



**TITLE:** Employee-to-Student Sexual Abuse and Related Discipline Policy

**NUMBER:** BUL- 3357.0

**ISSUER:** Kevin S. Reed, General Counsel  
Office of the General Counsel

**DATE:** October 19, 2006

**ROUTING**  
Local District  
Superintendents  
  
School Site  
Administrators  
  
Division/Unit Heads

**POLICY:** The Los Angeles Unified School District is committed to maintaining a learning environment that is free from sexual abuse of students. Allegations of sexual abuse must be reported in accordance with applicable law and District policy (*see* Bulletin No. 1347). This bulletin sets forth additional procedures to assist District personnel in responding to such allegations and in processing related discipline, when appropriate.

**MAJOR CHANGES:** This new bulletin is designed to supplement, but in no way replace or contradict, BUL-1347. This bulletin complies with all current applicable laws, including provisions of applicable collective bargaining agreements.

**PROCEDURES:** The following procedures apply.

The District is committed to ensuring that allegations of sexual abuse of students are dealt with promptly and effectively. This policy assists administrators and supervisors in handling such allegations and in processing related discipline with the utmost concern for students, while complying with the rights of employees under applicable laws and the applicable collective bargaining agreement. Attached Flowcharts 1 and 2 summarize these procedures.

- I. UPON RECEIPT OF ALLEGATION. Upon receipt of any information requiring mandatory child abuse reporting for allegations of sexual abuse, reporters must file a report with the appropriate law enforcement agency, provide a copy of the report to the site administrator and inform Employee Relations and their Staff Relations/HR Labor Representative. The site administrator will then provide a copy of the report to the Local District Superintendent or Unit/Division Head. However, if the allegation involves the site administrator, the reporter should file a report with the appropriate law enforcement agency, provide a copy of the report to the Local District Superintendent or Unit/Division Head, and inform Employee Relations and the Staff Relations/HR Labor Representative.



II. LOCAL SUPERINTENDENT/DIVISION HEAD RESPONSIBILITIES.

Once the Local District Superintendent or Unit /Division Head has received a copy of an alleged sexual abuse report that has been filed with an appropriate law enforcement agency, that person or his/her designee, with the assistance of Employee Relations and the Staff Relations/HR Labor Representative, is responsible for following up with the appropriate law enforcement agency to determine how the matter is being handled. ***In local districts, it is strongly advised that the Operations Coordinator take responsibility for this process.*** While the law enforcement agency is handling the matter, the District will defer to the law enforcement agency's investigation unless advised by the law enforcement agency that the District may conduct a concurrent investigation. During this time, the District Superintendent or Unit/Division Head must exercise discretion as to whether the employee should be removed from the school site, pending the law enforcement agency investigation. The following factors apply in making this determination:

- Regarding allegations involving touching (intentional or otherwise) of the genitals or a student's private areas (*i.e.*, breasts and buttocks), above or under clothing, removal is ***strongly recommended***. The site shall consult Staff Relations, which in turn must consult with the Office of the General Counsel, in making the final determination.
- Regarding allegations involving sexual misconduct, including but not limited to, sexual intercourse, oral or anal copulation, masturbation, or display of sexual images, removal is ***strongly recommended***. The site shall consult Staff Relations, which in turn must consult with the Office of the General Counsel, in making the final determination.
- Regarding allegations involving sexual harassment of students, removal may be required. For purposes of this policy, "sexual harassment" means unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by an employee to a student from or in the educational setting, under any of the following conditions:
  - (a) Submission to the conduct is explicitly or implicitly made a term or a condition of a student's academic status or progress.
  - (b) Submission to, or rejection of, the conduct by the student is used as the basis of an academic decision affecting the student.
  - (c) The conduct has the purpose or effect of having a negative impact upon the student's academic performance or of creating an



intimidating, hostile, or offensive educational environment.

(d) Submission to, or rejection of, the conduct by the student is used as the basis for any decision affecting the student regarding honors, programs, or activities available at or through the educational institution.

- Other allegations may also require that the accused employee be removed from the site pending conclusion of an investigation as will be determined by the Local District Superintendent or Unit/Division Head within his or her discretion.

III. INVESTIGATION. If law enforcement informs the District that the District may handle the matter administratively, the accused employee's supervisor will immediately commence an investigation into the allegations, utilizing the assistance of Employee Relations and the Staff Relations/HR Labor Representative assigned to the Local District or Unit/Division.

IV. COMMUNICATIONS TO THE MEDIA AND THE PUBLIC. Any and all communications regarding the matter must be coordinated with the Office of Communications. Communications to the media should be made by the Office of Communications, the Local Superintendent or the Unit/Division Head. Every effort must be taken to ensure the safety and well-being of students, while balancing the rights of the accused employee.

Specifically, all initial communications with the media should make clear that allegations against an employee do not constitute a substantiation of guilt or liability. The District's standard policy of "removal pending investigation" should be referenced in explaining to the public that the temporary removal of the employee should not be interpreted as a substantiation of the allegations against the employee.

If there is reasonable cause to believe that other students may have been victims of abuse by the employee in question, the employee's supervisor, after consultation with the Local Superintendent or his/her designee and the Office of Communications must alert parents or guardians of the potential victims to the existence of allegations, without identifying the employee, and refer the parents or guardians to the law enforcement agency to which the allegation has been reported.

V. POST-INVESTIGATION PROCEDURES. Once the investigation is concluded, if the allegations of inappropriate conduct do not result in the



filing of criminal charges, the results should be immediately shared with Employee Relations and Staff Relations/HR Labor Representative who will assist in determining and imposing appropriate discipline.

- Level of Discipline. If the District concludes that the employee has engaged in sexual abuse, it should be expected that immediate suspension followed by dismissal proceedings will be initiated. The Supervisor, Employee Relations and the Staff Relations/HR Labor Representative should coordinate the dismissal proceedings with the Chief Human Resources Officer. **The decision by law enforcement not to proceed with an action must NOT influence the District's handling of the matter.** This is because **the District has a heightened responsibility for the safety of its students,** irrespective of law enforcement or prosecutorial reasons for dropping a case, and because law enforcement agencies may decline to prosecute a case for many reasons not reflecting the merits of the case.

In any case, where discipline less than dismissal is imposed, the above-referenced offices shall work with the employee's supervisor to ensure that the accused employee is counseled regarding applicable policies and procedures and that the employee is notified that a further violation will result in progressively severe discipline, including but not limited to dismissal.

- Settlement. Any and all settlements of grievances related to discipline issued pursuant to this policy must be approved by the Local District Superintendent (or by the Division/Unit Head, if applicable) and by the Office of the General Counsel.
- Transfers. **If the employee is transferred to another site, the Local District Superintendent or Unit/Division Head or his/her designee MUST advise the receiving site administrator and other supervisory personnel of the reason(s) for the transfer in accordance with the applicable collective bargaining agreement.** The Local District Superintendent or Unit/Division Head or his/her designee shall contact the Office of the General Counsel and Staff Relations to discuss appropriate procedures prior to the transfer. The investigation report shall not be included in any employee file at the new site without approval by the Office of the General Counsel and Staff Relations, in order to ensure compliance with applicable laws.



The Local District School Services Director will work with the Staff Relations/HR Labor Representative and the receiving site administrator and other supervisory personnel to ensure that the transferred employee is on notice of all applicable policies and procedures at the new school. The transferred employee shall also be advised of the reason(s) for the transfer. After this intake procedure, the receiving site administrator and other supervisory personnel should ensure diligent supervision and evaluation of the transferred employee, within the parameters of the applicable collective bargaining agreement. The receiving site administrator and other supervisory personnel should document and address any failure to follow policies/procedures, but should also ensure that the employee is not receiving discriminatory or unfair scrutiny.

VI. THIRD PARTY ALLEGATIONS INVOLVING EMPLOYEES

When sexual abuse of a minor (other than an LAUSD student) is alleged to have occurred by a District employee, the report must be sent to the appropriate law enforcement agency with a copy forwarded to the Director of Employee Relations. The Director of Employee Relations will coordinate a fact gathering process, including interaction with law enforcement, in an effort to determine whether discipline, including employment termination, is appropriate. The Director of Employee Relations will consult with the Office of the General Counsel, Staff Relations, and any other District department as needed, in order to make such determination. Any decision to discipline an accused employee, or wait pending results of a concurrent criminal or other proceeding, shall be carried out in consultation with the Office of the General Counsel.

The provisions above regarding communications with the media and post-investigation procedures apply in third party complaint contexts as well.



LOS ANGELES UNIFIED SCHOOL DISTRICT  
Policy Bulletin

---

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

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

District Bulletin 1347, Child Abuse and Neglect Reporting Procedures.

**RELATED  
RESOURCES:**

- 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.
- Bulletin No. 3, Subject, “Notification/Summary of Sexual Harassment Policy/Procedures With Regard To All District Employees and Students.

**ASSISTANCE:**

For assistance or further information concerning this policy, please contact:  
Linda Del Cueto, Assistant Superintendent, Staff Relations, at (213) 241-6056.

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

For direction regarding responding to the media, please contact the Director of Communications at (213) 241-7000.

Attachments:

- Attachment A – Flowchart 1: When the alleged sexual abuse involves a LAUSD student.
- Attachment B – Flowchart 2: When the alleged sexual abuse involves a non-LAUSD minor but a LAUSD employee.