422.55 - Hate Crime Defined

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 shall mean a written request to review the complaint.
- Complainant shall mean a District student, parent/guardian of a District student, District employee, or other person who submits a complaint alleging that there has been a violation of Title IX or Education Code Section 220.
- Complaint shall mean an oral or written complaint alleging that there has been a violation of this policy bulletin, Title IX, or Education Code Section 220.
- Complaint Procedure shall mean the District's internal procedure to process complaints.
- Days shall mean calendar days unless otherwise specified.
- District shall mean any operating unit or program of the Los Angeles Unified School District.
- Gender shall mean 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 associated with a person's sex at birth.
- Respondent shall mean an individual alleged to have committed acts in



violation of this policy.

- Sex shall mean the biological condition of being a female or male.
- Sexual Orientation shall mean actual or perceived heterosexuality, homosexuality, or bisexuality. However, some individuals may use alternative terms to describe their sexual orientation.
- Title IX is Title IX of the Education Amendments of 1972.
- Title IX Complaint Manager is an administrator or designee responsible to respond to any complaints of sex discrimination and/or sexual harassment. School sites must identify more than one Title IX Complaint Manager so that students can choose the person with whom they feel most comfortable discussing their concern.

III. EXAMPLES OF CONDUCT WHICH MAY RESULT IN SEXUAL HARASSMENT

Conduct which may result in sexual harassment may include, but is not necessarily limited to, the following:

- Verbal - unwelcome conduct such as the use of suggestive, derogatory, or vulgar comments; the use of sexual innuendo or slurs; making unwanted sexual advances, invitations, or comments; pestering for dates; making threats; and/or spreading rumors about or rating others as to their sexual activity or performance.
- Visual - unwelcome conduct such as the display of sexually suggestive objects, pictures, posters, written material, cartoons, or drawings; the use of graffiti 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; assault; and/or physical interference with work or study directed at an individual because of the individual's sex, sexual orientation, or gender.
- Threats, demands, or 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.

IV. RESPONSIBILITY FOR POLICY IMPLEMENTATION

A. School Principal or Site Administrator shall:

1. Identify the administrator(s) or designee(s) responsible to serve as Title IX Complaint Managers and establish a systematic process to



report and respond to complaints of sexual harassment.

- a. The role of the Title IX Complaint Manager is to respond to any complaints of sexual harassment and/or sex discrimination, as well as to provide support, information, and options to students regarding sexual harassment and/or sex discrimination.
 - b. School sites must identify more than one Title IX Complaint Manager so that students can choose the person with whom they feel most comfortable discussing their concerns.
 - c. Provisions must be made to facilitate the ability of non- and limited-English speaking students to access the Title IX Complaint Manager(s) and file a complaint.
2. Communicate with and ensure that staff, students, and parents are informed of District policy requiring the promotion of mutual respect and acceptance, as well as, District and school policy regarding nondiscrimination and sexual harassment.
 3. Include information about the reporting procedures for targets of or witnesses to discrimination or sexual harassment when informing students, parents, and employees about the District's "Nondiscrimination Statement" and "Sexual Harassment Policy."
 4. Distribute (in secondary and adult schools) the District's "*Title IX and Nondiscrimination*" brochure to every student at the beginning of each school year.
 5. Present in age-appropriate language the District's policy on nondiscrimination and sexual harassment as part of any orientation program conducted for students at the beginning of each quarter, semester, or summer session, as applicable. This presentation shall include information concerning how to file/report a discrimination or sexual harassment complaint.
 6. Provide training to certificated and classified staff regarding the District's "Nondiscrimination Statement" and "Sexual Harassment Policy" and communicate to staff their individual responsibilities to respond, intervene, and report such behavior.
 7. Certify on the "Administrator Certification Form" that the school/work location has complied with the mandates of this policy bulletin.



8. Refer to the Local District Office any complaint that names the principal as a respondent or any complaint that alleges school-wide discriminatory practices.

B. Title IX Complaint Managers shall:

1. Ensure that the “Title IX Complaint Manager” posters, in both English and Spanish, are 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.
2. Respond quickly to any complaints of sexual harassment and/or sex discrimination and take action to address the behavior, as well as provide support, information, and options to students regarding sex discrimination and/or sexual harassment.
3. Intervene immediately to witnessed events and take action to address sexual harassment and/or sex discrimination.
4. Refer any complaints about sexual harassment and/or sex discrimination involving an adult to the site administrator immediately.

C. Employees shall:

1. Share responsibility for modeling appropriate behavior and creating an environment where students and staff know that sexual harassment and/or sex discrimination will not be tolerated.
2. Support the District’s efforts to prevent sexual harassment and/or sex discrimination by taking steps to intervene immediately when such actions occur.
3. Encourage anyone alleging that he or she is a target of, has witnessed, or has information about sexual harassment and/or sex discrimination to report such an incident.
4. Report such situations/incidents to the site administrator and/or Title IX Complaint Manager when severe, frequent, or pervasive.
5. Cooperate in any investigation of a sexual harassment and/or sex discrimination complaint.



6. Guard against any actions that would be considered retaliatory against another employee or student who has filed or is participating in the investigation of a sexual harassment and/or sex discrimination complaint.

D. Students shall be informed that:

1. They are expected to act respectfully towards everyone, and should consider how others may perceive or be affected by their actions and words.
2. They have the responsibility to report situations/incidents of sexual harassment and/or sex discrimination to the designated site administrator or Title IX Complaint Manager in cases when they may be the witness or target of sexual harassment and/or sex discrimination.

V. NOTIFICATION – DISSEMINATION – POSTING

A. Employees

The “Nondiscrimination Statement” and the “Sexual Harassment Policy” which are attached to this bulletin shall be provided to all District employees on an annual basis 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 students at the beginning of each quarter, semester, or summer session, as applicable. This presentation shall include information concerning how to file/report a discrimination or sexual harassment complaint.
3. All secondary and adult schools are required to distribute the District’s “Title IX and Nondiscrimination” brochure to every student at the beginning of each school year.
4. For information on how to order the brochure (free from the Stores



Warehouse), see the memorandum issued annually by the Office of the General Counsel, *“Ordering and Distribution of Students Brochures - Title IX and Nondiscrimination and Section 504 and Students with Disabilities.”*

5. In Grades K-6, the brochure, “Students Don’t Let Others Bully or Harass You,” may be distributed to students and/or used as “talking points” for providing the required information. Copies may be found at the website of the Educational Equity Compliance Office: <http://www/lausd.k12.ca.us/lausd/offices/eec/>.

C. Parents and/or Guardians

The District’s *“Parent Student Handbook”* may be used to provide notification to parents and guardians of the District’s nondiscrimination statement and sexual harassment policy.

D. Notification – Posting

1. The District’s “Nondiscrimination Statement” and the “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.
2. The “Title IX Complaint Manager” posters, in both English and Spanish, attached to this bulletin are to be used to identify those school site administrators or designees designated to handle sex discrimination and sexual harassment complaints. Copies of the “Title IX Complaint Manager” posters in other languages may be obtained by calling Educational Equity Compliance Office at (213) 241-7682.
3. The “Title IX 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, the cafeteria, and student bulletin boards.

E. Notification - Publication

The District’s “Nondiscrimination Statement” and the “Sexual



Harassment Policy” one-page summaries, which are attached to this bulletin, shall be included in any school or District publication (e.g., a Student Planner, Student Handbook, or Staff Handbook) that sets forth the school’s or the District’s comprehensive rules, regulations, procedures, and standards of conduct.

VI. CONFIDENTIALITY AND NONRETALIATION

Complaints of sexual harassment shall be handled in a confidential manner to respect the privacy of all parties to the fullest extent possible. Every effort shall be made to limit the distribution of information to those persons who need to know within the confines of the District’s reporting procedures and investigation process.

The District will not tolerate retaliation against anyone who files a complaint or participates in the complaint investigation process. These confidentiality and nonretaliation 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 by a student or employee could constitute both child abuse and sexual harassment, the child abuse report should be filed immediately as required by District procedures.
2. Separate and apart from filing the suspected child abuse report, immediate steps should be taken to protect any alleged target of sexual harassment.
3. School site administrators are responsible for implementing the steps outlined in this policy for responding to and conducting a prompt investigation into whether sexual harassment occurred. This includes, but is not limited to, completing an “Incident Report Form – Complaint/Investigation Record” (attached to this bulletin). Using the “Incident Report Form – Complaint/Investigation Record” provides a vehicle to document the investigation and the actions taken.
4. School site 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.

A determination of whether child abuse or sexual harassment occurred involves very different standards and outcomes. Suspected child abuse investigations involve addressing possible criminal conduct; they are not designed to address administrative issues concerning the educational environment of students. Making a report of suspected child abuse does not relieve the District of its responsibility to take administrative action to respond, investigate, and determine whether sexual harassment occurred.

For further information on District child abuse reporting policies and procedures, see District's Policy Bulletin No. BUL-1347.0, dated November 15, 2004, issued by the Office of the General Counsel.

VIII. COMPLAINT PROCEDURES

When a complaint or a report of sexual harassment is received, it shall be given immediate attention. Described below are informal and formal methods of responding to sexual harassment complaints.

- A. Informal Process – School-Site: Informal resolutions of student sexual harassment complaints should be addressed at the school-site. 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 may initiate a formal complaint and file directly with the Local District Office.

The following steps may be followed to reach informal complaint resolutions:

1. Any written or oral report of sexual harassment is to be considered a sexual harassment complaint and must be addressed. This includes anonymous reports, oral or written. If the anonymous report contains sufficient information to identify an alleged target(s) and/or accused person(s), then a reasonable effort must be made to investigate and address the allegations.
2. Assure the target(s) of the sexual harassment that the District takes allegations of sexual harassment seriously, will not tolerate such treatment, and has strong policies against sexual harassment.
3. 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 alleged accused person(s) and any witnesses. If



age appropriate, request that the complainant(s) provide a written statement.

4. Provide the target(s) of the sexual harassment with assurances regarding confidentiality and nonretaliation.
5. Assure the target(s) of the sexual harassment that he/she will not be required to confront the accused person(s) and that steps will be taken to monitor that the alleged harassing behavior does not continue. Provide the individual with the names of school personnel who can help if the situation/incident continues, escalates, or occurs again.
6. Interview the accused person(s) and provide assurances regarding confidentiality and nonretaliation. If age appropriate, request that the accused person(s) provide a written statement.
7. Interview any witnesses identified by the target(s) of the sexual harassment and the accused person(s) and provide assurances regarding confidentiality and nonretaliation. If age appropriate, request that any witnesses provide a written statement.
8. Provide all parties, including parents and guardians, with the District's "Nondiscrimination Statement" and/or "Sexual Harassment Policy," as applicable. Secondary students may also be provided with the District's "Title IX and Nondiscrimination" brochure (see Section V - "Notification-Dissemination-Posting"). In Grades K-6, students may be provided with the brochure, "Students Don't Let Others Bully or Harass You."
9. When assessing complaints of sexual harassment, carefully consider all available information in determining whether the conduct described in the complaint violates the District's sexual harassment policy. The following five questions should be asked:
 - a. Was the conduct of a sexual nature?
 - b. Was the conduct unwelcome?
 - c. Did the conduct create a hostile environment for the alleged target of the harassment?
 - d. Was the conduct severe, persistent, or pervasive?
 - 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 - e are "yes," the conduct may be considered sexual harassment. However, conduct that does not rise to



the level of sexual harassment may still be considered inappropriate behavior and may require that corrective actions be taken.

10. Appropriate administrative steps in response to sexual harassment should include action(s) to end the harassment, monitoring that the conduct does not reoccur, and addressing any hostile environment that may have been created for the student(s) who had been the target(s) of the conduct. Response strategies may also involve the initiation of disciplinary proceedings.
11. Inform the complainant(s) in general terms that corrective actions have been or will be taken to resolve the complaint. Specific corrective actions with regard to employees or students are to be kept confidential.
12. Parents/guardians of the complainant(s) shall be informed of the filing, as well as the resolution of any complaint of sexual harassment. As appropriate, parents/guardians should be kept informed of the status of the investigation and resolution of the complaint. Care must be taken to protect the identity of the accused person(s) and any witnesses.
13. 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 or guardians of the harassing conduct. Student sexual orientation and/or gender identity cannot be divulged without permission of the student.
14. Monitor with the target(s) of the harassment that the harassment has ceased.
15. Use the "Incident Report Form - Complaint/Investigation Record" attached to this bulletin to document the actions taken to address the complaint and to monitor and assess the effectiveness of those actions.
16. The same "Incident Report Form - Complaint/Investigation Record" may be used when the conduct is determined to be inappropriate behavior that did not rise to the level of sexual harassment or when there are no findings of violations of the District's nondiscrimination or sexual harassment policies. Corrective actions may still be necessary and using the form provides a vehicle for the documentation of the investigation and the actions taken.



17. "Incident Report Form - Complaint/Investigation Record" forms must be safeguarded by keeping a separate school file for the retention of these records. Access to these records is to be restricted to those individuals who have a legitimate need for such access. These records must be kept for five years from the school year in which the complaint was filed. For accused student(s), duplicate copies should also be filed in each student's individual disciplinary file, as appropriate.
18. After monitoring that the harassment has stopped, forward a copy of the completed "Incident Report Form - Complaint/Investigation Record" to the Local District Operations Coordinator AND the Educational Equity Compliance Office - Beaudry - 20th Floor.

B. Formal Complaint of Discrimination/Appeal of School-Site Decision:

1. Any parent/guardian/individual/organization has the right to file a written complaint of discrimination within six months of the last occurrence or when knowledge of the complaint was first obtained. A complainant making a verbal complaint will be assisted by District personnel in making a written complaint.
2. The written complaint/appeal may be filed using the "Title IX Complaint Form" (FORM K), using the District's Uniform Complaint Procedure, 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: nature of the complaint, names of those involved, witnesses, and dates/places of occurrences.
 - b. The specific relief being sought.
 - c. Any other relevant or supportive documentation or information the complainant believes will provide assistance in understanding the complaint.
4. A referral will be made to the appropriate Local District Title IX Designee for investigation and response.

C. Formal Complaint/Appeal Process – Local District: The Local District will take the following steps in response to a formal written discrimination complaint or appeal of a school-site decision.

1. The Local District will provide the complainant with a written



acknowledgement of the complaint within 5 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 30 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(s) taken, will be provided at the conclusion of the investigation.

2. The Local District will conduct an impartial investigation and work to resolve the matter.
3. Within 30 days of receipt of the complaint/appeal, the Local District will provide to the complainant and the respondent a written report of findings and conclusions 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 Local District's decision to the District's Title IX Coordinator in the District's Educational Equity Compliance Office within 15 days of receipt of the Local District's decision letter.

D. Internal District Appeal Process to the District's Title IX Coordinator: If the complainant disagrees with the Local District Office decision, he or she may send an appeal to the District's Title IX Coordinator in the District's Educational Equity Compliance Office within 15 days of receipt of the Local District's decision letter.

1. The appeal must be in writing, signed, should state the reason(s) for the appeal, and list any steps that were already taken in an attempt to resolve the complaint. A copy of the Local District's decision letter should be forwarded with the appeal correspondence.
2. The complaint will then be reviewed by the District's Title IX Coordinator using the same steps outlined for the formal complaint/appeal investigation process.
3. A final written letter of findings will be provided to the complainant



with the disposition of the complaint and a rationale for the disposition.

- E. Further Options with Regard to Complaints of Discrimination: An appeal of either the Local District's or the Educational Equity Compliance Office's findings may also be made to the California Department of Education. The written appeal must be sent within 15 days of receipt of the letter of findings. Such appeals should be addressed to the: California Department of Education, Office of Equal Opportunity, 1430 N. Street – Room 6019, Sacramento, California 95814-5901.
- F. Civil Law Remedies: Pursuant to the California Education Code, Section 262.3, persons who have filed a complaint should also be advised that civil law remedies may be available to them.

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 Additional Grounds for Suspension or Expulsion; Sexual Harassment

California Penal Code, §422.55 Hate Crime Defined

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

Title IX Regulations, Title 34, Code of Federal Regulations, Part 106

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 Form - Memorandum issued annually by the Office of the General Counsel.
- Antibullying Policy (In Schools, at School-Related Events, and Traveling to and from School), Bulletin No. BUL-1038.1, dated August 16, 2004, issued by the Office of the Chief Operating Officer.
- Child Abuse and Neglect Reporting Requirements, Bulletin No. BUL-1347, dated November 15, 2004, issued by the Office of the General Counsel.
- Coordination of District Child Abuse Reporting Procedures and Sexual Harassment Policy, Reference Guide No. L-2 (Rev), dated June 20, 2003, issued by the Office of the General Counsel.
- Ordering and Distribution of Student Brochures - "Title IX and



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Nondiscrimination” and “Section 504 and Students with Disabilities” - Memorandum issued annually by the Office of the General Counsel.

- *Parent Student Handbook Distribution* - Memorandum issued annually by the Office of the Chief Operating Officer.
- *Required Nondiscrimination Notices* - Memorandum issued annually by the Office of the General Counsel. (This memorandum references requirements for the publication and dissemination of information relating to District nondiscrimination policies - including Title IX policies.)
- *Sexual Harassment Policy - Employees*, Bulletin No. BUL-1893.1, dated August 1, 2005, issued by the Office of the General Counsel.
- *Students Don't Let Others Bully or Harass You*, student brochure for Grades 1-6, may be downloaded from the Educational Equity Compliance Office website-<http://www/lausd.k12.ca.us/lausd/offices/eec/pdfs.htm>.
- *Title IX and Nondiscrimination - Students Know Your Rights*, student brochures may be ordered from the District's Schools Supplies and Equipment Warehouse by using the current "Catalog of Supplies and Equipment."
- *Title IX Policy/Complaint Procedures*, Bulletin No. BUL-2521.1, dated June 7, 2006, issued by the Office of the General Counsel.
- *Transgender and Gender Nonconforming Students - Ensuring Equity and Nondiscrimination*, Reference Guide No. REF-1557, dated February 15, 2005, issued by the Office of the General Counsel.
- *Uniform Complaint Procedures (UCP)* - Memorandum issued annually by the Specially Funded Programs Division. (This memorandum references an additional avenue provided by the District for the filing of complaints which allege that the District has practiced unlawful discrimination or has failed to comply with state or federal laws governing its educational programs, including failures to comply with Title IX.)

ASSISTANCE: For further information, to ask questions, to seek assistance, or for related resources, contact any of the following District Offices:

Local District Office

- Local District Operations Coordinator
- Local District Title IX Designee
- Staff Relations Coordinator (employee discipline related issues)

Educational Equity Compliance Office at (213) 241-7682

- Sue Spears, Director/District Title IX Coordinator

Equal Employment Opportunity Office at (213) 241-7685 (employee to employee sexual harassment complaints)

Office of General Counsel

- Field Services Team at (213) 241-7600



Student Discipline Proceedings Unit

- (213) 763-7450

Child Abuse Reporting Hotline

- Los Angeles Police Department at (213) 485-4700
- Department of Children and Family Services at (800) 540-4000
- Local Law Enforcement Agency, as applicable

Information regarding sexual harassment and Title IX (as well as copies of the District's policy bulletins on these subjects and copies of the above-referenced student brochures), as well as additional related information, may be found at the website of the Educational Equity Compliance Office: <http://www/lausd.k12.ca.us/lausd/offices/eec/>.

LOS ANGELES UNIFIED SCHOOL DISTRICT SEXUAL HARASSMENT 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 or students, or persons doing business for the District is a form of sex discrimination in that it constitutes differential treatment on the basis of sex, sexual orientation, or gender, and, for that reason, is a violation of state and federal laws and a violation of this policy.

The District considers sexual harassment to be a major offense which can result in disciplinary action to the offending employee or the suspension or expulsion of the offending student in grades four through twelve. Suspension or expulsion as a disciplinary consequence for sexual harassment shall not apply to students enrolled in Kindergarten and grades one through three. However, students enrolled in Kindergarten and grades one through three may be subject to other disciplinary actions.

Any student or employee of the District who believes that she or he has been a victim of sexual harassment shall bring the problem to the attention of the site administrator or Title IX Complaint Manager so that appropriate action may be taken to resolve the problem. The District prohibits retaliatory behavior against anyone who files a sexual harassment complaint or any participant in the complaint investigation process. Complaints will be promptly investigated in a way that respects the privacy of the parties concerned.

California Education Code Section 212.5 defines sexual harassment as any 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.**
- **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.**
- **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.**

Sexual harassment may include, but is not limited to:

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

**To obtain specific rules and procedures for reporting charges of sexual harassment
and for pursuing available remedies, contact:**

**Educational Equity Compliance Office [Sue Spears, Director, and District Title IX Coordinator]
at (213) 241-7682, when issues or complaints involve students,**

or

Equal Opportunity Section, at (213) 241-7685, when issues or complaints involve employees

DISTRITO ESCOLAR UNIFICADO DE LOS ANGELES NORMAS SOBRE EL ACOSO SEXUAL

El Distrito Escolar Unificado de Los Ángeles se ha comprometido a mantener un ambiente de trabajo y estudio que esté libre del acoso sexual. El acoso sexual en contra de los empleados o estudiantes o por parte de los mismos o en contra de personas que hagan trámites para el Distrito es una forma de discriminación sexual puesto que constituye un tratamiento diferencial basado en el sexo, orientación sexual, o identidad sexual de la persona, y por ese motivo, es una violación de las leyes estatales y federales y una violación de esta norma.

El Distrito considera que el acoso sexual es un delito mayor que puede traer como consecuencia una acción disciplinaria contra el empleado infractor o la suspensión o expulsión del estudiante infractor si éste es alumno de los grados del cuarto al duodécimo. La suspensión o la expulsión como consecuencia disciplinaria por el acoso sexual no se aplicarán a los alumnos matriculados en el jardín de infantes ni a los que cursan estudios en los grados del primero al tercero. Sin embargo, estos alumnos pueden ser objeto de otras acciones disciplinarias

A cualquier estudiante o empleado del Distrito que crea haber sido víctima de acoso sexual se le insta a traer el problema a la atención del administrador del plantel o de la persona encargada de la demanda del Título IX, de manera que se pueda tomar la medida apropiada para resolver el problema. El Distrito prohíbe las represalias contra quienquiera que entable una denuncia por acoso sexual o cualquier participante en el proceso de la investigación de la denuncia. Las denuncias serán investigada de manera expedita y respetando la privacidad de las personas involucradas.

El Artículo 212.5 del Código de Educación de California define el acoso sexual como cualquier conducta de índole sexual no deseada como pedir favores sexuales u otros ya sean verbales, visuales, físicos realizada por alguien que trabaje en el sitio, ya sea en el lugar de trabajo o en el plantel educativo, bajo las siguientes condiciones:

- **La sumisión a la conducta se vuelve explícita o implícitamente una condición del empleo, estado o progreso académico.**
- **La sumisión a la conducta por el individuo o el rechazo de la misma se utiliza como la base del empleo o de las decisiones académicas que afecten al individuo.**
- **La conducta tiene como propósito o efecto un impacto negativo en el trabajo o en el rendimiento académico del individuo o el efecto de crear un ambiente de trabajo o de estudio amedrentador, hostil u ofensivo.**
- **La sumisión a la conducta del individuo o el rechazo de la misma se usa como la base de cualquier decisión que afecte al individuo con respecto a las prestaciones y servicios, honores, programas o actividades disponibles en la entidad educativa o a través de la misma.**

El acoso sexual puede incluir, entre otras cosas, lo siguiente:

- La conducta verbal no deseada como los comentarios lascivos o despectivos; las indirectas, insultos o insinuaciones; las invitaciones o comentarios sexuales no deseados; insinuar por citas; hacer amenazas; o el difundir rumores acerca de otros y el calificarlos según su actividad o rendimiento sexual.
- La conducta visual no deseada como la exhibición de objetos, cuadros, carteles, material escrito, caricaturas o dibujos con insinuaciones sexuales, los graffiti de índole sexual o el uso de gestos obscenos.
- La conducta física no deseada que incluye tocar, pellizcar, besar, palmear, abrazar, obstaculizar el movimiento normal a alguien que no lo desee o agredir o interferir con el trabajo o el estudio de un individuo debido a su sexo, orientación sexual, o identidad sexual de la persona.
- Las amenazas y exigencias o presión para ceder a proposiciones indecorosas a fin de mantener un trabajo o posición académica o para evitar otras pérdidas y los ofrecimientos de beneficios a cambio de favores de tipo sexual.

Si desea información específica acerca de las reglas y los procedimientos para reportar cargos de acoso sexual y buscar las medidas correctivas apropiadas, comuníquese con:

Sue Spears, directora de la Oficina de Cumplimiento de la Equidad Educativa, y coordinadora distrito del Título IX, llamando al (213) 241-7682, cuando los casos o las quejas impliquen a estudiantes,

o

a la División de Igualdad de Oportunidades (Equal Opportunity Section), teléfono (213) 241-7685, cuando los casos o las quejas impliquen a empleados.

6/06

PLEASE POST

**THE TITLE IX*
COMPLAINT MANAGERS
FOR OUR SCHOOL ARE:**

ROOM #

ROOM #

ROOM #

**SEX DISCRIMINATION/SEXUAL
HARASSMENT IS ILLEGAL**

*Federal Title IX and state law prohibits discrimination on the basis of sex, sexual orientation, or gender, which includes prohibiting acts of sexual harassment.

PLEASE POST

**LAS PERSONAS DEL
TITULO IX* ENCARGADAS
DE ATENDER QUEJAS PARA
NUESTRA ESCUELA SON:**

SALÓN #

SALÓN #

SALÓN #

**DISCRIMINACION DE LOS
SEXOS O AL ACOSO SEXUAL
SON ILEGALES**

*La ley Federal del Título IX y del Estado prohíben la discriminación en base al sexo, orientación sexual, o identidad sexual de la persona, incluyendo actos prohibidos de acoso sexual.

LOS ANGELES UNIFIED SCHOOL DISTRICT
Educational Equity Compliance
TITLE IX SEX DISCRIMINATION/SEXUAL HARASSMENT COMPLAINT FORM

Person filing complaint:

Name			
	Last	First	Middle
Home Address			
	Street	City	Zip
Home Telephone		Other Contact Number	
Person Filing Complaint is:			
<input type="checkbox"/> Parent <input type="checkbox"/> Advocate <input type="checkbox"/> Student <input type="checkbox"/> Employee <input type="checkbox"/> Other			

Complaint filed on behalf of self (person filing complaint as indicated above) or on behalf of:

Name			
	Last	First	Middle
For Student:	/ /		
	Date of Birth	Grade	Track
		For Employee:	
			Employee Number
School/Work Site			Local District

Please give the facts about the complaint and attach any relevant documents if available:

Date of Incident	/ /	Place of Incident	
Names of Accused Persons			
Names of Witnesses			
Brief Description of Incident:			

Has your complaint been discussed with any LAUSD personnel? Yes No

If yes, to whom (person/office) have you spoken and what was the outcome?

Signature _____ Date _____

Los Angeles Unified School District -- Educational Equity Compliance
 333 South Beaudry Avenue, 20th Floor; Los Angeles, CA 90017 (School Mail: Beaudry Site, 20th Floor)
 Telephone: (213) 241-7682 FAX: (213) 241-3312 Web Site: <http://www.lausd.k12.ca.us/lausd/offices/eec>

**DISTRITO ESCOLAR UNIFICADO DE LOS ANGELES
Oficina de Cumplimiento de la Equidad Educativa**

TÍTULO IX – FORMULARIO DE QUEJA POR DISCRIMINACIÓN SEXUAL / ACOSO SEXUAL

La persona que presenta la queja:

Nombre			
	Apellido	Primer Nombre	Segundo Nombre
Domicilio			
	Calle	Ciudad	Código Postal
Teléfono Particular	Otro número		
La persona que presenta la queja es:			
<input type="checkbox"/> Padre de familia <input type="checkbox"/> Representante <input type="checkbox"/> Estudiante <input type="checkbox"/> Empleado <input type="checkbox"/> Otro			

Queja presentada por el interesado (persona que presenta la queja como se indica arriba) o en nombre de otra persona:

Nombre					
	Apellido			Primer Nombre	Segundo Nombre
Para el estudiante	/ /			Para el Empleado	
	Fecha de Nacimiento	Grado	Ciclo		Número del Empleado
Escuela / Lugar de trabajo				Distrito Local	

Explique los hechos que sustentan esta queja y adjunte documentos pertinentes:

Fecha del incidente	/ /	Lugar del incidente	
Nombre de los acusados			
Nombre de los Testigos			
Breve descripción del incidente:			

¿Ha sido tratada su queja con alguna persona de la administración del LAUSD? Sí No

Si marcó sí, explique con quien habló (persona u oficina) y cual fue el resultado.

Firma _____ Fecha _____

**Distrito Escolar Unificado de Los Angeles – Oficina de Cumplimiento de la Equidad Educativa
333 S. Beaudry, Piso 20, Los Angeles, CA 90017 (Correo de la Escuela: Beaudry Ave. Piso 20)
Teléfono: (213) 241-7682 FAX: (213) 241-3312 Web Site: [Http://www.lausd.k12.ca.us/lausd/offices/eec](http://www.lausd.k12.ca.us/lausd/offices/eec)**

**LOS ANGELES UNIFIED SCHOOL DISTRICT
INCIDENT REPORT FORM – COMPLAINT/INVESTIGATION RECORD**

Confidential--For School/District Recording Purposes Only

Send a copy of the completed Incident Report Form-Complaint/Investigation Record to Your Local District Operations Coordinator.

When investigating allegations of discrimination, sexual harassment, or hate-motivated incidents/crimes, a copy of the completed Incident Report Form-Complaint/Investigation Record should also be mailed to the Educational Equity Compliance Office – Beaudry – 20th Floor.

		Date of Report	
School		Local District	
		School Phone#	
Name/Title of Reporting Party		Phone #	Ext.

BRIEF DESCRIPTION OF INCIDENT:

INCIDENT INFORMATION:

Date/Time		Place/Incident	
Names of Any Witnesses			

Name of person who is the target of the behavior			
Student/Grade/DOB		Adult/Position	M <input type="checkbox"/> F <input type="checkbox"/>

Name of person who is the target of the behavior			
Student/Grade/DOB		Adult/Position	M <input type="checkbox"/> F <input type="checkbox"/>

Name of person who is accused of the behavior			
Student/Grade/DOB		Adult/Position	M <input type="checkbox"/> F <input type="checkbox"/>

Name of person who is accused of the behavior			
Student/Grade/DOB		Adult/Position	M <input type="checkbox"/> F <input type="checkbox"/>

BRIEF DESCRIPTION OF SCHOOL ACTIONS TAKEN/ADMINISTRATIVE FOLLOW-UP:

School		Date of Report	
		Local District	

CATEGORY OF INCIDENT/COMPLAINT:

Discrimination/Harassment	<input type="checkbox"/> Yes <input type="checkbox"/> No	Hate-Motivated Incident/Crime	<input type="checkbox"/> Yes <input type="checkbox"/> No
If yes is indicated above, then the attached Complaint/Investigation Record <u>MUST</u> be used to document the actions taken to address the complaint and to monitor or assess the effectiveness of those actions.			

REPORTED TO/SPOKE TO (as applicable):

Office/Unit Contacted	Name of Contact/Person Taking Report		
Local District Operations			
School Police (213) 625-6631	Officer/Badge #		Police Report #
Local Police Agency	Agency/Office		Badge #
Office of General Counsel (213) 241-7600 Child Abuse or Field Service Attorney			
Educational Equity Compliance (213) 241-7682			
Environmental Health & Safety (213) 241-3199			
Food Services (213) 241-2985			
Maintenance & Operations			
Mental Health (Crisis Team)			
Neighboring Schools (if applicable)			
Nursing Services			
Staff Relations			
Transportation (323) 342-1460			
Youth Relations (213) 745-1990			

NOTE: FOR ALL INCIDENTS/ACCIDENTS INVOLVING AN INJURY TO STUDENTS, EMPLOYEES, OR VISITORS, A SEPARATE INJURY/ ACCIDENT INVESTIGATION REPORT MUST BE FILED WITH THE: OFFICE OF ENVIRONMENTAL HEALTH & SAFETY – BEAUDRY, 20TH FLOOR [213-241-3196], AND OFFICE OF RISK MANAGEMENT & INSURANCE – BEAUDRY, 28TH FLOOR [213-241-3139].

School		Date of Report	
		Local District	

**COMPLAINT/INVESTIGATION RECORD
DISCRIMINATION/HARASSMENT AND/OR HATE-MOTIVATED INCIDENT/CRIME**

I. RECORD OF INVESTIGATION:

Interview alleged target of incident/crime	Date	Interview accused person	Date
Interview witnesses (if any)	Date		
Seek assistance from supervisor, other District offices, or other sources, as needed:			
Person/Office			Date
Person/Office			Date
Person/Office			Date
Person/Office			Date

II. FINDINGS/DETERMINATION:

<input type="checkbox"/>	Findings indicate that discrimination/harassment occurred.
<input type="checkbox"/>	Findings indicate that act of hate-motivated incident/crime occurred.
<input type="checkbox"/>	Findings indicate that inappropriate behavior occurred.
<input type="checkbox"/>	Nature of incident/complaint (check all that apply): <input type="checkbox"/> race <input type="checkbox"/> color <input type="checkbox"/> national origin <input type="checkbox"/> Other: <input type="checkbox"/> religion <input type="checkbox"/> disability <input type="checkbox"/> sex <input type="checkbox"/> sexual orientation <input type="checkbox"/> gender identity
<input type="checkbox"/>	There are no findings of hate motivated incidents/crimes, discrimination/harassment, or inappropriate behavior

III. ACTIONS TAKEN:

Involving Accused Person(s)	Date		Involving Alleged Target(s)	Date
<input type="checkbox"/> Provide Copy/Explain District Nondiscrimination Policy/Procedures		<input type="checkbox"/>	Provide Copy/Explain District Nondiscrimination Policy/Procedures	
<input type="checkbox"/> Provide Copy/Explain District Policy "Hate-Motivated Incidents and Crimes"		<input type="checkbox"/>	Provide Copy/Explain District Policy "Hate-Motivated Incidents and Crimes"	
<input type="checkbox"/> Disciplinary Conference		<input type="checkbox"/>	Administrative Conference	
<input type="checkbox"/> Referral for School Counseling		<input type="checkbox"/>	Referral for School Counseling	
<input type="checkbox"/> Education/Behavior Contract		<input type="checkbox"/>	Referral for Outside Counseling	
<input type="checkbox"/> Class Schedule Change		<input type="checkbox"/>	Parent Informed of Incident <input type="checkbox"/> Conference <input type="checkbox"/> Letter <input type="checkbox"/> Telephone ** Caution: In incidents involving sexual orientation or gender identity, consult with the student to determine an appropriate way to inform the student's parent(s) or guardian(s) of the incident or harassing conduct. Student sexual orientation and/or gender identity cannot be divulged without permission of the student.	
<input type="checkbox"/> Detention Assigned		<input type="checkbox"/>		
<input type="checkbox"/> Parent Informed of Incident <input type="checkbox"/> Conference <input type="checkbox"/> Letter <input type="checkbox"/> Telephone		<input type="checkbox"/>		
<input type="checkbox"/> Suspension		<input type="checkbox"/>		
<input type="checkbox"/> Opportunity Transfer		<input type="checkbox"/>		
<input type="checkbox"/> Expulsion		<input type="checkbox"/>	Monitor to Check that Unwanted Behavior Has Stopped	
<input type="checkbox"/> Accused Person's Parents Notified of Resolution of Incident		<input type="checkbox"/>	<input type="checkbox"/> After One Week <input type="checkbox"/> After Two Weeks	

IV. DESCRIBE ANY OTHER ACTIONS TAKEN OR FURTHER REMEDIAL ACTION TO BE UNDERTAKEN TO PREVENT RECURRENCE OF THE INCIDENT/BEHAVIOR:

V. NOTIFICATION OF FINDINGS AND ACTIONS TAKEN:

<input type="checkbox"/>	Targeted Person	Date		<input type="checkbox"/>	Parents	Date	
<input type="checkbox"/>	Accused Person	Date		<input type="checkbox"/>	Parents	Date	