

**TITLE:** Title IX Policy/Nondiscrimination Complaint Procedures (Including for Sex Discrimination and Sexual Harassment)

**NUMBER:** BUL-2521.4

**ISSUER:** Devora Navera Reed, General Counsel  
Office of the General Counsel

**DATE:** September 25, 2023

**ROUTING**  
All Employees

**PURPOSE:** The Los Angeles Unified School District (District) is committed to providing a learning and working environment in which all individuals are treated with respect and dignity. Each student and employee has a right to learn and work in an environment that is free from unlawful discrimination. No District student or employee shall be excluded from participation in, be denied the benefits of, or be subject to discrimination on the basis of actual or perceived gender/sex (including gender identity, gender expression, marital status, parenting, pregnancy, childbirth, breastfeeding, false pregnancy, termination of pregnancy and pregnancy related medical conditions), sexual orientation or a person’s association with a person or group with one or more of these actual or perceived characteristics in any District educational program or activity or to which it provides significant assistance.

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 law, 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 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 state 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 may 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. 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, makes a report on an individual's behalf, or participates in the complaint investigation process.

**MAJOR  
CHANGES:**

This Bulletin replaces BUL-2521.3 *Title IX Policy/Complaint Procedures* dated August 14, 2020. This policy revision includes updates required for compliance with state and federal notification requirements.

**GUIDELINES:****I. BACKGROUND**

Title IX of the Education Amendments of 1972 states, "No person . . . shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance."

California Education Code (E.C.) § 200 *et seq.*, affords 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.

California's public schools have an affirmative obligation to combat racism, sexism, and other forms of bias, and a responsibility to provide equal educational opportunity.

California law clarifies that gender means actual or perceived sex, and includes a person's gender identity and gender expression or gender-related appearance and behavior whether or not stereotypically associated with the person's assigned sex at birth.

State law elaborates that a pupil shall be permitted to participate in sex-segregated school programs and activities, including athletic teams and competitions, and use facilities consistent with the pupil's gender identity, irrespective of the gender listed on the pupil's records.

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.

Federal regulations provide new definitions of sexual harassment and mandated grievance procedures for addressing allegations specific to sexual harassment. Under the new regulations for Title IX of the Education Amendments of 1972, conduct on the basis of sex that satisfies one or more of the following may constitute sex discrimination or sexual harassment and will be addressed according to the protections afforded in this policy:

- An employee conditioning the provision of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct;
- 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;
- Sexual assault – an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation [See Attachment K for policy definitions related to sexual assault];
- Dating violence – violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship, the type of relationship, the frequency of interaction between the persons involved in the relationship;
- Domestic violence – includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is

cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction; or

- Stalking – engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others; or suffer substantial emotional distress.

Title IX only applies to such conduct occurring against a person in the United States, who is participating in or attempting to participate in the District's educational programs or activities; this includes locations, events or circumstances over which the District exercises or exercised substantial control over both the respondent and the context in which the conduct occurs or occurred.

Both law and District policy require that all educational programs and activities be conducted without discrimination based on legally protected characteristics.

## II. DEFINITIONS

See Attachment K for policy definitions.

## III. EQUAL TREATMENT OF STUDENTS ON THE BASIS OF ACTUAL OR PERCEIVED SEX IN EDUCATIONAL PROGRAMS AND ACTIVITIES

While the District does not discriminate on the basis of all protected characteristics per the annually issued memorandum *Nondiscrimination Required Notices and Ordering of Student Brochures*, state law assures equal treatment of students in educational programs and activities and specifies that equity on the basis of actual or perceived sex, sexual orientation, gender, gender identity or gender expression shall be practiced in the following ways:

### A. Programs and Activities

1. Students have the right to equal learning opportunities in their school.
2. Students may not be excluded from participation in, be denied the benefits of, or be subjected to harassment or other forms of discrimination on the basis of actual or perceived sex, sexual orientation, gender, gender identity or gender expression, disability, nationality, race or ethnicity, immigration status, religion, or association with anyone with one or more of these characteristics in any program or activity.

3. Students shall be permitted to participate in sex-segregated school programs and activities and use facilities consistent with the student's gender identity, irrespective of the gender listed on the student's record.

B. Course Accessibility and Instruction

1. Students may not be required to take or be denied enrollment in a course because of actual or perceived sex, sexual orientation, gender, gender identity or gender expression.
  - a. Instruction in all courses and classes must be co-educational, unless otherwise specified under law.
  - b. Elementary and secondary units of instruction, which deal exclusively with human sexuality, may be conducted in separate sessions for boys and girls in accordance with their gender identity.
  - c. Student grouping by vocal range and quality is allowed in a chorus or choruses.
  - d. Students have the right to be evaluated and graded without regard to actual or perceived sex, sexual orientation, gender, gender identity or gender expression.
  - e. Instructional materials and textbooks shall not contain any matter reflecting adversely upon persons because of actual or perceived sex, sexual orientation, gender, gender identity or gender expression, except if such passages are for historical reference.
  - f. Instructional materials and textbooks shall accurately portray the cultural, racial, gender, and sexual diversity of our society.
  - g. When developing the master program in secondary schools, consideration must be given to the naming and scheduling of classes as to promote sex/gender integration, especially in non-traditional course offerings.
  - h. In general, the law does not allow for sex segregation in educational programs except under limited conditions. California law, consistent with Title IX regulations, allows for the District to maintain existing single-sex instructional settings, wherein students may participate on the basis of their gender of identity, with evaluations of the school's programs' or classes' effectiveness to occur every two years at Girls Academic Leadership Academy, Boys Academic Leadership Academy and Young Oak Kim Academy.

**C. Counseling**

1. Students shall be provided counseling and guidance that is not discriminatory.
2. No counselor shall unlawfully discriminate against any student. Guidance counseling regarding school programs and career, vocational, or higher education opportunities shall not be differentiated on the basis of any protected category. In addition, counselors shall affirmatively explore with students the possibility of careers, or courses leading to careers, that are nontraditional for that student's sex.

**D. Physical Education**

1. All physical education classes, instruction and testing must be co-educational.
2. Regulations state that schools must not provide any course or otherwise carry out any of its education programs or activities separately on the basis of sex, or require or refuse participation by its students on such basis, including physical education classes.
3. Student grouping by ability is allowed. However, any grouping of students during physical education activities should be on-going, flexible, and modified per unit activity and may not have a discriminatory impact. Students are to be assessed by objective standards of individual performance without regard to sex.
4. See BUL-1826.0 *Sex Equity in Physical Education Programs* for detailed information regarding physical education.

**E. Athletics**

Compared programs must be equivalent, that is equal, or equal in effect. Identical benefit, opportunities, or treatment are not required, provided the overall effect of any differences is negligible. Overall, the athletic interests and abilities of male and female students must be equally and effectively accommodated. See Attachments S and T for further considerations in ensuring an equitable athletics program.

1. Schools shall offer all students equal opportunities to play sports.

2. Equipment and supplies, game and practice schedules, budgets, coaching, travel allowances, facilities, recruitment, publicity, support services and tutoring offered to teams shall provide comparable and equitable athletic opportunities for members of both sexes.
3. Students shall be permitted to participate in sex-segregated athletic teams and competitions consistent with their gender identity in accordance with California Interscholastic Federation guidelines.

F. Sexual Harassment

Sexual harassment of or by school employees or students is a form of sex and gender discrimination and is prohibited. School personnel must respond promptly to allegations of sexual harassment. Sections V, VIII and IX of this policy outline specific responsibilities of stakeholders and grievance procedures.

G. Pregnant and Parenting Students

1. No student or applicant for enrollment will be subject to discrimination on the basis of that student's pregnancy at any stage of pregnancy, childbirth, lactation status, false pregnancy, termination of pregnancy, recovery from pregnancy, or parental or marital status.
2. Pregnant and parenting students, regardless of their marital status, have the same rights as other students to remain in their current educational program or to attend any District school or program for which they would otherwise qualify and to do so in an environment free of discrimination or harassment.
3. Pregnant and parenting students must have full access to the same programs and activities for which they would otherwise qualify, including, but not limited to, graduation, awards, ceremonies, field trips, student clubs, after-school activities, and any other school-related programs/activities. As such, students cannot be expelled, suspended, or otherwise excluded from, or required to participate in, school programs/activities solely on the basis of their pregnancy-related conditions or parental/marital status.
4. District schools and programs shall make reasonable accommodations to facilitate the equal access and full participation of pregnant, lactating, breastfeeding and parenting students and employees.

5. Schools may require a pregnant female student to provide written permission from her licensed healthcare provider that she is physically and emotionally able to remain in or participate in a school activity or program only if such permission is also required for other health conditions or temporary disabilities requiring medical care.

See District policy BUL-2060.1 *Pregnant and Parenting Students Educational Rights* for detailed information regarding pregnant and parenting students.

H. Extra-Curricular Activities, Programs, and Clubs

Participation in all extra-curricular activities, programs, and student clubs shall be available to all students without regard to actual or perceived sex, sexual orientation, gender, gender identity or gender expression.

All student clubs are to have equal access to facilities and a fair opportunity to meet.

No extra-curricular activity, program, or club is to be labeled or scheduled with the result of the separation of students on the basis of actual or perceived sex, sexual orientation, gender, gender identity or gender expression. Participation in student clubs will follow guidelines for student body activities and student club bylaws.

I. Fundraising

Board Rule 1721 states, "It is the intent of the Board that no donation shall provide a substantial advantage in educational benefits to a school if such benefits cannot be balanced in all schools." When fundraising for programs and activities in a school, ensure equity across the school. Where booster clubs provide benefits and services to athletes of one sex that are greater than what the District is providing to athletes of the other sex, the District shall take action to ensure that the benefits and services are equivalent for both sexes. See Attachment T for further considerations around ensuring equity in fundraising.

IV. CERTAIN PROGRAMS AND ACTIVITIES ARE EXCLUDED

Title IX and the California Education Code do not apply to the following:

- A. YMCA, YWCA, Boy Scouts, Girl Scouts, Camp Fire Girls and voluntary youth service organizations.



- B. Father-son and mother-daughter activities, provided that comparable activities are offered for students of the other sex. Care must be taken that such activities accommodate for students and their various family configurations.
- C. Scholarships based upon a combination of factors where participation is limited to individuals of one sex, if the activity complies with other nondiscriminatory provisions of the law and District policy.

#### V. RESPONSIBILITY FOR POLICY IMPLEMENTATION

##### 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 oversee the site-based response to complaints of discrimination, harassment and retaliation in a safe and private manner. The District's Title IX Coordinator centrally coordinates provision of relevant investigators and Title IX decision-makers and provides training and resources for site-based Title IX/Bullying Complaint Managers as well.
  - a. The role of the Title IX/Bullying Complaint Manager is to oversee the prompt and equitable response to any complaints of harassment, discrimination, and retaliation, including sexual harassment or sex discrimination under state and federal law, as well as to provide or coordinate supportive measures, information, and options to the parties regarding sexual harassment, sex discrimination or retaliation. The Title IX/Bullying Complaint Manager also has responsibilities regarding addressing complaints of bullying and hazing as articulated in District policy BUL-5212.2 *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 or limited-English speaking complainants to access the Title IX/Bullying Complaint Managers and file a complaint. A complainant unable to make a written complaint will be assisted by District personnel.

2. 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 prevention and information about reporting and complaint procedures.
  3. Distribute the District's *Title IX Protections* (Attachments L, M) handout attached to this policy to every student at the beginning of each school year. The District provides elementary and secondary student-friendly brochures (Attachments O, P, Q, R) regarding Title IX to communicate this information in an age appropriate manner.
  4. Present the District's policy on nondiscrimination and sexual harassment prevention in age-appropriate language as part of any orientation for new students at the beginning of each semester or summer session as applicable. This presentation shall include information concerning what is sex discrimination or sexual harassment and how to report or file a discrimination or sexual harassment complaint.
  5. Provide training to certificated and classified staff regarding the District's nondiscrimination and sexual harassment prevention policies and communicate to staff their individual responsibilities to promptly respond, intervene and report such behavior.
  6. Certify in the Administrator Certification On-Line System that the location has complied with the mandates of this policy. See the *Administrator Certification On-Line System* memorandum issued annually by the Division of District Operations.
  7. Refer to the Office of Student Civil Rights and Region area 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 (Attachments E, F) 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. Employ this policy at the site, in consultation with the principal or designee, to provide a comprehensive system through which allegations of harassment, discrimination and retaliation can safely and easily be reported, complaints filed, and the ensuing investigations, interventions (e.g., supportive measures, remedies) and monitoring documented comprehensively using appropriate District forms and electronic protocols. Complainants should be assisted in filing a complaint if unable to do so due to age, disability or other reasons.
3. Respond quickly to any complaints and take action to address the behavior, as well as provide supportive measures, information and options regarding discrimination, harassment, and retaliation, regardless of whether a formal complaint is filed.
4. Intervene immediately to witnessed events and take action to resolve them.
5. Track, using District student information and incident reporting systems, the site's response to complaints to analyze and identify any patterns or systemic problems revealed in order that they may be addressed.
6. Promptly refer any complaints 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 harassment, discrimination and retaliation are 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 harassment, discrimination, retaliation, and take steps to intervene immediately and safely when such incidents occur.
5. Promptly report incidents to the site administrator or Title IX/Bullying Complaint Manager.

6. Encourage anyone alleging to be a target of, a witness to, or to have information about harassment, discrimination, or retaliation to report it to the designated administrator or Title IX/Bullying Complaint Manager.
7. Cooperate in complaint investigations.
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 harassment, discrimination or retaliation. Student resources, such as brochures, posters and videos can be found on District websites for [Human Relations, Diversity and Equity](#), [Office of Student Civil Rights](#), and attached to this policy.
3. They are to report incidents to an elementary or secondary school employee, the designated administrator, or Title IX/Bullying Complaint Manager in cases when they may be the witness or target.
4. They are never to engage in retaliatory behavior or ask, encourage or consent to anyone retaliating on their behalf.

## VI. NOTIFICATION – DISSEMINATION – POSTING

A. Employees

The *Nondiscrimination Statement* (Attachments A, B) and *Sexual Harassment Prevention Policy* (Attachments C, D) shall be provided to all District employees and unions annually at the beginning of each school year.

**B. Students**

1. All required District nondiscrimination policy statements are included in the *Parent Student Handbook*, which all schools are required to distribute to all students annually and at the time of initial enrollment.
2. The District's written policy on nondiscrimination and sexual harassment prevention 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 what discrimination or harassment is and how to report or file a complaint. Attached to this policy are a summary of protections and student-friendly brochures regarding Title IX to assist in informing students of their rights in an age-appropriate manner.

**C. Parents/Guardians and Third Parties**

The *Parent Student Handbook* is to be used to provide notification of the District's *Nondiscrimination Statement* and *Sexual Harassment Prevention Policy* to parents, guardians, and third parties.

**Notification – Posting**

1. The District's English and Spanish *Nondiscrimination Statement* and *Sexual Harassment Prevention Policy* posters must be posted in all
2. 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. The *Sexual Harassment Prevention Policy* must additionally be posted in a prominent and conspicuous location in each bathroom and locker room at a school.
3. The *Nondiscrimination Statement* and *Sexual Harassment Prevention Policy* posters can be accessed in Armenian, Chinese, Farsi, Korean, Polish, Russian or Tagalog, from the Office of Student Civil Rights website to duplicate then in the quantity necessary to meet the specific needs of the individual school's student population.

4. The *Title IX/Bullying Complaint Manager* posters attached to this policy are to identify those site-based administrators or designees designated to oversee discrimination, harassment or retaliation complaints. They 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.

#### Notification – Publication

The District's *Nondiscrimination Statement* and *Sexual Harassment Prevention Policy* poster summaries attached to this bulletin shall be included in school or District publications (e.g., student planners, student handbooks or staff handbooks) that set forth the school's or District's comprehensive rules, regulations, procedures and standards of conduct.

#### Notification – Internet

Schools shall post the following in a prominent and conspicuous location on their websites:

1. Names of the Title IX Complaint Managers for that school, including phone numbers and email addresses.
2. This website link, [Title IX and Nondiscrimination](#), which provides information regarding the rights of a pupil and the public and the responsibilities of the District under Title IX.
3. Those reporting or complaining about discrimination, harassment, or retaliation can also contact the District's Title IX Coordinator; contact information, including the website address, is noted at the end of this policy.

### VII. CONFIDENTIALITY AND NON-RETALIATION

Complaints shall be handled in a confidential manner to respect the privacy of all parties to the fullest extent possible under the law. The District must keep confidential the identity of any individual who has made a report or complaint, respondent, and witness, except as may be permitted by the

Family Education Rights and Privacy Act, required by other law, or to carry out the purposes of the Title IX regulations.

Parties are protected from retaliation. The District prohibits retaliation in any form against anyone who reports or files a complaint of suspected harassment or discrimination or participates in the complaint investigation process. Specifically, no District personnel or other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation or proceeding under this law.

Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances, for the purpose of interfering with any right secured by title IX constitutes retaliation.

The exercise of free speech under this law does not constitute retaliation. If the District charges an individual with making a materially false statement in bad faith, that does not constitute retaliation. A determination regarding responsibility alone at the conclusion of an investigation will not be sufficient to conclude that any party made a materially false statement in bad faith.

Retaliation is grounds for a separate complaint. Incidents of retaliation may be reported to the Title IX/Bullying Complaint Manager, a site administrator or to the District Title IX Coordinator for appropriate investigation and follow-up. These confidentiality and non-retaliation requirements extend to all parties involved.

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

- A. 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 *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 targets 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.
4. School administrators should communicate with the local law enforcement agency as to whether the District's investigation would compromise the local law enforcement agency's criminal investigation. Administrators should clarify when they can proceed with an administrative investigation. Once released to handle the issue administratively, administrators should promptly respond.

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 under relevant harassment and discrimination law and regulations.

5. For allegations of sexual misconduct involving employees as perpetrators, administrators should also consult with the Region Administrator of Operations or division head to coordinate next steps in addressing immediate safety under District policy.

IX. COMPLAINT PROCEDURES FOR COMPLAINTS FOR HARASSMENT, DISCRIMINATION OR RETALIATION OTHER THAN TITLE IX SEXUAL HARASSMENT

When a complaint or a report of discrimination, harassment or retaliation is received, it shall be given immediate attention. Schools/sites that have actual knowledge of possible discrimination or harassment must promptly respond to determine what occurred and take appropriate steps to provide supportive measures, to ensure parties are afforded their rights and appropriate grievance procedures, eliminate any immediate safety concern, and prevent recurrence.



Complainants may access appropriate channels for site level support or formal complaint venues as described below. Prompt site-level responses are encouraged for expedient resolutions. However, immediately direct a formal complaint to the Region or relevant Division Head and the Office of Student Civil Rights if the complainant names a principal as a respondent or the complaint alleges school-wide discriminatory practices. Otherwise, refer to BUL-6612 *Non-Discrimination and Anti-Harassment (Including Sexual Harassment) Policy and Complaint Procedure* for additional protections regarding employee-to-employee related harassment, discrimination or retaliation complaints.

Below are the guidelines for investigating and responding to complaints under state law and the District's Uniform Complaint Procedures (Sections A-D), and for formal sexual harassment complaints that fall under Title IX (Section E).

A. Site Level Response:

Any written or oral report of harassment, discrimination or retaliation must be addressed. Under state law, a reasonable effort must be made to investigate and address allegations submitted anonymously if the report contains sufficient information to identify parties involved.

The following guidelines are recommended for sites to investigate and resolve complaints that do not fall under or rise to the level of sexual harassment for a formal Title IX complaint, but may fall under state nondiscrimination law generally:

1. Assure the parties that the District takes the allegations seriously, will not tolerate such treatment, and has strong policies against it.
2. Inform the parties of applicable confidentiality and non-retaliation guidelines.
3. Assure the parties supportive measures will be provided in addition to any measures taken to effectively address any alleged discriminatory, harassing or retaliatory behavior, to include providing additional monitoring of the safety of parties and any specific steps to eliminate the conduct. Make parties aware of

the range of available supportive measures (Attachments K, L, M) and the right to report a crime to law enforcement regardless of whether a formal complaint is filed. In general, provide supportive measures to the parties in an equitable manner.

4. Provide the names of school or District personnel who can help if the situation continues or escalates.
5. Provide all parties, including parents and guardians, with the District's *Nondiscrimination Statement* and/or *Sexual Harassment Prevention Policy* poster summaries or *Title IX Protections* handout, as applicable. The *Sexual Harassment Prevention Policy Acknowledgement* form (Attachment N) can be used to document the sexual harassment prevention policy has been reviewed and/or explained and is understood by all parties.
6. Harassment: Apart from providing supportive measures and/or investigating complaints generally as outlined here, when determining whether to investigate sexual harassment complaints at the site level, carefully consider all available information and relevant sexual harassment definitions in determining whether the conduct described, if true, would violate the District's sexual harassment policy under either Title IX regulations or state law. Different grievance procedures are available depending on whether Title IX is invoked. For the grievance procedures specific to sexual harassment under Title IX regulations, please see Section E below. Otherwise, refer to the site-level response and Uniform Complaint Procedures outlined here.

Discrimination: When investigating discrimination complaints, carefully consider all available information in determining whether the conduct described in the complaint violates the District's nondiscrimination policy. The following three questions should be asked:

- a. Was the individual treated differently in a way that interfered with or limited the ability of the student to participate in or benefit from a District program or activity?

- b. Was the different treatment based on actual or perceived sex, sexual orientation, gender, gender identity or gender expression [or other protected characteristic under nondiscrimination law]?
- c. Did the context or circumstances of the incident(s) provide a legitimate and non-discriminatory basis for the different treatment pursuant to District policy?

When, based on the evidence obtained as part of the investigation, the answers to questions “a” and “b” are “yes” and the answer to “c” is “no,” the incident/situation may be considered discrimination. However, conduct that does not rise to the level of discrimination may still be considered inappropriate behavior and may require that corrective actions be taken pursuant to other District policies.

7. Obtain specific information relevant to the complaint such as where, when, and the frequency with which any incidents occurred, as well as the identities of all involved or affected parties.
8. Interview the complainant, respondents, any witnesses, or other affected parties identified by complainant or a respondent, and provide assurances regarding confidentiality and non-retaliation.
9. If appropriate, request that parties provide written statements. If 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. Additionally, preserve any evidence and documentation provided by the parties, such as emails, screenshots, pictures and physical evidence.
10. Take appropriate administrative steps to respond to the allegations, including acting to end the conduct, monitoring to ensure it does not reoccur and addressing any hostile environment. Provide supportive measures whether or not a formal complaint is filed and throughout any grievance procedure. Supportive measures and remedies (defined in Attachment K) are to be memorialized using the District’s electronic tools for documenting supportive measures, discipline, and counseling. Use the District’s electronic tool, known as the Incident System Tracking Accountability Report (ISTAR), to document incidents,

investigations, and resolutions. See District policy BUL-5269 *Incident System Tracking Accountability Report (ISTAR)*.

11. An emergency removal of an accused may be justified if, after an individualized threat assessment, it is determined that a threat to physical health and safety of an individual arises from allegations of sexual misconduct. Consult with Crisis Counseling & Intervention Services, School Mental Health and/or Student Discipline and Expulsion Support in these instances.
12. Refer to District discipline-related policies for further guidance regarding supportive measures, interventions, and remedies available. Under Title IX, the parties may voluntarily agree in writing to an informal resolution after a formal complaint has been filed, except for when an employee is accused of misconduct with a student. Informal resolutions shall not be attempted to resolve allegations that an employee sexually harassed a student.
13. Inform parties, including parents/guardians or duly authorized representatives, in general terms that the District protects the privacy and confidentiality of individuals regarding the outcomes of the complaint and whether supportive measures, disciplinary actions or remedies have been or will be taken to resolve the complaint within parameters of the law and regulations. Confidentiality laws prohibit sharing information about a child's educational records, disciplinary actions, counseling or other sensitive information to persons other than that child's legal parents/guardians and authorized staff within the parameters provided under the Family Education Rights and Privacy Act or within given exceptions provided for under Title IX regulations. For assistance in providing written communication to parents/guardians of students of the school's administrative measures, see *Sample Letter to Parents* (Attachments I or J). Explain any appeal processes available to the parties.
14. If a student has been a target based on actual or perceived sexual orientation or gender identity, consult with the student to determine an appropriate way to inform the student's

parents/guardians of the conduct. Student sexual orientation or gender identity should be divulged only on a need-to-know basis among staff and not otherwise divulged without permission of the student. See District policy BUL-6224.2 *Gender Identity and Students – Ensuring Equity and Nondiscrimination*. Students are protected from discrimination or harassment on the basis of actual or perceived gender and sexual orientation under state law and can access complaint procedures at the site-level or under the District’s Uniform Complaint Procedures as outlined in Section B.

15. Monitor with parties that the misconduct has ceased. For example, arrange for a designated staff person to check-in with parties after one week and again after two weeks to evaluate whether supportive measures provided to the parties have been effective. Update incident records to reflect whether the matter has resolved. If the conduct has not ceased, additional actions and monitoring will be required.
  16. Records related to harassment, discrimination and retaliation investigations, including sexual harassment investigations and determinations, supportive measures or informal resolutions offered, related disciplinary actions and remedies imposed, as well as any appeals and outcomes must be safeguarded. Supportive measures, disciplinary actions and remedies for students are documented in the student information system. Otherwise, retain investigation-related records in a separate school file in a central location as opposed to a student’s cumulative record. Update any related investigation or incident records. Access to these records is restricted to those individuals with a legitimate need for such access. These records must be kept for seven years from the school year in which the complaint was filed. Duplicate copies should also be filed in each respondent student’s individual disciplinary file.
- B. Formal Complaint of Discrimination, Harassment, Retaliation and/or Appeal of Site Informal Decision under the District’s Uniform Complaint Procedures (UCP):
1. In addition to or instead of filing a complaint at a site, individuals have the right to file a formal written complaint with the Office of Student Civil

Rights 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 UCP complaint 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. 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 Office of Student Civil Rights at 333 South Beaudry Avenue, 18<sup>th</sup> Floor, Los Angeles, California 90017 for appropriate investigation and response. If the complaint constitutes sexual harassment under Title IX, the complaint will instead be addressed under the Title IX grievance procedure outlined in the *Title IX Protections* handout.

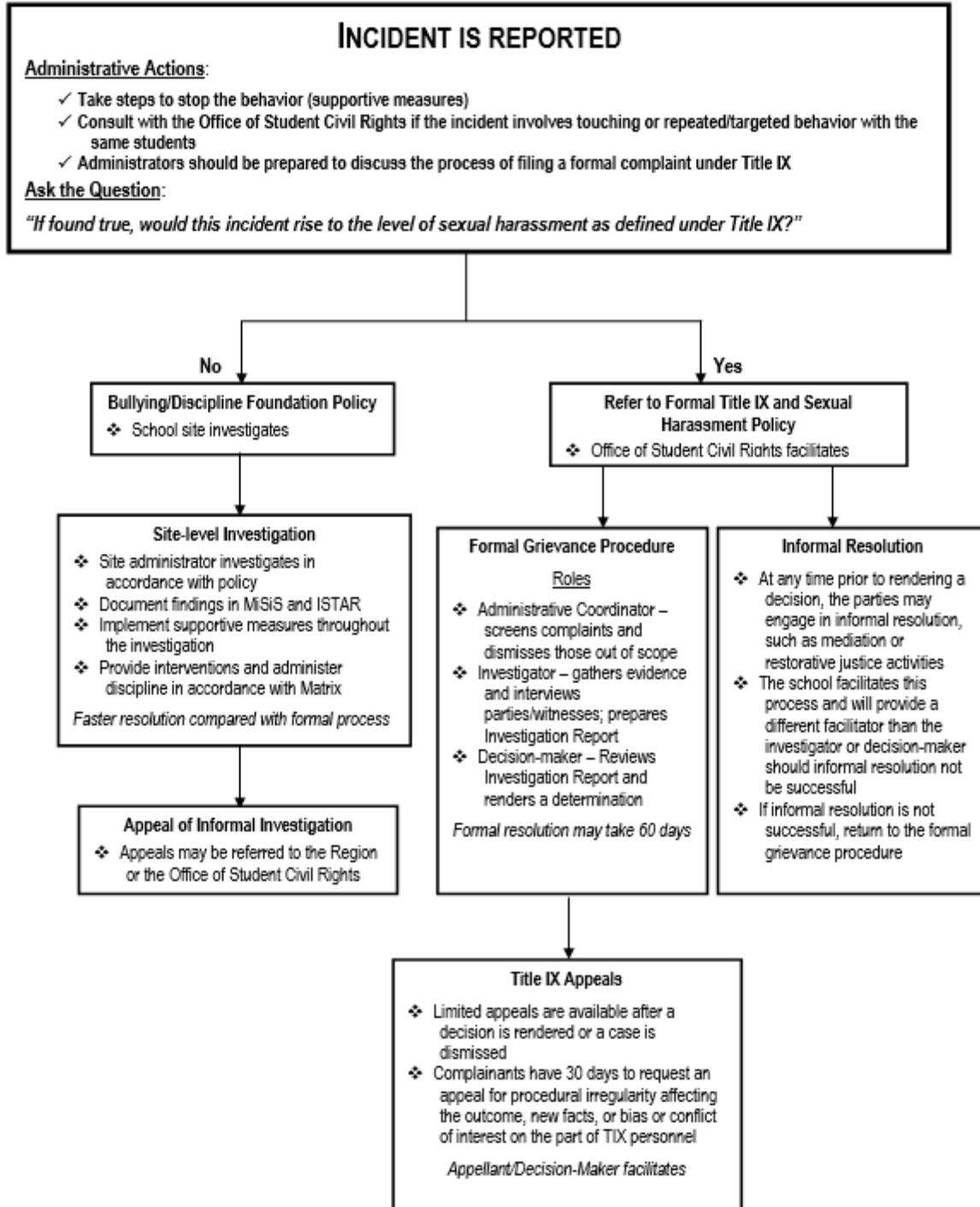
C. Formal Complaint/Appeal Process under Uniform Complaint Procedures - The Office of Student Civil Rights will follow steps outlined below and in the UCP policy in response to a formal written discrimination, harassment or retaliation complaint generally or appeal of a site decision:

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 prohibits retaliation in any form for filing a complaint/appeal, reporting instances of noncompliance, discrimination, harassment, intimidation and/or bullying or for participation in the complaint-filing or investigation process. These non-retaliation requirements extend to all parties involved.
  - b. A statement advising the complainant of the option to appeal the Office of Student Civil Rights' decision to the California Department of Education within 30 days of the date of the Office of Student Civil Rights' investigation report.
- D. Further Options Regarding Appealing Complaints Addressed Under the UCP (Non-Title IX defined Sexual Harassment Complaints)

A complainant may appeal the Office of Student Civil Rights' findings to the California Department of Education – Education Equity Office within 30 days of the date of the District's investigation report. Such appeals must specify reasons for appealing the decision, include a copy of the original complaint and District decision and be addressed to: California Department of Education, Education Equity Office, 1430 N Street, Sacramento, California 95814.

**Investigation Structure**  
Aligned with 2020 Title IX Regulations





E. Formal Complaint Investigation Process for Sexual Harassment Under Title IX Regulations

1. The investigation of a Title IX sexual harassment complaint:

Provide a complainant with the *Title IX Protections* (Attachments L, M) identifying the District's Title IX Coordinator and explaining the specific grievance process and any additional protections, along with the *Title IX Complaint Form* (Attachments G, H) or the link, <https://forms.gle/EvXbyAqCN986gBuZ8>, to file a formal complaint in instances where sex-based conduct reported may constitute sexual harassment as defined in relation to Title IX:

- An employee conditioning the provision of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct;
- 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;
- Sexual assault, dating violence, domestic violence or stalking as defined under the Clery Act or Violence Against Women Act [See Attachment K for related policy definitions].

It is important to note that conduct that does not meet the impact criteria under Title IX, may violate other state laws or District policies regarding student misconduct, be inappropriate and require an immediate response in the form of supportive measures and remedies to prevent its recurrence and address its effects. Document any resolutions of such in relevant electronic systems. In cases where conduct does not constitute sexual harassment under Title IX, proceed with the site-level investigation or formal complaint procedures under the District's Uniform Complaint Procedures as outlined in Section B.

Once a formal Title IX complaint is filed with the Office of Student Civil Rights/District Title IX Coordinator 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 of the allegations as known, and as any arise during the investigation. Persons involved in a Title

IX complaint investigation may have 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.

2. The final determination of a Title IX sexual harassment complaint:

Anyone accused of sex discrimination or sexual harassment under Title IX will be presumed innocent at the beginning of the investigation; the District will review the evidence provided by all parties and will make a final determination of responsibility after the investigation using a preponderance of the evidence standard of proof. The decision-maker will not be the Title IX Coordinator, the investigator, or any other individual who may have a conflict of interest. The final determination will be provided to the parties at the same time with appeal rights provided. It will explain if any policies 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 (See Attachment K for policy definition of remedies) 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.

3. Dismissals of Title IX sexual harassment complaints:

A complaint filed under Title IX may be withdrawn by the complainant. A Title IX complaint may be dismissed by the District if the incident does not constitute sexual harassment as defined under Title IX, 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 this or other District policies.

4. Appeals of a dismissal or final determination of a Title IX sexual harassment complaint

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 that may have affected the outcome. 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.

5. Constitutional protections under Title IX sexual harassment grievance procedures:

The District will not restrict any rights that are protected from government action under the United States Constitution. More protections are outlined in *Title IX Protections*.

F. Civil 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 or orders may also be available to them under California or federal discrimination, harassment, intimidation and/or bullying laws.

**ATTACHMENTS:** Attachment A: *Nondiscrimination Statement* (English)  
Attachment B: *Nondiscrimination Statement* (Spanish)  
Attachment C: *Sexual Harassment Prevention Policy* (English)  
Attachment D: *Sexual Harassment Prevention Policy* (Spanish)  
Attachment E: *Title IX/Bullying Complaint Manager Poster* (English)  
Attachment F: *Title IX/Bullying Complaint Manager Poster* (Spanish)  
Attachment G: *Title IX Complaint Form* (English)  
Attachment H: *Title IX Complaint Form* (Spanish)  
Attachment I: *Sample letter to Parents* (English)  
Attachment J: *Sample Letter to Parents* (Spanish)  
Attachment K: *Policy Definitions*  
Attachment L: *Title IX Protections* (English)  
Attachment M: *Title IX Protections* (Spanish)  
Attachment N: *Sexual Harassment Prevention Policy Acknowledgement*  
Attachment O: *Title IX and Nondiscrimination, Students: Know Your Rights* (English)  
Attachment P: *Title IX and Nondiscrimination, Students: Know Your Rights* (Spanish)  
Attachment Q: *Respect Each Other: Help Stop Bullying or Harassment* (English)  
Attachment R: *Respect Each Other: Help Stop Bullying or Harassment* (Spanish)  
Attachment S: *Athletics Information Sheet*  
Attachment T: *Guidelines, Title IX, and Athletic Financial Assistance*

**AUTHORITY:** This is the policy of the Superintendent. The following legal standards are applied:

Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681, *et seq.*  
Title IX Regulations, Title 34, Code of Regulations, Part 106  
California Education Code, § 200, § 201, § 220, § 221.5, § 221.7, § 221.8, §§ 222-224,  
§ 230, § 262.3, § 46010.1, § 48205, § 49602, §51222, § 51241  
California Family Code, § 6924, and § 6925  
California Penal Code, § 11166  
Title 5, California Code of Regulations, §§ 4600-4687, § 4900, *et seq.*  
“Sexual assault” as defined in 20 U.S.C. 1092(f)(6)(A)(v)  
“Dating violence” as defined in 34 U.S.C. 12291(a)(10)  
“Domestic violence” as defined in 34 U.S.C. 12291(a)(8)  
“Stalking” as defined in 34 U.S.C. 12291(a)(30)  
FERPA statute, 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99

**RELATED****RESOURCES:**

- [Administrator Certification On-Line System](#), Memorandum issued annually by the Office of the Superintendent
- [Board Resolution, To Enforce the Respectful Treatment of All Persons](#)
- [Bullying and Hazing Policy \(Student-to-Student and Student-to-Adult\)](#), BUL-5212.3, Division of District Operations
- [Child Abuse and Neglect Reporting Requirements](#), BUL-1347.5, Office of the General Counsel
- [Code of Conduct with Students – Distribution and Dissemination Requirement](#), BUL-5167.1, Office of the Superintendent
- [Discipline Foundation Policy: School-Wide Positive Behavior Intervention and Support](#), BUL-6231, Office of the Superintendent
- [Expulsion of Students – Policy and Procedures](#), BUL-6050.2, Office of the Superintendent
- [Guidelines for Student Suspension](#), BUL-5655.3, Office of the Superintendent
- [Incident System Tracking Accountability Report \(ISTAR\)](#), BUL-5269.3, Office of the Superintendent
- [Lactation Accommodations for Employees](#), BUL-6689, Office of the General Counsel
- [Nondiscrimination Required Notices and Ordering of Student Brochures](#), Memorandum issued annually by Office of the General Counsel
- [Parent Student Handbook](#), Memorandum issued annually by the Office of the Superintendent
- [Pregnant and Parenting Students Educational Rights](#), BUL-2060.2, Student Health and Human Services and Office of the General Counsel
- [Protocols and Procedures to Report, Reassign and Investigate Allegations of Employee Misconduct](#), BUL-044381.1, Human Resources Division
- [Hate-Motivated Incidents and Crimes – Response and Reporting](#), BUL-2047.2, Office of the General Counsel
- [Clarification of Sex Equity in Physical Education Programs](#), BUL-1826, Instructional Services
- [Sex-Specific and All-Gender Single and Multiple-User Restrooms](#), REF-6799.1, Office of the General Counsel
- [Non-Discrimination and Anti-harassment \(Including Sexual Harassment\) Policy and Complaint Procedure](#), BUL-6612.1, Office of the General Counsel
- [Gender Identity and Students – Ensuring Equity and Nondiscrimination](#), BUL-6224.2, Office of the General Counsel
- [Uniform Complaint Procedures \(UCP\)](#), BUL-5159.11, Office of the General Counsel

**ASSISTANCE:** For further information or assistance:

Office of Student Civil Rights (Student-Related Matters) (213) 241-7682;  
<https://www.lausd.org/oscr>; [LGBTQ resources](#)

Binh Nguyen, Director  
District Title IX & Section 504 Coordinator  
[EquityCompliance@lausd.net](mailto:EquityCompliance@lausd.net)

Equal Opportunity Section (Employee-Related) (213) 241-7649;  
<http://achieve.lausd.net/Page/3056>

Human Relations, Diversity and Equity (213) 241-8719;  
<https://achieve.lausd.net/human-relations>

MyPLN Web-Based Trainings

- Title IX Complaint Manager Training
- Nondiscrimination On the Basis of Sex in Education Training

Region Offices

- Region Administrator of Operations or Operations Coordinator
- Region Title IX Designee

Office of the General Counsel (213) 241-7600

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