

Prohibition of Sexual Harassment—Students

The Long Beach 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, including same-sex harassment, is a form of gender discrimination and 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 will result in disciplinary action against the offending employee or the suspension or expulsion of the offending student. The District prohibits retaliatory behavior against anyone who files a sexual harassment complaint or any participant in the complaint investigation process. Each complaint alleging sexual harassment shall be promptly investigated in a confidential manner, respecting the privacy of all parties to the fullest extent possible.

Sexual harassment, including same-sex harassment, is defined 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 when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of the individual's employment, academic status, or progress,
2. Submission to, or rejection of, such conduct by an individual is used as the basis for employment or academic decisions affecting such individual,
3. Such conduct has the purpose or the 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, or
4. Submission to, or rejection of, such 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.

Conduct that constitutes sexual harassment, including same-sex harassment, is prohibited and will not be tolerated. Individuals who commit sexual harassment are subject to disciplinary action up to and including suspension and expulsion from the school district, dismissal from school district employment, the filing of criminal charges with the proper authorities, and liability through civil litigation as well.

Any student who believes that he/she is being sexually harassed should report any allegation of sexual harassment through the informal and/or formal process outlined in this policy so that appropriate action may be taken to resolve the situation.

Informal Process: A student may discuss his/her complaint with any school administrator, counselor, nurse, or teacher. The employee who learns of the harassment of the student shall report all allegations of sexual harassment to the principal. School staff will promptly investigate the allegation and determine what types of actions will resolve the situation. School staff will provide for some type of follow-up to verify that the harassment has stopped. A written record will be kept of the complaint and actions taken to resolve the situation as reported.

Any complaint of sexual harassment of a student by an employee of the school district must also be reported to the District's Title IX Compliance Officer for appropriate investigation and possible disciplinary action:

Ruth Perez Ashley, Assistant Superintendent  
Human Resource Services  
1515 Hughes Way, Long Beach, California 90810  
(562) 997-8258

Allegation of sexual harassment of a student by an employee may not be dropped or dismissed, nor shall the investigation of such allegations be concluded, without the approval of the District's Title IX Compliance Officer.

Formal Process: If a complaint cannot be resolved informally or the student does not wish to utilize the informal process, a formal investigation of the complaint shall be completed within 60 days of receipt of the written complaint.

A written statement must be filed with the site administrator within a time period no later than six months from the date that the reported incident occurred. This written statement may be filed as described under the District's Uniform Complaint Procedure. The site administrator shall provide a prompt, thorough, and impartial investigation of the complaint. Results of that investigation and the disposition of the complaint shall be provided in writing. If the complaint is resolved, the process ends here.

The decision of the site administrator can be appealed to the District's Title IX Compliance Officer within 15 days of receipt of the site administrator's decision:

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1515 Hughes Way, Long Beach, California 90810  
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The appeal must be in writing and include the reason(s) for the appeal and list any steps that were taken in an attempt to resolve the complaint. The District's Title IX Compliance Officer shall provide an opportunity for the complainant and/or his/her representative to present information relevant to the complaint. The alleged offender shall be afforded the same opportunity to present information. All parties involved may request additional individuals be contacted to provide witness statements or information. This investigation shall be conducted in as confidential a manner as possible.

The written decision of the District's Title IX Compliance Officer shall provide the findings of the investigation and the disposition of the complaint. As noted in the District's Uniform Complaint Procedure, any student or the parent/guardian of any student with a complaint of sexual harassment is not precluded from filing a formal Title IX complaint directly with the Office for Civil Rights, U.S. Department of Education, Old Federal Building, 50 United Nations Plaza, Room 239, San Francisco, California 94102.

A copy of this policy shall be displayed in a prominent location in the main administrative building or other areas of each campus or school site. A copy of this policy shall be provided as

a part of all orientation programs (k-12) for new students at the beginning of a school term. A copy of this policy shall be provided to all District employees upon initial employment and at the beginning of each school year. This policy shall appear in any publication of the District setting forth comprehensive rules or standards of conduct.

Reference: California Education Code Sections 212.5, 231.5, 262.3, 48900.2, 48915, 48980  
LBUSD Policy: 1314.2—Uniform Complaint Procedures Regarding State  
and Federal Programs  
4111.60—Nondiscrimination and Employee Privacy  
4119.11—Prohibition of Sexual Harassment-Employees

Approved: February 22, 1993

Revised: May 6, 1997  
October 7, 1997  
June 5, 2001