

Title IX Protections

Who can report?

Anyone can report sex discrimination or sexual harassment to the Title IX Coordinator, a site Title IX Designee, someone with authority to take corrective action, or to any elementary or secondary school employee. Reports can be made in person, by mail, telephone or by emailing the Title IX Coordinator and can be made at any time using the contact information here. If a report is made, the District will inform the alleged target of the complaint process and supports available. School and work sites have designated personnel, Title IX Designees, to receive reports of Title IX violations and to assist.

District Title IX Coordinator

Julie Hall-Panameño, Director-Educational Equity Compliance Office
333 South Beaudry Avenue, 18th floor, Los Angeles, California 90017

Phone: 213.241.7682; Fax: 213.241.3312; Email: EquityCompliance@lausd.net; Website: <https://achieve.lausd.net/eeco>

What is sex discrimination or sexual harassment under Title IX?

Sexual harassment is conduct on the basis of sex that satisfies one or more of the following:

- An employee conditioning the provision of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct; typically referred to as "quid pro quo" sexual harassment;
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District's education program or activity; often referred to as "hostile environment" sexual harassment;
- Sexual assault, dating violence, domestic violence, and stalking as defined under the Clery Act or Violence Against Women Act. These particular acts are considered severe enough in that only one such incident may be considered sexual harassment.

How to file a complaint:

A target of sex discrimination or sexual harassment, their representative (a parent/caregiver, duly-authorized individual) or the Title IX Coordinator can file a formal written and signed complaint to request a Title IX investigation. A site Title IX Designee can assist. Formal complaints can be filed using this link: <https://forms.gle/EvXbyAqCN986gBuZ8>.

Support is available:

Supportive measures will be made available to involved parties in an equitable manner once the District knows about sex discrimination or sexual harassment and regardless of whether a formal complaint investigation is requested.

Supportive measures can be: referrals for Student Support Progress Teams; options to avoid contact or mutual restrictions on contact between parties, such as changes to seating/classes/student groupings/work locations, leaves of absence, safety plans, safe paths of travel, increased monitoring of certain areas of campus to prevent reoccurrence and other similar measures; training and educational materials; academic supports, extensions of deadlines or other course-related adjustments, and modifications of work or class schedules; counseling, health/mental health supports, and restorative justice.

If after an individualized safety and risk analysis, it is determined there is an immediate threat to physical health or safety of an individual arising from the allegations, a removal of the accused may be justified. Written notice will be provided with opportunity to challenge the decision. The District may place an employee respondent on administrative leave during the pendency of the grievance process. Removals may not change rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973 or under the Americans with Disabilities Education Act.

Informal resolutions can happen:

The parties may voluntarily agree in writing to an informal resolution (mediation, restorative justice) after the formal complaint is filed, except for when an employee is accused of misconduct involving a student. Any party may withdraw from informal resolution and resume the grievance process. A record of the informal resolution will be kept and can be shared.

What is the Title IX Grievance Process?

The investigation: Once a formal Title IX complaint is filed requesting an investigation, an investigator will be assigned. The parties will be treated equitably, including in the provision of supportive measures and remedies. They will receive notice of the specifics (e.g., when, where, who, conduct in question) of the allegations as known, and as any arise during the investigation. Persons involved in a Title IX complaint investigation have the right to an advisor of their choice, which could include an attorney. The investigator will be unbiased and free from conflicts of interest and will objectively review the complaint, any evidence, and any information from witnesses, expert witnesses and the parties. If the investigator conducts interviews, the parties will be provided time to prepare and will receive notice of the

time/date/location/participants/purpose for the interviews. The parties will have an equal opportunity to review the evidence gathered over a period of 10 days and will have opportunities to ask for additional relevant questions to be considered and to provide more evidence before the investigation summary is provided to the parties at the same time. Once the investigation summary has been provided, the parties have another 10 days to recommend additional relevant questions and evidence for consideration before a final determination is made by a different neutral decision-maker. Information protected by a legal privilege will not be used in the investigation unless the party holding the privilege waives it.

The final determination: Anyone accused of sex discrimination or sexual harassment will be presumed innocent at the beginning of the investigation; the District will review the evidence provided by all parties and will make a determination of responsibility after the investigation using a preponderance of the evidence standard of proof or more likely than not. The final determination will be provided to the parties at the same time with appeal rights provided. It will explain the policies that were violated, the steps and methods taken to investigate, the findings of the investigation, conclusions about the findings, the ultimate determination and the reasons for it, any disciplinary sanctions that will be imposed on the respondent, any remedies available to the complainant to restore or preserve equal access. Overall, the investigation and final determination will be generally no longer than 60 days, unless good cause arises to extend the timeline such as the unavailability of a party/advisor/witness, law enforcement activity or the need for language assistance or accommodation of disabilities. If so, a written explanation will be provided.

Remedies may be available:

Remedies are designed to restore or preserve equal access to the District's education programs or activities. Besides the supportive measures previously discussed, remedies may include: parent/student conferences; recovery time think sheets; behavior contracts; reflective behavior journaling; social emotional learning programs; warnings; detention; and formal discipline, such as suspension and expulsion.

A complaint can be dismissed:

A complaint may be withdrawn by the complainant. A complaint may be dismissed by the District if the incident does not constitute sexual harassment, did not occur in the United States, if the target was not participating in or attempting to participate in the District's educational programs or activities, if the respondent is no longer enrolled in or employed by the District, or if the District cannot gather sufficient evidence to reach a determination. The District will inform parties in writing at the same time. If warranted, the conduct may be addressed separately as provided in other District policies.

A dismissal or final determination can be appealed

Appeals are available after a complaint dismissal or after a final determination is made. Appeals can be made due to procedural irregularities in the investigation affecting the outcome, new evidence becoming available, or due to bias or a conflict of interest by Title IX personnel. Appeal requests must be made within 30 days of the District's final determination and include the rationale for the appeal. Parties will be given opportunity to submit a written statement in support of or against the final determination. A new decision-maker will issue the final decision at the same time to each party.

Constitutional protections exist:

The District will not restrict any rights that are protected from government action under the United States Constitution.

There are protections from retaliation:

No employee or other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege under Title IX, or because the individual made a report or complaint, testified, assisted, or participated or refused to participate in an investigation or proceeding under this law. Free speech does not constitute retaliation; charging someone with making a materially false statement does not constitute retaliation. A complaint can be filed for retaliation.

The Title IX law:

<https://www.federalregister.gov/documents/2020/05/19/2020-10512/nondiscrimination-on-the-basis-of-sex-in-education-programs-or-activities-receiving-federal>