LOS ANGELES COUNTY OFFICE OF EDUCATION

SEXUAL HARASSMENT POLICY

LACOE is committed to maintaining a safe school environment that is free from harassment and discrimination. LACOE prohibits sexual harassment by anyone participating in any LACOE program or activity. This includes student-to-student or peer sexual harassment as well as harassment between a student and any LACOE participant. LACOE shall take all complaints of sexual harassment seriously, investigate and address identified sexual harassment, and if the investigation results in the determination that sexual harassment has occurred, take reasonable, immediate corrective action to stop the harassment, eliminate a hostile environment, and prevent future sexual harassment. LACOE also prohibits retaliatory behavior or action against any person who reports, files a complaint or testifies about, or otherwise supports a complainant in alleging sexual harassment. To the extent possible, complaints shall be kept confidential. (5 CCR 4964) For situations of harassment or suspected harassment involving LACOE staff, Superintendent Policy on Personnel is applicable.

Sexual Harassment can occur on school grounds, at a school-sponsored or school-related activity, or off-campus. Once notified of an off-campus instance of sexual harassment against a student, LACOE must assess whether there are any continuing effects on campus or in an off-campus education program or activity that are creating or contributing to a hostile environment; and, if so, address that hostile environment in the same manner in which it would address a hostile environment created by on-campus misconduct.

Examples of continuing effects of off-campus sexual harassment may include a perpetrator discussing off-campus harassing conduct with other students; anxiety caused by group assignments that subject a victim to additional contact with a perpetrator; or inappropriate social media posts that cross over into on-campus conversations. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment. A single incident of off-campus sexual violence may create an on-campus hostile environment, where the perpetrator's mere presence on campus has the continuing effect of subjecting the victim to continued anxiety or trauma. LACOE will take interim measures to ensure a safe school environment for a student who is the complainant or victim of sexual harassment and other students during an investigation. To the extent possible, such interim measures shall not disadvantage the complainant or victim of the alleged harassment.

LACOE strongly encourages any student who feels that he/she is being or has been sexually harassed by another student or an adult to immediately contact his/her teacher, the principal, or any other available school employee. Any employee who receives a report or observes an incident of sexual harassment shall notify the principal or a LACOE administrator.

Definitions

Prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances, unwanted requests for sexual favors, or other unwanted verbal, visual, or physical conduct of a sexual nature made against another person of the same or opposite sex in the educational setting, when made on the basis of sex and under any of the following conditions: (Education Code 212.5; 5 CCR 4916)

1. Submission to the conduct is explicitly or implicitly made a term or condition of a student’s academic status or progress.
2. Submission to or rejection of the conduct by a student is used as the basis for academic decisions affecting the student.
3. The conduct has the purpose or effect of having a negative impact on the student's academic performance or of creating an intimidating, hostile, or offensive educational environment.
4. Submission to or rejection of the conduct by the student is used as the basis for any decision affecting the student regarding benefits and services, honors programs, or activities available at or through any LACOE program or activity.
Complaint Process and Disciplinary Actions

Sexual harassment complaints by and against students shall be investigated and resolved in accordance with law and LACOE procedures specified in AR 1312.3-Uniform Complaint Procedures. Principals are responsible for notifying students and parents/guardians that complaints of sexual harassment can be filed under AR1312.3 and where to obtain a copy of procedures. Upon investigation of a sexual harassment complaint, any student found to have engaged in sexual harassment or sexual violence of anyone at school or at a school-sponsored or school-related activity in violation of this policy or making a false claim shall be subject to disciplinary action. For LACOE, disciplinary action may include suspension and/or involuntary release to student's district of residence, provided that, in imposing such discipline, the entire circumstances of the incident(s) shall be taken into account.

School-Level Complaint Process/Grievance Procedure

Notice and Receipt of Complaint: Any student who believes he/she has been subjected to sexual harassment by another student, an employee, or a third party or who has witnessed sexual harassment may report the incident to any teacher, principal, or any school employee. Within one school day of receiving a complaint, the school employee shall report it to the Principal or LACOE's Director of Pupil Services identified in AR 1312.3. In addition, any school employee who observes any incident of sexual harassment involving a student shall, within one school day, report this observation to the Principal or the Director of Pupil Services, whether or not the victim files a complaint.

If a complaint of sexual harassment is initially submitted to the principal, he/she shall, within two school days, forward the report to the Director of Pupil Services to initiate investigation of the complaint. The director shall contact the complainant and investigate and resolve the complaint in accordance with law and LACOE procedures specified in AR1312.3. A complaint can also be made with the Office of Civil Rights, OCR.

When a report or complaint of sexual harassment involves off-campus conduct, the principal shall assess whether the conduct may create or contribute to the creation of a hostile school environment. If he/she determines that a hostile environment may be created, the complaint shall be investigated and resolved in the same manner as if the prohibited conduct occurred at school.

When a verbal or informal report of sexual harassment is submitted, the principal or Director of Pupil Services shall inform the student or parent/guardian of the right to file a formal written complaint in accordance with LACOE's Uniform Complaint Procedures. Regardless of whether a formal complaint is filed, the principal or director shall take steps to investigate the allegations and, if sexual harassment is found, shall take prompt action to stop it, prevent recurrence, and address any continuing effects. Students and parents/guardians have the right to file a civil or criminal complaint while LACOE's investigation of a sexual harassment continues.

In any case of sexual harassment involving the Principal, the Director of Pupil Services, or any other person to whom the complaint would ordinarily be made, the employee who receives the student's report or who observes the incident shall instead report to Labor Relations.

LACOE designates the following individual as the responsible employee to coordinate its efforts to comply with Title IX of the Education Amendments of 1972 and California Education Code 234.1, as well as investigate and resolve sexual harassment complaints under AR1312.3-Uniform Complaint Procedures. The Director of Pupil Services may be contacted at:

Jason Hasty, Director of Pupil Services
9300 Imperial Highway, EC 223
Phone: (562) 803-8451  FAX: (562) 469-4238

You may file a complaint with OCR at the address below or using OCR’s electronic complaint form at the following website:  http://www.ed.gov/about/offices/list/ocr/complaintintro.html