



LOS ANGELES UNIFIED SCHOOL DISTRICT
MEMORANDUM

TITLE: Nondiscrimination Required Notices – 2009-2010
NUMBER: MEM-4695.0
ISSUER: Roberta Fesler, General Counsel
 Office of General Counsel
DATE: May 20, 2009

ROUTING
 Administrators
 Division Heads
 Local District
 Superintendents
 Operation Coords.
 Safety/Att. Coords.
 Sect 504 Designees
 Title IX Designees
 School Site
 Principals
 Sect 504 Designee
 Title IX Designees
 Supervisors

PURPOSE: The Los Angeles Unified School District (District) is committed to providing a safe working and learning environment, free from unlawful discrimination and harassment. Federal and state law and the California Education Code mandate that the District annually publish and disseminate nondiscrimination notices.

MAJOR CHANGES: This Memorandum replaces MEM-4208.0, “Required Nondiscrimination Notices – 2008-2009,” issued May 28, 2008 by the Office of General Counsel. It is issued annually as a reminder to schools and offices to publish and disseminate the required “*Nondiscrimination Statement*” and “*Sexual Harassment Policy*” notices to employees and students.

- GUIDELINES:**
- I. Dissemination of Nondiscrimination Notices
 - A. Employees

Copies of the District’s “*Nondiscrimination Statement*” and the “*Sexual Harassment Policy*” (attached) are to be disseminated to each employee (both at schools and offices) on an annual basis.
 - B. Students
 - 1. All required nondiscrimination notices are provided in the “*Parent Student Handbook*,” which is to be distributed to every student during the first month of enrollment or at the time of initial enrollment. For information about or how to obtain copies of the *Parent Student Handbook 2009-2010*, please refer to the memorandum issued annually by the Office of the Chief



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Operating Officer.

2. The District's written "*Nondiscrimination Statement*" and "*Sexual Harassment Policy*" must be presented in age-appropriate language as part of any orientation program conducted for students at the beginning of the school year for each track/semester or summer session, as applicable. This presentation shall include information concerning how to file/report a complaint of discrimination or sexual harassment.
3. All schools are required to distribute the District's "*Section 504 and Students with Disabilities*" brochure to every student at the beginning of each school year or at the time of initial enrollment. The "*Section 504 and Students with Disabilities*" brochure is available free of charge from the District's Supplies and Equipment Catalog (See "Printed Forms and Publications - Educational Equity").
4. All secondary schools are required to distribute the District's "*Title IX and Nondiscrimination – Students Know Your Rights*" brochure to every student at the beginning of each school year or at the time of initial enrollment. The "*Title IX and Nondiscrimination - Students Know Your Rights*" student brochure is available free of charge from the District's *Supplies and Equipment Catalog* (See "Printed Forms and Publications - Educational Equity").

C. Posting of Nondiscrimination Notices

1. Both the "*Nondiscrimination Statement*" and the "*Sexual Harassment Policy*" posters must be posted in all schools and offices, including staff lounges and student government meeting rooms (secondary schools), in the main administration building, or other prominent locations where notices are regularly posted regarding rules, regulations, procedures, or standards of conduct.
2. "*Nondiscrimination Statement*" and the "*Sexual Harassment Policy*" posters in English and Spanish are attached to be duplicated as necessary.

AUTHORITY: The following legal standards are applied in this memorandum:

California Education Code, §231.5, Educational Institutions; Written Policy on Sexual Harassment



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Title 5, California Code of Regulations, §4960(a), Nondiscrimination Statement

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

**RELATED
RESOURCES:**

- Administrative Certification, Memorandum issued annually by the Office of General Counsel.
- Ordering and Distribution of Student Brochures – “Title IX and Nondiscrimination” and “Section 504 and Students with Disabilities” – Memorandum No. MEM-4696.0, dated May 20, 2009, issued by the Office of General Counsel.
- Parent Student Handbook Distribution - Memorandum issued annually by the Office of the Chief Operating Officer.
- Section 504 and Students/Other Individuals with Disabilities, Bulletin No. BUL-4692.0, dated May 15, 2009, issued by the Office of General Counsel.
- Sexual Harassment Policy—Employees, Bulletin No. BUL-1893.1, issued August 1, 2005, by the Office of General Counsel.
- Sexual Harassment Policy—Students, Bulletin No. BUL-3349.0 issued November 29, 2006, by the Office of General Counsel.
- Title IX Policy/Complaint Procedures, Bulletin No. BUL-2521.1, issued June 7, 2006, by the Office of General Counsel.

Related information regarding nondiscrimination policies (including the District’s Title IX and Sexual Harassment Policy) may be obtained at the following Websites: <http://www/lausd.k12.ca.us/lausd/offices/eec> (available to the general public) and <http://notebook.lausd.net> (available to District employees only).

ATTACHMENTS:

- *Nondiscrimination Statement – English dated May 2009*
- *Nondiscrimination Statement – Spanish dated May 2009*
- *Sexual Harassment Policy – English dated May 2009*
- *Sexual Harassment Policy – Spanish dated May 2009*

ASSISTANCE:

For assistance or additional information, please call:

Educational Equity Compliance Office (Students) – (213) 241-7682

- Sue Spears, Director
- District Section 504 Coordinator
- District Title IX Coordinator

Equal Employment Opportunity Section (Employees) – (213) 241-7685

LOS ANGELES UNIFIED SCHOOL DISTRICT

NONDISCRIMINATION STATEMENT

The Los Angeles Unified School District is committed to providing a working and learning environment that is free from unlawful discrimination and harassment. The District prohibits discrimination and harassment based on an individual's actual or perceived age, ancestry, color, disability (mental or physical), ethnic group identification, gender (including gender identity), marital status, national origin, race, religion (including religious accommodation), sex (actual or perceived, including pregnancy, childbirth, or related medical condition), sexual orientation, on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics, or any other basis protected by federal, state, local law, ordinance, or regulation. Harassment based on any of the above-protected categories is a form of unlawful discrimination and will not be tolerated by the District. Harassment is intimidation or abusive behavior toward a student or employee that creates a hostile environment and can result in disciplinary action against the offending student or employee. Harassing conduct may take many forms, including verbal remarks and name-calling, graphic and written statements, or conduct that is physically threatening or humiliating.

This nondiscrimination policy covers admission or access to, or treatment or employment in, all District programs and activities, including vocational education. The lack of English language skills will not be a barrier to admission to or participation in District programs or activities.

Additional information prohibiting other forms of unlawful discrimination or harassment, inappropriate behavior, and/or hate crimes may be found in other District policies that are available in all schools and offices. It is the intent of the District that all such policies are reviewed consistently to provide the highest level of protection from unlawful discrimination in the provision of educational services and opportunities.

The District prohibits retaliation against anyone who files a complaint or who participates in a complaint investigation.

For inquiries or complaints related to adult-to-student, student-to-student, or non-employee discrimination or harassment based on the individual's actual or perceived age, ancestry, color, disability (mental or physical), ethnic group identification, gender, gender identity, national origin, race, religion, sex, or sexual orientation, contact:

**Educational Equity Compliance Office
Sue Spears, Director
District Section 504 and Title IX Coordinator
(213) 241-7682**

For inquiries or complaints related to employee-to-employee, student-to-employee, or work/employment related discrimination or harassment, contact:

**Equal Employment Opportunity Section
(213) 241-7685**

**Both offices located at:
Los Angeles Unified School District
333 South Beaudry Avenue - 20th Floor
Los Angeles, CA 90017**

DISTRITO ESCOLAR UNIFICADO DE LOS ÁNGELES

DECLARACIÓN ANTIDISCRIMINATORIA

El Distrito Escolar Unificado de Los Ángeles está comprometido a proporcionar un ambiente laboral y aprendizaje libre de discriminación y hostigamiento ilegales. El Distrito prohíbe estas prácticas cuando estén motivadas por la edad, la descendencia, el color, la discapacidad mental o física, la identificación con un grupo étnico, el género (incluida la identidad de género), el estado civil, el origen nacional, la raza, la religión (incluida la acomodación religiosa), sexo (real o percibido que incluye el embarazo, el parto o una condición médica relacionada); la orientación sexual en base a la asociación de una persona con un individuo o un grupo, con una o más de estas características reales o percibidas, o por cualquier otro motivo protegido por las leyes, las ordenanzas o los reglamentos federales, estatales o locales. El acoso en base a cualquiera de las categorías protegidas definidas anteriormente, constituye una forma de discriminación ilícita que el Distrito no está dispuesto a tolerar. El acoso se define como la intimidación o la conducta abusiva dirigidas a un estudiante o empleado que produzca un ambiente hostil, y puede traer como resultado medidas disciplinarias en contra del estudiante o el empleado infractor. El hostigamiento puede tomar muchas formas, incluidos los comentarios verbales y los insultos, las declaraciones gráficas y escritas o la conducta físicamente amenazante o humillante.

Esta política antidiscriminatoria abarca la admisión, el acceso, el tratamiento o el empleo en todos los programas y actividades del Distrito, incluida la educación vocacional. La falta de conocimiento de la lengua Inglesa no será un obstáculo para la admisión a los programas, ni para la participación en las actividades del Distrito.

Información adicional que prohíbe otras clases de discriminación o hostigamiento ilegal, conducta inapropiada, y/o crímenes de odio, puede ser encontrada en otras reglas del Distrito disponibles en todas las escuelas y las oficinas. El Distrito tiene el propósito de que todos los reglamentos de esta índole se revisen constantemente con el fin de garantizar la mayor protección posible contra la discriminación ilícita en el suministro de servicios y oportunidades educativas.

El Distrito Escolar prohíbe la represalia contra toda persona que entable una queja o participe en la investigación de la misma.

Haga el favor de comunicarse con la oficina cuyos datos aparecen a continuación para hacer preguntas o presentar quejas relacionadas a un adulto-con-estudiante, un estudiante-con-estudiante, o un no empleado por la discriminación o el acoso real o percibido del individuo basado en la edad, la descendencia, el color, la discapacidad mental o física, la identificación con un grupo étnico, el género, la identidad de género, el origen nacional, la raza, la religión, el sexo, o la orientación sexual :

Oficina de Cumplimiento de la Equidad Educativa
Sue Spears, Directora
Coordinadora del Artículo 504 y Título IX del en el Distrito
(213) 241-7682

Para hacer preguntas o presentar quejas relacionadas a empleado-con-empleado, estudiante-con-empleado, o de trabajo/empleo relacionado con la discriminación o el acoso, haga el favor de comunicarse con:

Equal Employment Opportunity Section
(213) 241-7685

Ambas oficinas se encuentran en:
El Distrito Escolar Unificado de Los Ángeles
333 South Beaudry Avenue - 20th Floor (Piso 20)
Los Angeles, California 90017

LOS ANGELES UNIFIED SCHOOL DISTRICT SEXUAL HARASSMENT POLICY

The Los Angeles Unified School District is committed to maintaining a working and learning environment that is free from sexual harassment. Sexual harassment of or by employees or students, or persons doing business with or for the District is a form of sex discrimination in that it constitutes differential treatment on the basis of sex, sexual orientation, or gender, and, for that reason, is a violation of state and federal laws and a violation of this policy.

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

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

California Education Code Section 212.5 defines sexual harassment as any unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature made by someone from or in the work or educational setting, under any of the following conditions:

- **Submission to the conduct is explicitly or implicitly made a term or a condition of an individual's employment, academic status, or progress.**
- **Submission to, or rejection of, the conduct by the individual is used as the basis of employment or academic decisions affecting the individual.**
- **The conduct has the purpose or effect of having a negative impact upon the individual's work or academic performance, or of creating an intimidating, hostile, or offensive work or educational environment.**
- **Submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the educational institution.**

Sexual harassment may include, but is not limited to:

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

**For inquiries about District policies and procedures related to sexual harassment,
including how to file a complaint of sexual harassment, contact:**

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

or

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

DISTRITO ESCOLAR UNIFICADO DE LOS ANGELES NORMAS SOBRE EL ACOSO SEXUAL

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

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

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

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

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

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

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

Si desea información acerca de las reglas y los procedimientos del Distrito relacionados con el acoso sexual, incluída la manera de entablar una queja de acoso sexual, comuníquese con

Sue Spears, directora de la Oficina de Cumplimiento de la Equidad Educativa (Educational Equity Compliance Office), y coordinadora distrital del Título IX, llamando al (213) 241-7682, cuando los casos o las quejas impliquen a estudiantes o personas que no son empleados

o

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