



LOS ANGELES UNIFIED SCHOOL DISTRICT
Policy Bulletin

TITLE: NON-DISCRIMINATION AND ANTI-HARASSMENT (INCLUDING SEXUAL HARASSMENT) POLICY AND COMPLAINT PROCEDURE

NUMBER: BUL-6612.0

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

DATE: November 10, 2015

ROUTING
All
Employees

POLICY: The Los Angeles Unified School District is committed to maintaining a working and learning environment that is free from discrimination and all forms of harassment of or by employees, students, or persons doing business for the District.

This Policy prohibits discrimination and harassment or differential treatment on the basis of race, gender/sex (including gender identity, gender expression, pregnancy, childbirth, breastfeeding, and pregnancy related medical conditions), sexual orientation, religion, color, national origin, ancestry, physical or mental disability, medical condition (cancer-related and genetic characteristics), military and veteran status, marital status, registered domestic partner status, age (40 and above), genetic information, political belief or affiliation (not union related), or any other basis protected by federal, state or local law, ordinance, or regulation. All such discrimination and harassment is unlawful, including such harassment against applicants, employees, and persons who provide services pursuant to a contract. Such individuals are protected from discrimination or harassment based on the above-listed protected categories, whether they actually have or are perceived to have these characteristics. The District's policy prohibits all employees from engaging in discrimination and harassment, whether directed toward other employees, students, or non-employees with whom the District has a business, service or professional relationship. Similarly, all non-employees are prohibited from engaging in discrimination and harassment based on any protected category at the District.

The District considers discrimination or harassment of any kind to be a major offense, which can result in disciplinary action to the offending



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employee up to and including termination.

Any District employee who believes that she or he has been a victim of discrimination or harassment by another employee or nonemployee shall bring the problem to the attention of the site administrator, designee, or her or his immediate supervisor so that appropriate action may be taken to resolve the problem. 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 complaint of discrimination or harassment or any participant in the investigation of such a complaint.

MAJOR CHANGES:

This bulletin replaces Bulletin No. S-27, Employment Discrimination Complaint Procedure, issued by Human Resources, dated December 3, 2001, and Bulletin No. 1893.1, "Sexual Harassment Policy (Employee-To-Employee)," issued by the Office of General Counsel, dated August 1, 2005. This revision combines the two former Bulletins into a single Bulletin and contains updated information regarding the related resources listed. This revision also reflects current state and federal requirements and provides guidance and procedures for investigating complaints of discrimination and harassment.

The following guidelines apply.

GUIDELINES:

I. DEFINITIONS

A. Complaint as it relates to this Policy shall mean allegations of workplace discrimination or harassment in violation of federal, state, or local laws or District Equal Employment Opportunity policies. A Complaint under this Policy covers allegations of workplace discrimination or harassment based upon an individual's race, gender/sex (including gender identity, pregnancy, childbirth, breast feeding, and pregnancy related medical conditions), actual or perceived sexual orientation, religion, color, national origin, ancestry, physical or mental disability, medical condition (cancer-related and genetic characteristics), military and veteran status, marital status, registered domestic partner status, age (40 and above), genetic information, political belief or affiliation (not union related), or any other basis protected by federal, state or local law, ordinance, or regulation, including retaliation for making a Complaint or participating in an inquiry about such conduct.

For purposes of this Policy, Complaint does **not** include:

- Allegations based upon union affiliation/activities;



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- Workplace Violence, Bullying, and Threats not based upon a Protected Category as defined below (Please refer to Bulletin 5610.0 dated September 30, 2011); or
- Request for a reasonable accommodation under Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act (Please refer to Bulletin No. S-6 (Rev.) dated August 15, 2001).

Complaints should be made in writing utilizing the Employment Discrimination/Harassment Complaint Form (Attachment A). The Complaint should indicate if it is being submitted at the site level of to the District's Equal Opportunity Section (EOS).

Employees who perceive they are being treated disrespectfully or subjected to workplace harassment that is not based upon a Protected Category should report it to the site administrator or designee. If the employee's complaint is against the site administrator, then the complaint should be made to the Principal Leader at the Local District level.

B. Complainant shall refer to an employee who files a Complaint alleging a violation of this policy or non-discrimination and anti-harassment laws, regulations, or ordinances against another employee or nonemployee. A Complainant can also be a person providing services pursuant to a contract with the District.

C. Equal Opportunity Section (EOS) shall refer to the office designated by the District to investigate employee discrimination or harassment complaints. EOS is responsible for the administration of the District's equal opportunity policies and programs, including the Investigation of discrimination and harassment complaints that have been filed with a state or federal agency, or those complaints filed internally, which could not be resolved at the site level.

D. Investigation shall refer to an official inquiry and systematic examination of the allegation(s) in order to make a determination as to the merits of the Complaint. The Investigation is not governed by the strict rules of evidence, cross-examination, or civil discovery rules. Its purpose is to provide a fair and expeditious administrative review of Complaints.

The Investigation procedures include:

1. An evaluation of the allegations of employment discrimination or harassment as presented in the Complaint.
2. Interviewing both the Complainant and Respondent.
3. Interviewing relevant witnesses to the alleged discriminatory action or harassment.
4. Examination of any relevant evidence.



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5. Informing all concerned that the matter is confidential and that no retaliation shall be tolerated.

E. Protected Category(ies) shall refer to gender/sex (including gender identity, gender expression, pregnancy, childbirth, breastfeeding, and pregnancy related medical conditions), race, actual or perceived sexual orientation, religion, color, national origin, ancestry, physical or mental disability, medical condition (cancer-related and genetic characteristics), military and veteran status, marital status, registered domestic partner status, age (40 and above), genetic information, political belief or affiliation (not union related), or any other basis protected by federal, state or local law, ordinance, or regulation.

F. Respondent shall refer to the individual (e.g., the supervisor, co-worker, non-employee third parties, including parents or vendors) alleged to have committed acts in violation of this policy or non-discrimination and anti-harassment laws, regulations, or ordinances.

II. UNDERSTANDING DISCRIMINATION AND HARASSMENT

As a general rule, employees should be referred to as individuals, rather than in reference to the individual's membership in any of the Protected Categories.

Even complimentary statements that refer to a Protected Category are demeaning because they fail to recognize the person as an individual.

References to any of the Protected Categories are normally not job-related and, thus, there is no valid reason to make such references in most business situations.

Although an individual may be proud of his or her affiliation with a Protected Category, and the individual may refer to his or her own membership in a Protected Category, others should refrain from making such references. Group references and derogatory language employed against one's self or another member of the same group may not be considered demeaning, but may be demeaning or discriminatory if a member of another group uses the same terminology.

In sum, each employee has the right to be considered an individual; thus each employee has the duty to treat others as individuals.

Prohibited discriminatory or harassing acts or behaviors include, but are not limited to, the following:

1. Verbal conduct (e.g., suggestive, insulting or derogatory comments, epithets, innuendoes, sounds, whistling, jokes, teasing or slurs) based on any Protected Category, and sexual propositions or



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threats.

2. Physical conduct (e.g., assault, impeding or blocking movement, or any unwanted physical contact or interference with normal work or movement, including touching, pinching, brushing the body, hugging, pushing, shoving), contact or assault when directed at an individual because of any Protected Category.
3. Nonverbal conduct (e.g., leering, staring, obscene gestures) based on any Protected Category.
4. Display of signs, pictures, cartoons, written statements, e-mails, internet messages or postings, or other material that denigrates or discriminates against any employee based on any Protected Category.
5. Unwanted sexual advances; threats or demands to submit to sexual requests as a condition of continued employment, or to avoid some other loss, and offers of employment or some other contract benefits in return for sexual favors.
6. Retaliation for having reported or threatened to report harassment.

Sexual Harassment, as defined by the California Education Code section 212.5 and Title 5 of the California Code of Regulations section 4916, is 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 opposite sexes, under any of the following conditions:

1. Submission to the conduct is explicitly or implicitly made a term or condition of an individual's employment, academic status, or progress.
2. Submission to, or rejection of, the conduct by an individual is used as a basis of employment or academic decisions affecting the individual.
3. The conduct has the purpose or effect of having a negative impact upon the individual's work or academic performance, or creating an intimidating, hostile, or offensive work or educational environment.
4. 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 work or the educational institution.

All forms of Sexual Harassment are prohibited.



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In addition to direct discrimination or harassment, an individual may also be subject to discrimination or harassment based upon actions that were not directed at or intended for them. Examples of indirect discrimination or harassment include, but are not limited to:

1. *Third Party Harassment* – When two (or more) persons engage in behavior which offends a third party who is being subjected to the other's behavior and the behavior is based on any of the Protected Categories or sexual in nature, resulting in the third party being harassed based on such unwelcome behavior.
2. *Paramour Favoritism* – When a supervisor engages in a consensual sexual relationship with a subordinate and the supervisor rewards the subordinate with job advantages (*e.g.*, overtime work, better shift, promotion, etc.) which are unjustified and not legitimate, others who do not receive such job advantages may be subjected to a hostile work environment based on sex.

Further, discrimination or harassment is not limited to conduct between two or more employees. Any discrimination or harassment based upon any of the Protected Categories by non-employees such as vendors, parents, students, is also unlawful under federal and state law and prohibited by this policy. In cases involving acts of nonemployees, the extent of the District's control and any other legal responsibility which the District may have with respect to the conduct of those nonemployees shall be considered.

III. REPORTING DISCRIMINATION OR HARASSMENT

Any employee who believes he or she has been discriminated or harassed should immediately report the facts of the incident or incidents, the names of the individuals involved, and the names of any witnesses to the site administrator, designee, or his or her immediate supervisor. Similarly, all employees should immediately report any incidents of discrimination or harassment they witness to the site administrator, designee, or his or her immediate supervisor. If you receive a Complaint of discrimination or harassment from a non-employee, also immediately report the Complaint to the site administrator, designee, or your immediate supervisor. You will not be retaliated against in any way if you file a good-faith Complaint or cooperate with, or participate in, any procedures or Investigations related to Complaints of discrimination or harassment.

Under the following situations, a Complainant may bypass the site administrator, designee, or his or her immediate supervisor and file a Complaint directly with EOS:

1. If the Respondent is the site administrator, designee, the



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Complainant's immediate supervisor;

2. The Complainant is not comfortable making a Complaint to the site administrator, designee, or his or her immediate supervisor; or
3. The Complainant believes that the site administrator, designee, or his or her immediate supervisor has not adequately investigated or addressed the Complaint.

To ensure a fair process and prompt resolution, any Complaint filed should be in writing utilizing the Employment Discrimination/Harassment Complaint Form (Attachment A). The completed Employment Discrimination/Harassment Complaint Form should clearly record information about the Complainant, the nature of the Complaint, and all pertinent information related to the Complaint. This form must then be submitted to the site administrator, designee, or his or her immediate supervisor. If the Complaint cannot be resolved at the site level, the Complainant should submit the form to EOS.

A Complaint of discrimination or harassment must be filed **as soon as reasonably possible** following the alleged discrimination or harassment, but no later than twelve (12) months of the last alleged discriminatory or harassing act.

Complaints of discrimination or harassment shall be handled in a confidential manner, respecting the privacy of all parties to the fullest extent possible. Every attempt shall be made to limit the distribution of information to those persons with a need to know within the confines of the District's reporting procedures and the investigative process. The District will not tolerate retaliation in any form against a Complainant for the filing of a complaint, for opposing District actions, or reporting or threatening to report such actions, or for participating in an Investigation. The District, however, does not condone fabrication of allegations of discrimination or harassment. Making false allegations of discrimination and harassment may result in discipline.

The District encourages employees and non-employees to report any incidents of discrimination or harassment forbidden by this policy immediately so that complaints can be quickly and fairly resolved.

It is unlawful to discipline, retaliate, harass, or otherwise discriminate against an employee because he or she has opposed unlawful employment practices, filed a complaint of employment discrimination or harassment, or testified or assisted in an Investigation of a discrimination or harassment complaint.

If you have any questions concerning this policy, please feel free to contact



EOS at (213) 241-7685.

IV. RESPONDING TO COMPLAINTS

When a Complaint of discrimination or harassment is received, it shall be given immediate attention.

A. Site Administrator, Designee, And Immediate Supervisor Received Complaints

If and when possible, Complaints should be addressed at the work site. Supervisors who become aware of a potential discriminatory or harassing behavior must take action by conducting an inquiry/investigation and take any appropriate corrective action. However, a Complaint may be referred to EOS when appropriate and a Complaint that alleges that the site administrator, designee, or Complainant's immediate supervisor engaged in the discriminatory or harassing conduct should be directed to EOS.

The following steps may be followed to achieve Complaint resolutions at the work site level:

1. Assure the Complainant that the District takes allegations of discrimination or harassment seriously, will not tolerate such treatment, and has strong policies against discrimination or harassment.
2. Obtain specific information relevant to the Complaint such as where and when the incident(s) occurred, were there any witnesses, and did the incident(s) take place once, or, if more often, how often. If age appropriate, request that a written statement be made. Any oral report of discrimination or harassment, however, is to be considered a Complaint and must be addressed.
3. Interview and counsel the Complainant and/or the aggrieved and explain the options available to resolve the situation. Write down details concerning the Complaint.
4. Provide the Complainant and/or the aggrieved with the assurances regarding confidentiality and non-retaliation.
5. Explain to the aggrieved that he or she will not be required to confront the Respondent. If the aggrieved desires an informal resolution, assist with the process; however, the Complainant and/or aggrieved shall never be made to confront the Respondent unless the Complainant and/or the aggrieved consents and reprisal or intimidations is unlikely.



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6. Assure the aggrieved that steps will be taken to check that the alleged discriminatory or harassing conduct does not continue. Provide the individual with the names of District personnel who can help if the situation continues, escalates, or arises again.
7. Interview any witnesses identified by the Complainant and the aggrieved and provide the same assurances regarding confidentiality and non-retaliation to said witnesses.
8. Interview the Respondent and provide the same assurances as above. The Respondent should be interviewed and informed of whatever actions or activities he or she was alleged to have committed that were offensive to the Complainant.
9. Interview any witnesses identified by the Respondent and provide the same assurances as above.
10. Provide all parties, including Respondent, with copies of the District's relevant and appropriate District policies, brochures, and Bulletins.
11. Make a credibility assessment of each witness interviewed, including the aggrieved and Respondent.
12. Make a determination whether or not the alleged conduct has occurred and, more importantly, whether the alleged discrimination or harassment is based upon a Protected Category and in violation of conduct is based the District's Non-Discrimination and Anti-Harassment Policy. Although the alleged conduct may not rise to the level of discrimination or harassment in violation of this Policy, the alleged conduct may still be considered inappropriate behavior and may require that corrective actions be taken.
13. If a determination is made that the alleged conduct occurred, whether or not a violation of this Policy, appropriate action must be taken against all parties determined to have engaged in the inappropriate conduct to ensure that the inappropriate conduct does not recur. Corrective action may include the initiation of disciplinary proceedings or simply providing additional training to further educate the necessary parties about appropriate workplace behavior.
14. Inform the Complainant and/or the aggrieved in general terms that corrective actions have been or will be required to resolve the complaint. Specific corrective actions with regard to employees or students are to be kept confidential.



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15. Follow-up and verify with the aggrieved that the conduct has ceased and that no further inappropriate conduct has occurred.
16. Follow up and verify with the Complainant that the action taken did stop the harassment and did remedy the complaint.
17. Document the steps taken to resolve the complaint and any action taken in monitoring or following up to assess the effectiveness of the remedies put in place.
18. Maintain a separate investigation file for each complaint. Access to these records is to be restricted to those individuals who have a legitimate need for such access. These records must be kept indefinitely, and at least during the duration of the employment of the Complainant and Respondent.

Most importantly, take complete and accurate notes throughout the investigation.

B. Complaints Received By EOS

If a Complaint cannot be resolved at the school site, the Complainant should submit the complete Employment Discrimination/Harassment Complaint Form (Attachment A) to EOS.

1. Role of EOS

The role of the EOS Investigator is to determine violation(s) of District Policy only. EOS will conduct an impartial Investigation and work to resolve the matter by taking appropriate action, which may result in disciplinary or other remedial measures up to and including termination.

2. Complaint Procedure

Upon receipt of the written Complaint, EOS shall review the Complaint to determine the initial timeliness, validity and thoroughness of the information submitted in the Complaint. Untimely Complaints shall be closed. EOS shall inform the Complainant in writing of the acceptance of the Complaint for Investigation within ten (10) working days of its receipt. The Complainant shall be promptly notified if further information or documentation is required to support the Complaint.

EOS will provide the Complainant with a written acknowledgment of receipt of the Complaint which:

- a) Advises and assures the Complainant that confidentiality of the facts will be observed to the fullest extent possible.



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- b) Advises and assures the Complainant that the District prohibits retaliation against anyone for who files a Complaint or participates in an Investigation.
- c) Advises the Complainant that he or she should feel free to call or send any additional information relevant to the Complaint.
- d) Advises the Complainant if Complaint does not have a basis in the Protected Categories.
- e) Informs the Complainant that a written summary of findings will be provided to the Complainant at the conclusion of the Investigation.
- f) Specific corrective actions with regard to employees are to be kept confidential and or handled at the local district level.

This Complaint procedure shall not apply if the allegations of the Complaint fall solely within the purview of matters covered by a collective bargaining agreement.

3. Investigation

EOS will complete an Investigation within 60 days of receipt of the written Complaint. The Investigation shall consist of an official inquiry and systematic and timely examination of the allegation(s), pattern and practices, pertinent documents, witness interviews, and an assessment of credibility in order to make a determination as to the merits of the Complaint. EOS has the role of fact finder and is not the representative of any of the individuals involved in the complaint.

The scope of the Investigation shall be limited to the allegations cited in the Complaint, which shall be construed to effectuate the purposes of the District's non-discrimination and anti-harassment policy.

The Complainant and/or the Respondent may at any point in the procedure be accompanied and represented by another individual. This normally includes representation by the relevant union.

Parties involved in the Complaint, as well as any witness, may be allowed release time (without loss of pay) to attend meetings or interviews held during assigned duty time with EOS personnel investigating the Complaint.

4. Investigation/Complaint Conclusion



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An Investigation/Complaint can result in various outcomes, including but not limited to the following:

a. Withdrawal

The Complaint, or any part thereof, may be withdrawn by the Complainant at any time during the Investigation. The request for withdrawal must be submitted in writing to the EOS by the Complainant. Please note, regardless of the withdrawal of the Complaint, if the District believes the conduct is ongoing, the District may continue the Investigation, as otherwise required by law.

b. Uncooperative Complainant/Aggrieved

The Complaint and the Investigation may be closed by the EOS on the basis of an uncooperative Complainant or the aggrieved. “Uncooperative” in this context includes, but is not limited to, failure to respond, to keep appointments, to cooperate with the EOS investigator, or to provide requested documentation (if available).

c. Agency Filing

In the event that the Complainant or the aggrieved files a formal charge of discrimination with the Department of Fair Employment and Housing (DFEH) or the Equal Employment Opportunity Commission (EEOC), the District may close the internal Investigation and respond to the DFEH or EEOC. The parties and appropriate supervisory officials shall be notified of the closure of the internal Investigation following receipt of an external agency complaint.

d. Settlement

If, during the Investigation of the Complaint, a settlement is reached between District management and the Complainant, a Settlement Agreement shall be reduced to writing and approved by the EOS Director, before the Complaint shall be considered closed. The Settlement Agreement must be signed by both the Complainant and the appropriate District management official.

e. Investigative Findings

In the event that EOS reaches a finding as a result of its Investigation, EOS may issue one of the following:

- “Unfounded Finding” meaning that EOS has determined that the allegations in the Complaint are either false,



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inherently improbable, no evidence was provided through witnesses to support the claim, or the allegations do not constitute a violation of the District's policy on non-discrimination and anti-harassment. An "Unfounded Finding" shall be issued in writing to the Complainant, the aggrieved, Respondent, and the appropriate site administrator, district superintendent, or unit division head.

- "Substantiated Finding" means that the EOS has determined that the allegations in the Complaint are based upon credible evidence to constitute a violation of the District's policy. A "Substantiated Finding" does not necessarily mean that any law has been violated. A "Substantiated Finding" shall be issued in writing to the Complainant, the aggrieved, Respondent and the appropriate site administrator, district superintendent, branch or division head, office of Staff Relations, and Employee Services section.

A "Substantiated Finding" shall result in appropriate administrative and/or disciplinary action(s), including but not limited to termination, and a copy of the finding shall be placed in the personnel folder of the Respondent.

A closure letter will be provided to the Complainant and/or the aggrieved outlining the manner in which the Investigation/Complaint concluded, including a report of the findings if any, and emphasizing the confidential nature of the Investigation/Complaint process and reiterating the District's non-retaliation provisions of this policy. The closure letter should also advise the Complainant of his or her right to appeal the EOS decision.

5. Appeals

Either the Complainant, the aggrieved, or Respondent has the right to appeal EOS's decision by filing an appeal with the local superintendent or division administrator. The appeal must be in writing and received by the local superintendent, or division administrator or such other office that may be designated by the Superintendent, within fifteen (15) working days of the Complainant's, the aggrieved's, and/or Respondent's receipt of the closure letter by EOS.

The acceptable issues for appeal are: bias of the investigator, new



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evidence that was not previously considered; or failure to follow procedures that substantively alter EOS' investigative findings. The appeal need not be an evidentiary hearing.

The designee shall review the matter and issue a written decision to the parties concerned. The decision of the reviewer shall be the District's final response.

V. DISTRICT EMPLOYEE'S OBLIGATIONS

As role models to students, all District employees are expected to carry out their duties and responsibilities in a manner which is free from discriminatory or harassing conduct.

Each District employee has the obligation to:

1. Not engage in any conduct which constitutes discrimination, disrespect, harassment and/or retaliation prohibited by this policy.
2. Report any incidents of discrimination or harassment to the site administrator, designee, or his or her immediate supervisor.
3. Encourage anyone alleging that he or she has been subject to discrimination or harassment to report such an incident.
4. Cooperate with the District's efforts to eliminate and prevent discrimination or harassment.
5. Cooperate in any investigation of a Complaint of discrimination or harassment.
6. Guard against any actions that would be considered retaliatory against another employee or others who have filed or is participating in an investigation of a Complaint of discrimination or harassment.

Any District employee who engages in or permits unlawful discrimination or harassment shall be subject to disciplinary action up to and including dismissal.

A District employee shall be deemed to have permitted unlawful discrimination or harassment if he or she fails to take remedial action and/or report an observed incident of discrimination or harassment, whether or not the aggrieved complains.

VI. POSTINGS/PUBLISHING

The federal EEOC poster titled "Equal Employment Opportunity Is The Law" (<http://www1.eeoc.gov/employers/poster.cfm>) and the State DFEH poster titled "Harassment or Discrimination in Employment" (<http://www.dfeh.ca.gov/res/docs/publications/DFEH-162.pdf>) must be posted in English and Spanish. The posters summarize protections against discrimination on the basis of race, color, religion, national origin, age (40 and above), medical condition (cancer/genetic characteristics), disability



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(mental, physical, and pregnancy-related) including HIV and AIDS, denial of pregnancy disability leave or reasonable accommodation, sex, sexual orientation, marital status, and status as Vietnam-era veteran or special disabled veteran.

A copy of the District's Nondiscrimination Statement and Sexual Harassment Policy posters must also be posted. All District offices and schools are required to post these posters in a "conspicuous" location where notices to applicants, employees, and parent volunteers customarily are posted.

A copy of the District's one page summaries Nondiscrimination Statement and Sexual Harassment Policy, which can be found on the District's website, shall be included in any school or District publication (e.g., Local School Handbook) that sets forth the school's or the District's comprehensive rules, regulations, procedures, and standards of conduct.

VII. Employee's Further Options of Addressing Discrimination or Harassment

1. State and Federal Agencies

Employees have the right to file a complaint with the state or federal equal employment enforcement agencies:

State – Department of Fair Employment & Housing (DFEH)
611 West Sixth Street, Suite 1500
Los Angeles, CA 90017
(213) 439-6799

Federal – Equal Employment Opportunity Commission (EEOC)
255 East Temple Street, Fourth Floor
Los Angeles, CA 90012
(213) 894-1000 or (800) 669-4000

2. Civil Law Remedies

Pursuant to the state law, persons who have filed a complaint should also be advised that civil law remedies may also be available to them.

AUTHORITY: This is a policy of the Office of General Counsel. The following legal standards are applied in this policy:

Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, *et seq.*;

California Fair Employment & Housing Act (FEHA), Government



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Code § 12940, *et seq.*

California Domestic Partner Rights and Responsibilities Act of 2003

California Education Code, §212.5 Sexual Harassment, and §48900.2
Grounds for Suspension or Expulsion; Sexual Harassment;

Pursuant to the California Education Code, Sections 48980(h) and 231.5, a copy of the District's non-discrimination and anti-harassment policy shall:

- Be included in the notifications that are sent to parents/guardians at the beginning of each school year. (The "Parent-Student Handbook" may be used to provide these notifications).
- Be displayed in a prominent location in the main administrative building, staff lounge, or other area of the campus or school site. "Prominent location" means that location where notices regarding rules, regulations, procedures, and standards of conduct are posted.

RELATED RESOURCES:

- Bulletin 5610.0, "Workplace Violence, Bullying, and Threats," issued by the Deputy Superintendent School Operations, dated September 30, 2011.
- Bulletin No. L-4, Subject, "Title IX Policy/Grievance Procedure," issued by the Office of the General Counsel, dated August 15, 2001, provides the substantive provisions of Title IX and the California Education Code for the equal treatment of students in District education programs and activities, as well as a grievance/ complaint process to be used in complaints of unlawful discrimination based on sex, sexual orientation, or gender.
- Bulletin No. 1347, Subject, "Child Abuse—Reporting," issued by Student Health and Human Services, dated November 15, 2004, provides complete information on child abuse reporting procedures in conformance with California state law and District policy.
- Sexual Harassment Policy (Student-To-Student, Adult-To-Student, and Student-To-Adult) Bulletin – 1041, dated June 10, 2004
- Additional related information/communications 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) may be found at both of the following web sites:
<http://www/lausd.k12.ca.us/lausd/offices/eec> (public), and
<http://notebook.lausd.net> (only available to District employees)



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ASSISTANCE: For assistance or further information concerning sexual harassment and employee/employment discrimination please contact: Cheryl Broussard, Supervising EEO Investigator, Equal Opportunity Section at (213) 241-7685.

For assistance with issues relating to employee discipline, call your respective Local District Staff Relations Coordinator.

For assistance with student against student related sexual harassment complaints, call Educational Equity Compliance at (213) 241-7682.

November 10, 2015

EMPLOYMENT DISCRIMINATION/HARASSMENT/RETALIATION COMPLAINT
FORM INTERNAL COMPLAINT SYSTEM

CASE NO. _____

Initial Filing: Site Level Equal Employment Opportunity Section

1. Name _____ Telephone No. _____

Home Address _____

City & State _____ Zip Code _____

2. Job Title _____ Employee No. _____

Work Location _____ Telephone No. _____

3. Date of the alleged discriminatory/harassing act: _____
(Internal Complaint System requirement: Above date must be within six months of date you file this complaint.)

4. Check and specify the basis upon which your complaint is being filed.
(Example: National Origin Hispanic)

- Race _____ Color
- National Origin _____ Sex
- Age _____ Disability
- Religion _____ Political Belief or Affiliation
- Medical Condition (cancer-related) Ancestry
- Military Status Sexual Orientation
- Marital Status

5. The alleged employment discrimination/harassment occurred in connection with:

- Assignment Harassment Sexual Harassment Apprenticeship
- Retaliation Benefits Lay Off Demotion
- Promotion Transfer Discharge Wages
- Disciplinary Action Terms and Conditions
- Reasonable Accommodation Other (Specify) _____

6. Name(s), Title(s), Work Location(s) and Telephone Number(s) of the accused:

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7. Present the facts of the alleged discriminatory/harassing employment practice. Describe completely the reason(s) for your complaint. You must include the date(s) and relevant circumstances underlying your allegation. Give the names of all persons involved. Please add sheets if necessary.

8. Do you have witnesses that can corroborate your allegations? Yes No
If yes, please identify:

9. Please supply supporting evidence that you may have to document the basis for the alleged discriminatory/harassing practice that you are claiming (e.g., copies of any written material, e-mails, pictures, etc.).

I have attached supporting evidence: Yes No

10. Have you filed any other claim, complaint or grievance related to this matter? Yes No
If Yes, please describe:

11. What remedy are you seeking to resolve your complaint?

I understand that the filing of this complaint does not protect any other rights that I may have as an employee of the District or as covered by a collective bargaining agreement. By signing below, I declare and affirm under penalty of perjury under the laws of the state of California that the statements made herein (and the accompanying attachments, if any) are true and correct to the best of my knowledge, information, and belief.

Complainant's Signature

Date Filed

Please submit this form to the site administrator, designee, or his or her immediate supervisor. If the complaint is being filed with the Equal Opportunity Section, please mail or fax to EOS at: 333 South Beaudry Avenue, 20th Floor, Los Angeles, CA 90017; facsimile 213.241.3308. For more information, please call EOS at 213.241.7685.