

TORRANCE UNIFIED SCHOOL DISTRICT

July 2017

TO: STAFF

FROM: DR. E DON KIM – SENIOR DIRECTOR, ELEMENTARY SCHOOLS
DR. NISHA DUGAL – SENIOR DIRECTOR, SECONDARY SCHOOLS
DR. MARIO LIBERATI – SENIOR DIRECTOR, HUMAN RESOURCES
MR. JON PEARSON – DIRECTOR, STUDENT SERVICES & FAMILY
WELCOME ENROLLMENT CENTER

SUBJECT: STAFF IN-SERVICE:
PROCEDURES FOR REPORTING CHILD ABUSE
UNIFORM COMPLAINT PROCEDURES
DISTRICT EMPLOYEE SEXUAL HARASSMENT POLICY
DRUG AND ALCOHOL-FREE WORKPLACE POLICY
NONDISCRIMINATION/HARASSMENT POLICY
NONDISCRIMINATION IN EMPLOYMENT POLICY
PROFESSIONAL STANDARDS POLICY
POLICY ON NON-FRATERNIZATION WITH STUDENTS
ADULT ACCEPTABLE USE POLICY
PARAEDUCATOR EMAIL ACCEPTABLE USE POLICY

The Procedures for Reporting Child Abuse, Uniform Complaint Procedures, District Employee Sexual Harassment Policy, Drug and Alcohol-Free Workplace Policy, Nondiscrimination/Harassment Policy, Nondiscrimination in Employment Policy, Professional Standards Policy, Policy on Non-Fraternization with Students, Adult Acceptable Use Policy and the Paraeducator Email Acceptable Use Policy are in accordance with state law and/or District/Board policy and practice. Please read carefully and be alert and aware of what these procedures and policies require of you. After you have read all these documents, please sign the statement below and return the entire page to your school principal or immediate supervisor.

I hereby certify I have read and understand all of the above documents.

Print Name

Signature

Date

(Please return to your principal or immediate supervisor.)

TORRANCE UNIFIED SCHOOL DISTRICT

Procedures for Reporting Child Abuse

Typical questions and answers are printed here to help you understand the District's role in helping abused children:

What is child abuse?

Generally, child abuse is a physical injury inflicted by other than accidental means on a child by another person; sexual assault, molestation or exploitation of a child; and willful cruelty or punishment or corporal punishment or injury of a child.

In reality, child abuse includes: physical abuse, physical neglect, sexual abuse and emotional maltreatment.

How can I be sure what I am seeing is really child abuse?

The single most important indicator is a statement by the child, however, most of the signs you will see will be subtle. Therefore, expect in most instances that you will not be sure, but will reasonably suspect, abuse has been inflicted upon a child. Fortunately, the law does not require you to prove your suspicions. A good rule to follow is, "When in doubt, report." Remember, it is not your responsibility to determine if a crime has occurred; it is your responsibility to report incidents you reasonably suspect are child abuse.

I. Child Abuse Reporting Law – Your role as a mandated reporter

Section 11166.05 of the California Penal Code mandates the reporting to designated authorities of cases of suspected child abuse and reads as follows:

"...a mandated reporter shall make a report to an agency...whenever the mandated reporter, in his or her professional capacity or within the scope of his or her employment, has knowledge of or observes a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect. The mandated reporter shall make an initial report to the agency immediately or as soon as is practicably possible by telephone and the mandated reporter shall prepare and send, fax, or electronically transmit a written follow-up report thereof within 36 hours of receiving the information concerning."

What happens if I don't file a report?

An employee who is required by law to make a report but fails to do so can be found guilty of a misdemeanor, punishable by imprisonment in county jail for a maximum of six months, or by a fine of up to \$1,000 or both.

Such a person faces the possibility of personal civil liability and could be assigned costs of any subsequent damages.

With all of the other things I have to do, this places a great deal of pressure on me. Do I have to act alone?

While the law states certificated and classified employees have an individual responsibility to make reports, you are not alone. Your school has a child abuse reporting plan, which includes the principal who will help you with the reporting procedure.

II. Required Reporting Procedures

THE LAW AND DISTRICT POLICY REQUIRE THAT WHEN CHILD ABUSE IS SUSPECTED, ALL PERSONS SHALL:

As a mandated reporter in the Torrance Unified School District, you have the responsibility to report suspected child abuse to the following:

- Department of Child and Family Services
- Torrance Police Department
- Family Welcome and Enrollment Center

The following steps should be taken when you have determined you have a reportable incident:

1. Report the incident to your school's principal or to the Director of Student Services.
2. Call DCFS Child Abuse Reporting Hotline (1-800-540-4000) to report the incident. Be prepared to give DCFS all pertinent information (including victim's name, DOB, parent / guardian information, all available contact information; as well as suspect's name, relation to victim, and contact information) At this time, you will obtain a referral number from DCFS (19 digit number in the following format xxxx-xxxx-xxxx-xxxxxx). *If for any reason DCFS refuses to take a report and assign you a referral number, obtain the call taker's name and ID number, and proceed to the next step of the reporting procedures.*
3. Call, or have your principal call, your designated School Resource Officer and notify them of the situation. Based on the facts you provide, the SRO will make the determination if the situation is exigent and requires immediate police response to the school. If the incident is not determined to be exigent, the SRO will pick up a copy of the completed 11166 form (printed from online with referral number) as soon as practically possible. If you are unable to contact the SRO, contact TPD's business line at 310-328-3456 to report the incident. (Remember, these guidelines are for reporting suspected child abuse only. If there is an emergency situation at your school, immediately call 911 to report the emergency).
4. Using your 19 digit referral number, complete an 11166 Report online (www.mandreptla.org / under "Create Suspected Child Abuse Report" tab. *Note: It can take up to two hours after you have made your verbal report to the DCFS Hotline, for your 19 digit referral number to "activate" for use on the reporting website. **Reports are required to be submitted within 36 hours***). If DCFS refused your verbal report via the Hotline, or failed to provide a 19 digit referral number, fill out a hard copy 11166 Form. (located here http://www.mandreptla.org/results/Blank_SCAR_Report.pdf). When completing a hard copy 11166 Form, include the DCFS worker's name and ID number.
5. Print out a completed copy of the online 11166 Form and forward it via email to Jon Pearson, Director of Student Service and Family Welcome and Enrollment Center (pearson.jon@tusd.org Ext. 6270)

A. Things to Remember:

Employees have full responsibility to ensure the reporting of children whom they suspect are victims of abuse; however, they are not required to prove their suspicions, nor are they to conduct an investigation regarding their suspicions.

Reporting is an individual responsibility. When a person who is mandated to report makes a decision to do so, it does not require agreement from other observers.

Employees are still required to report even though the one suspected of being abused may not be under their jurisdiction.

Reporting the suspected abuse to another employee does not relieve the person of the responsibility of reporting. If no report is filed, all parties having knowledge of the abuse may be held accountable.

B. The person making the report should:

- (1) try to have all pertinent information available prior to placing the telephone report, i.e., child's name, address, telephone number, date of birth, language spoken in the home;
- (2) document date and time call is made; contact person's name, title, position, badge number; response/directive of contact person.

III. Preparing Suspected Child Abuse Report Forms

A. Completion of Report Form P.C. 11166/SS 8572

- (1) Identifying information must be provided in full (Parts B, C, D, E). It is especially important that sibling information is reported.

- (2) Name and address of the child protection agency, telephone number, and date and time of telephone call should be provided in full (Part C).
- (3) Statements concerning observations of the child's injuries or conditions should be factual and objective. If you have any questions, it is recommended that the site administrator or District nurse be consulted for assistance.
- (4) Avoid statements of personal judgment concerning the child or the alleged perpetrator.
- (5) When the child describes how the injuries/situation occurred, his/her description should be reported as nearly verbatim as possible. Quotation marks should be used when appropriate.
- (6) If a language other than English is spoken in the home, please be sure to state this on the form.
- (7) Do not discuss the situation with others unless they were involved in making the report. Only those individuals involved in the reporting process should be privy to information regarding the report.
- (8) **NEVER place a copy of the report in the pupil record file.**

IV. Responsibilities of School Personnel

- A. The law states: "When two or more persons, who are required to report, jointly have knowledge of a known or suspected instance of child abuse or neglect, and when there is agreement among them, the telephone report may be made by a member of the team selected by mutual agreement and a single report may be made and signed by the selected member of the reporting team. Any member who has knowledge that the member designated to report has failed to do so shall thereafter make the report." (P.C. 11166.05)
- B. Employees have full responsibility to ensure the reporting of children whom they suspect are victims of abuse; however, they are not required to prove their suspicions nor are they to conduct an investigation regarding their suspicions.
 - (1) Employees should not confer with the person(s) alleged to have mistreated the minor prior to making the report, even if the perpetrator is another District employee.
 - (2) Procedures to be followed subsequent to filing the report are determined by and should be discussed with the mandated investigating agency. Investigation, counseling, and/or family intervention are the responsibility of the child protective agency, i.e., law enforcement or children's protective services. You are not required to elaborate or editorialize.
 - (3) When necessary and for reasonable cause, law enforcement is the only agency which may remove a minor from the school site and take the minor into protective custody. When the minor is removed from the school site for suspected child abuse, the principal or other school official shall provide the peace officer with the address and telephone number of the child's parent/guardian. If a student is removed from campus, the administrator must complete the "Removal of Pupil from Campus" form (available in iTUSD → District Files and Forms → Disciplinary Forms) and send a copy to the Senior Director – Secondary.
- C. State law requires each certificated person who enters into employment on or after January 1, 1985, prior to commencing the employment and as a prerequisite to that employment, shall sign a statement on a form provided to the effect that he/she knows of the requirements to report known or suspected instances of child abuse and will comply therewith (P.C. Sections 11166.5 and 11172).
- D. Site administrators are directed to:
 - (1) discuss in depth the content of this bulletin with all site employees at the beginning of the school year, at least one other time during the school year, and with all new employees at the time of their assignment;
 - (2) develop a specific local school or site plan for reporting child abuse cases which includes the responsibilities of all site employees and the fact that the principal is to be apprised of all reports of suspected child abuse filed by staff;
 - (3) ensure that all site employees are aware of and understand the local reporting plan;

- (4) direct that any suspected child abuse and/or neglect is reported to the appropriate investigative agency;
- (5) maintain a confidential log/file of all child abuse cases reported.

V. Victim Interviews

Upon request, a child protective agency may interview a suspected victim of child abuse during school hours, on school premises, concerning a report of suspected child abuse that occurred within the child's home. The child shall be given the choice {in the presence of a school administrator – AR 5141.4(e)} of being interviewed in private or in the presence of any adult school employee or volunteer aide selected by the child (P.C. 11174.3). It is highly recommended that elementary age students have a school employee present in the interview. The child protective agency representative is designated by law as the person who informs the child of his/her right to this choice.

A staff member or volunteer aide selected by a child may decline to be present at the interview. If the selected person accepts, the principal or designee shall inform him/her, before the interview takes place, of the following legal requirements:

- (1) The purpose of the selected person's presence at the interview is to lend support to the child and enable him/her to be as comfortable as possible.
- (2) The selected person shall not participate in the interview.
- (3) The selected person shall not discuss the facts or circumstances of the case with the child.
- (4) The selected person is subject to the confidentiality requirements of the Child Abuse and Reporting Act, a violation of which is punishable as specified in P.C. 11167.5.

VI. Liability for Failure to Report

- A. Any person mandated by the Penal Code who fails to report an instance of child abuse which he/she knows or reasonably should know to exist:
 - (1) may be guilty of a crime punishable by a fine and/or imprisonment (P.C. 11166); and
 - (2) faces the possibility of personal civil liability and could be assigned costs of any subsequent related damages the child incurs.
- B. No employee reporting a suspected instance of child abuse who is mandated under provisions of the law shall be civilly or criminally liable for any such report (P.C. 11172).

VII. Complaint of Child Abuse Committed by School District Employees or Others at School Site

- A. Parents or guardians of pupils have the right to file a complaint against a school district employee or other person they suspect has engaged in abuse of a child at a school site. If a District employee is accused or suspected of committing an act of child abuse, the Principal must immediately contact the Senior Director of Human Resources and the Senior Director of Elementary or Secondary schools, depending on the site of employment and attendance of student.
- B. If the complaint is substantiated, the local child protective agency is required to forward a copy of the investigation report to the governing board of the local school district or county office of education (P.C. 11165.4).

VIII. Confidentiality

Are mandated reporters required to give their names when a report is made?

Yes. (P.C. 11167, subs. (a))

Is the identity of a mandated reporter confidential?

Yes. The identity of all persons who report known or suspected child abuse is confidential and may only be disclosed as follows:

- Between child protective agencies.

- To counsel representing a child protective agency.
- To the district attorney in a criminal prosecution.
- To district attorney in an action initiated under Welfare and Institutions Code section 602 (wards; minors violating laws defining crime) arising from alleged child abuse.
- To the child's counsel appointed pursuant to Welfare and Institutions Code section 317 (c).
- To the county counsel or district attorney in proceedings under Family Code section 7800, et seq. (termination of parental rights) or Welfare and Institutions Code section 300 (dependent children).
- To a licensing agency when abuse in out-of-home care is reasonably suspected.
- By court order.
- When the reporter waives confidentiality (P.C. 11167, subd. (d)).

Are investigative reports of suspected child abuse confidential?

Yes. Required reports of suspected child abuse and the information contained in those reports are confidential and may be disclosed only to the following:

- To persons or agencies to whom a reporter's identity may be disclosed (see above).
- To persons or agencies to whom disclosure of index and investigative information is permitted under P.C. 11170, subd. (b).
- To persons or agencies with whom investigations of child abuse are coordinated under the regulations promulgated under Section 11174.
- To multidisciplinary personnel teams as defined in Welfare and Institutions Code section 18951, subd. (d).
- To persons or agencies responsible for the licensing of facilities that care for children, as specified in P.C. 11165.7.
- To the state Department of Social Services or any county licensing agency, which has contracted with the state when an individual has applied for a community, care license, child day care license, for employment in an out-of-home care facility, or when a complaint alleges child abuse by an operator or employee of an out-of-home care facility.
- To hospital scan teams.
- To coroners and medical examiners when conducting a postmortem examination of a child.
- To the Board of Prison Terms when subpoenaed for parole revocation proceedings against a parolee charged with abuse.
- To personnel from a child protective agency responsible for making a placement of a child.
- To persons who have been identified by the Department of Justice as listed in the Child Abuse Central Index.
- To out-of-state law enforcement agencies conducting an investigation of child abuse only when an agency makes the request for reports of suspected child abuse in writing and on official letterhead, identifying the suspected abuser or victim by name.
- To persons who have verified with the Department of Justice that they are listed in the Child Abuse Central Index as provided by subdivision (e) of Section 11170.
- To the chairperson of a county child death review team, or his or her designee (P.C. 11167.5, subd. (b)).

Any violation of these confidentiality provisions is a misdemeanor punishable by up to six months in county jail or by a fine of \$500 or by both.

Torrance Unified School District

UNIFORM COMPLAINT PROCEDURES - Board Policy 1312.3

<http://www.boarddocs.com/ca/tusd/Board.nsf/goto?open&id=A3X28N00F98B>

The Board of Education recognizes the District's primary responsibility to comply with applicable state and federal laws and regulations governing educational programs. The Board of Education encourages the early, informal resolution of complaints whenever possible and appropriate.

For the purposes of this policy and the associated administrative regulation, conduct constituting "harassment", "intimidation", or "bullying" is conduct that is sufficiently severe or pervasive to have the actual and reasonably expected effect of materially disrupting classwork, creating substantial disorder, and invading the rights of another by creating an intimidating or hostile educational environment.

To resolve complaints which may require a more formal process, the Board adopts the uniform system of complaint processes specified in 5 CCR 4600-4670 and the accompanying administrative regulations.

The District's Uniform Complaint Procedures (UCP) shall be used to investigate and resolve the following complaints:

1. Any complaint alleging District violation of applicable state or federal law or regulations governing adult education programs, consolidated categorical aid programs, after school education and safety programs, migrant education, career technical and technical education and training programs, child care and development programs, child nutrition programs, and special education programs, and any other District-implemented program which is listed in Education Code 64000(a) (5 CCR 4610)
2. Any complaint alleging the occurrence of unlawful discrimination, including discriminatory harassment, intimidation, or bullying, in District programs and activities against any student, employee, or other person based on his/her actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in Education Code 200 or 220, Government Code 11135, or Penal Code 422.55, or based on his/her association with a person or group with one or more of these actual or perceived characteristics, in district programs and activities, including, but not limited to, those funded directly by or that receive or benefit from any state financial assistance. (5CCR 4610)
3. Any complaint alleging bullying in District programs and activities, regardless of whether the bullying is based on a person's actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in Education Code 200 or 220, Government Code 11135, or Penal Code 422.55, or based on his/her association with a person or group with one or more of these actual or perceived characteristics.
4. Any complaint alleging District noncompliance with the requirement to provide reasonable accommodation to a lactating student on school campus to express breast milk, breastfeed and infant child, or address other breastfeeding-related needs of the student (education Code 222)
5. Any complaint alleging District noncompliance with the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities (5CCR 4610)
6. Any complaint alleging that the District has not complied with legal requirements related to the implementation of the Local Control Funding Formula (LCFF) and the Local Control and Accountability Plan (LCAP). (Education Code 52075)
7. Any complaint, by or on behalf of any student who is a foster youth, alleging District noncompliance with any legal requirement applicable to the student regarding placement decisions, the responsibilities of the District's educational liaison to the student, the award of credit for coursework satisfactorily completed in another school or district, school transfer, or the grant of an exemption from Board-imposed graduation requirements (Education Code 48853, 48853.5, 49069.5, 51225.1, 51225.2)
8. Any complaint, by or on behalf of a homeless student as defined in 42 USC 11434a, alleging District noncompliance with any requirement applicable to the student regarding the award of credit for coursework satisfactorily completed in another school or district or the grant of an exemption from Board-imposed graduation requirements (Education Code 51225.1, 51225.2)
9. Any complaint, by or non behalf of a former juvenile court school student who transfers into the District after his/her second year of high school, alleging District noncompliance with any requirement applicable to the student regarding the award of credit for coursework satisfactorily completed in the juvenile court school or the grant of an exemption from Board-imposed graduation requirements. (Education Code 51225.1, 51225.2)
10. Any complaint alleging District noncompliance with the requirements of Education Code 51228.1 and 51228.2 that prohibit the assignment of a student to a course without educational content for more than one week in any semester or to a course the student has previously satisfactorily completed, without meeting specified conditions (education Code 51228.3)
11. Any complaint alleging District noncompliance with the physical education instructional minutes requirement for students in elementary school (Education Code 51210, 51223)
12. Any complaint alleging retaliation against a complainant or other participant in the complaint process or anyone who has acted to uncover or report a violation subject to this policy.

Non-UCP Complaints

The following complaints are examples that shall not be subject to the District's UCP but shall be referred to the specified agency: (5 CCR 4611)

1. Any complaint alleging child abuse or neglect shall be referred to the County Department of Social Services, the County Protective Services Division, and the appropriate law enforcement agency.
2. Any complaint alleging health and safety violations by a child development program shall, for licensed facilities, be referred to Department of Social Services and shall, for licensing-exempt facilities, be referred to the appropriate Child Development regional administrator.
3. Any complaint alleging employment discrimination shall be sent to the California Department of Fair Employment and Housing and the compliance officer shall notify the complainant by first class mail of the transfer.
4. In addition, the District's Williams Uniform Complaint Procedures, AR 1312.4, shall be used to investigate and resolve any complaint related to sufficiency of textbooks or instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff, or teacher vacancies and misassignments. (Education Code 35186)
5. When an allegation that is not subject to the UCP is included in a UCP complaint, the District shall refer the non-UCP allegation to the appropriate staff or agency and shall resolve the UCP-related allegation(s) through the District's UCP.

No Retaliation

The District shall protect all complainants from retaliation. In investigating complaints, the confidentiality of the parties involved shall be protected as required by law. As appropriate for any complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the Superintendent or designee shall keep confidential the identity of the complainant and/or the subject of the complaint if he/she is different from the complainant, as long as the integrity of the complaint process is maintained.

(cf. 5125 – Student Records)

(cf. 9011 – Disclosure of Confidential/Privileged Information)

Informal Resolution

The Board of Education encourages the early, informal resolution of complaints at the site level whenever possible.

The Board recognizes that a neutral mediator can often suggest a compromise that is agreeable to all parties in a dispute. In accordance with uniform complaint procedures, whenever all parties to a complaint agree to try resolving the problem through mediation, the Superintendent or designee shall initiate that process. The Superintendent or designee shall ensure that the results are consistent with state and federal laws and regulations.

Last revised: July 17, 2017

Torrance Unified School District

UNIFORM COMPLAINT PROCEDURES - Administrative Rule 1312.3 <http://www.boarddocs.com/ca/tusd/Board.nsf/goto?open&id=A3X2BA015375>

Introduction

Except as the Board of Education may otherwise specifically provide in other District policies, these Uniform Complaint Procedures (UCP) shall be used to investigate and resolve only the complaints specified in BP 1312.3.

Compliance Officers

The District designates the following lead compliance officer to receive and investigate complaints and ensure District compliance with law:

Senior Director – Human Resources

2335 Plaza Del Amo

Torrance, CA 90501

(310) 972-6071

The Superintendent or designee shall ensure that employees designated to investigate complaints are knowledgeable about the laws and programs for which they are responsible. Such employees may have access to legal counsel as determined by the Superintendent or designee.

The lead compliance officer who receives a complaint may assign another compliance officer to investigate and resolve the complaint. The compliance officer shall promptly notify the complainant if another compliance officer is designated to investigate the complaint.

In no instance shall a compliance officer be designated to investigate a complaint if he/she is mentioned in the complaint, has a bias, or has a conflict of interest that would prohibit him/her from fairly investigating the complaint. Any complaint filed against or implicating a compliance officer shall be filed with the Superintendent or designee who shall determine how the complaint will be investigated.

The compliance officer or, if necessary, any appropriate administrator shall determine whether interim measures are necessary during and pending the results of an investigation. If interim measures are determined to be necessary, the compliance officer or the administrator shall consult with the Superintendent, the Superintendent's designee, or, if appropriate, the site principal to implement, if possible, one or more of the interim measures. The interim measures may remain in place until the compliance officer determines that they are no longer necessary or until the District issues its final written decision, whichever occurs first.

Notifications

The District's Uniform Complaint Procedures (UCP) policy and administrative regulation shall be posted in all District schools and offices, including staff lounges and student government meeting rooms. (Education Code 234.1)

The Superintendent or designee shall annually provide written notification of the District's uniform complaint procedures including information regarding unlawful student fees, local control and accountability plan (LCAP) requirements, and requirements related to the educational rights of foster youth, homeless students, and former juvenile court school students, to students, employees, parents/guardians, the District advisory committee, school advisory committees, appropriate private school officials or representatives, and other interested parties. (Education Code 262.3, 49013, 48853, 48853.5, 49013, 49069.5, 51225.1, 51225.2, 52075; 5 CCR 4622)

The annual notification and complete contact information of the compliance officer(s), and information related to Title IX as required pursuant to Education Code 221.61 shall be posted on the District web site and, if available, provided through district-supported social media.

All students and parents/guardians, including students and parents/guardians with limited English proficiency, shall have access to the relevant information provided in the District's policy, regulation, forms, and notices concerning the UCP.

If 15 percent or more of students enrolled in a particular District school speak a single primary language other than English, the District's policy, regulation, forms, and notices concerning the UCP shall be translated into that language, in accordance with Education Code 234.1 and 48985. In all other instances, the District shall ensure meaningful access to all relevant UCP information for parents/guardians with limited English proficiency.

The notice shall:

1. Identify the person(s), position, or unit(s) responsible for receiving complaints
2. Advise the complainant of any civil law remedies that may be available to him/her under state or federal discrimination, harassment, intimidation, and bullying laws, if applicable.
3. Advise the complainant of the appeal process pursuant to Education Code 262.3, including the complainant's right to take a complaint directly to the California Department of Education (CDE) or to pursue remedies before civil courts or other public agencies such as the U.S. Department of Education's Office for Civil Rights (OCR) in cases involving unlawful discrimination (such as discriminatory harassment, intimidation, or bullying).
4. Include statements that:

- a. The District is primarily responsible to ensure compliance with applicable state and federal laws and regulations governing educational programs
- b. The complaint review shall be completed within 60 calendar days from the date of receipt of the complaint unless the complainant agrees in writing to an extension of the timeline.
- c. A complaint alleging retaliation or unlawful discrimination, harassment, intimidation, or bullying must be filed not later than six months from the date the alleged discrimination, harassment, intimidation or bullying occurs, or six months from the date the complainant first obtains knowledge of the facts of the alleged unlawful discrimination, harassment, intimidation, or bullying. The time for filing may be extended for up to 90 days by the Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension.
- d. Complaints should be filed in writing and signed by the complainant. If a complainant is unable to put his/her complaint in writing, for example, due to conditions such as a disability or illiteracy, District staff shall assist him/her in the filing of the complaint.
- e. If a complaint is not filed in writing but the District receives notice of any allegation that is subject to the UCP, the District shall take affirmative steps to investigate and address the allegations, in a manner appropriate to the particular circumstances.
If the allegation involves retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) and the investigation confirms that discrimination has occurred, the District will take steps to prevent recurrence of discrimination and correct its discriminatory effects on the complainant, and on others, if appropriate.
- f. A student enrolled in a public school shall not be required to pay a fee for his/her participation in an educational activity that constitutes an integral fundamental part of the District's educational program, including curricular and extracurricular activities.
- g. The Board is required to adopt and annually update the LCAP in a manner that includes meaningful engagement of parents/guardians, students, and other stakeholders in the development and/or review of the LCAP.
- h. A foster youth shall receive information about educational rights related to his/her educational placement, enrollment in and checkout from school, as well as the responsibilities of the District liaison for foster youth to ensure and facilitate these requirements and to assist the student in ensuring proper transfer of his/her credits, records, and grades when he/she transfers between schools or between the District and another district.
- i. A foster youth, homeless student, or former juvenile court school student, who transfers into a District high school or between District high schools shall be notified of the District's responsibility to:
 - 1. Accept any coursework or part of the coursework that the student has satisfactorily completed in another public school, juvenile court school, or a nonpublic, nonsectarian school or agency, and to issue full or partial credit for the coursework completed.
 - 2. Not require the student to retake any course or a portion of a course which he/she has satisfactorily completed in another public school, juvenile court school, or a nonpublic, nonsectarian school or agency.
 - 3. If the student has completed his/her second year of high school before the transfer, provide the student information about District-adopted coursework and Board-imposed graduation requirements from which he/she may be exempted pursuant to Education Code 51225.
- j. The complainant has a right to appeal the District's decision to the California Department of Education (CDE) by filing a written appeal within 15 calendar days of receiving the District's decision.
In any complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the Respondent also shall have the right to file an appeal with the CDE in the same manner as the complainant, if he/she is dissatisfied with the District's decision.
- k. The appeal to the CDE must include a copy of the complaint filed with the District and a copy of the District's decision.
- l. Copies of the District's Uniform Complaint Procedures are available free of charge.

District Responsibilities

All UCP-related complaints shall be investigated and resolved within 60 calendar days of the District's receipt of the complaint unless the complainant agrees in writing to an extension of the timeline. (5 CCR 4631)

For complaints alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the District shall inform the respondent when the complainant agrees to an extension of the timeline for investigating and resolving the complaint.

The compliance officer shall maintain a record of each complaint and subsequent related actions, including steps taken during the investigation and all information required for compliance with 5 CCR 4631 and 4633.

All parties involved in the allegations shall be notified when a complaint is filed and when a decision or ruling is made. However, the compliance officer shall keep all complaints or allegations of retaliation or unlawful discrimination, (such as discriminatory harassment, intimidation, or bullying) confidential except when disclosure is necessary to carry out the investigation, take subsequent corrective action, conduct ongoing monitoring, or maintain the integrity of the process. (5 CCR 4630, 4964)

Step 1: Filing of Complaint

The complaint shall be presented to the compliance officer who shall maintain a log of complaints received, providing each with a date stamp and code number.

All complaints shall be filed in writing and signed by the complainant. If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, District staff shall assist him/her in the filing of the complaint. (5 CCR 4600)

All complaints shall be filed in accordance with the following:

1. A written complaint alleging District violation of applicable state or federal law or regulations governing adult education programs, consolidated categorical aid programs, migrant education, career technical and technical education and training programs, child care and development programs, child nutrition programs, and special education programs may be filed by any individual, public agency, or organization. (5 CCR 4630)
2. Any complaint alleging noncompliance with law regarding the prohibition against requiring students to pay student fees, deposits, and charges or any requirement related to the LCAP may be filed anonymously if the complaint provides evidence, or information leading to evidence, to support an allegation of noncompliance. A complaint about a violation of the prohibition against the charging of unlawful student fees may be filed with the principal of the school. However, any such complaint shall be filed no later than one year from the date the alleged violation occurred. (Education Code 49013, 52075; 5 CCR 4630)
3. A complaint alleging unlawful discrimination, including discriminatory harassment, intimidation, or bullying, may be filed only by a person who alleges that he/she personally suffered unlawful discrimination or by a person who believes that an individual or any specific class of individuals has been subjected to it. The complaint shall be initiated no later than six months from the date when the alleged discrimination occurred, or six months from the date when the complainant first obtained knowledge of the facts of the alleged discrimination. The time for filing may be extended for up to 90 days by the Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension. (5 CCR 4630)
4. When a complaint alleging unlawful discrimination, (such as discriminatory harassment, intimidation, or bullying) is filed anonymously, the compliance officer shall pursue an investigation or other response as appropriate, depending on the specificity and reliability of the information provided and the seriousness of the allegation.
5. When the complainant of unlawful discrimination, (such as discriminatory harassment, intimidation, or bullying) or the alleged victim requests confidentiality, the compliance officer shall inform him/her that the request may limit the District's ability to investigate the conduct or take other necessary action. When honoring a request for confidentiality, the District will nevertheless take all reasonable steps to investigate and respond to the complaint consistent with the request.
6. If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, District staff shall assist him/her in the filing of the complaint. (5 CCR 4600)

Optional Mediation

Within three business days after the compliance officer receives the complaint, he/she may informally discuss with all the parties the possibility of using mediation. If the parties agree to mediation, the compliance officer shall make all arrangements for this process.

Before initiating the mediation of a complaint alleging retaliation or unlawful discrimination, harassment, intimidation, or bullying, the compliance officer shall ensure that all parties agree to make the mediator a party to related confidential information. The compliance officer shall also notify all parties of the right to end the informal process at any time.

If the mediation process does not resolve the problem within the parameters of law, the compliance officer shall proceed with his/her investigation of the complaint.

The use of mediation shall not extend the District's timelines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time. If the mediation is successful and the complaint is withdrawn, then the District shall take only the actions agreed to through the mediation. If mediation is unsuccessful, the District shall then continue with subsequent steps specified in this administrative regulation. (5 CCR 4631)

Step 2: Investigation of Complaint

Within 10 business days after the compliance officer receives the complaint, the compliance officer or designee shall provide the complainant and/or his/her representative an opportunity to present the complaint and any evidence, or information leading to evidence, to support the allegations in the complaint. The compliance officer also shall collect all documents and interview all witnesses with information pertinent to the complaint.

As necessary, additional staff or legal counsel may conduct or support the investigation.

A complainant's refusal to provide the District's investigator with documents or other evidence related to the allegations in the complaint, or his/her failure or refusal to cooperate in the investigation, or his/her engagement in any other obstruction of the investigation may result in the dismissal of the complaint because of lack of evidence to support the allegations. (5 CCR 4631)

Similarly, a respondent's refusal to provide the District's investigator with documents or other evidence related to the allegations in the complaint, or to otherwise fail to refuse to cooperate in the investigation or engage in any other obstruction of the investigation, may result in finding based on evidence collected that a violation has occurred and may result in the imposition of a remedy in favor of the complainant. (fCCR 4631(d))

In accordance with law, the District shall provide the investigator with access to records and/or other information related to the allegation in the complaint and shall not in any way obstruct the investigation. (5 CCR 4631)

The compliance officer or designee shall apply a "preponderance of the evidence" standard in determining the veracity of the factual allegations in a complaint. This standard is met if the allegation is more likely to be true than not.

Step 3: Report of Findings

Unless extended by written agreement with the complainant, the compliance officer shall prepare and send to the complainant a written report of the District's investigation and decision, as described in Step 4 below, "Final Written Decision," within 60 days of the District's receipt of the complaint. (5 CCR 4631)

Step 4: Final Written Decision

The District's decision shall be in writing and sent to the complainant and respondent. (5 CCR 4631)

In consultation with legal counsel, information about the relevant part of a decision may be communicated to other parties as appropriate.

The District's decision shall be written in English and, when required by Education Code 48985, in the complainant's primary language.

For all complaints, the decision should contain: (5 CCR 4631)

1. The findings of fact based on the evidence gathered)
2. The conclusion(s) of law
3. Disposition of the complaint
4. Rationale for such disposition
5. Corrective actions, if any are warranted
6. Notice of the complainant's right to appeal the District's decision within 15 calendar days to the California Department of Education and the procedures to be followed for initiating such an appeal

In addition, any decision concerning a retaliation, discrimination, harassment, intimidation or bullying complaint based on state law shall include a notice that the complainant must wait until 60 days have elapsed from the filing of an appeal with the CDE before pursuing civil law remedies. (Education Code 262.3)

Corrective Action

When a complaint is found to have merit, the compliance officer shall adopt any appropriate corrective action permitted by law. Appropriate corrective actions that focus on the larger school or district environment may include, but are not limited to, actions to reinforce District policies; training for faculty, staff, and students; updates to school policies; or school climate surveys.

If investigation of a complaint results in discipline to a student or an employee, the decision shall simply state that corrective action was taken and that the student or employee was informed of District expectations. The report shall not give any further information as to the nature of the disciplinary action.

If a complaint alleging noncompliance with the laws regarding student fees, deposits, and other charges or any requirement related to the LCAP is found to have merit, the District shall provide a remedy to all affected students and parents/guardians, subject to procedures established through regulations adopted by the state board. (Education Code 49013, 52075)

For complaints alleging noncompliance with the laws regarding student fees, such remedies, where applicable, shall include reasonable efforts to ensure full reimbursement to affected students and parents/guardians. The District will, in good faith, engage in reasonable efforts to identify and fully reimburse all pupils, parents, and guardians who paid a pupil fee within one year prior to the filing of the complaint. (Education Code 49013; 5 CCR 4600)

Appeals to the California Department of Education

If dissatisfied with the District's decision, the complainant may appeal in writing to the CDE within 15 calendar days of receiving the District's decision. (Education Code 49013, 52075; 5 CCR 4632.)

When appealing to the CDE, the complainant shall specify the basis for the appeal of the decision and whether the facts are incorrect and/or the law has been misapplied. A copy of the locally filed complaint, and a copy of the District's decision shall accompany the appeal. (5 CCR 4632)

Upon notification by the CDE that the complainant has appealed the District's decision, the Superintendent or designee shall forward the following documents to the CDE: (5 CCR 4633)

1. A copy of the original complaint
2. A copy of the written decision
3. A summary of the nature and extent of the investigation conducted by the District, if not covered by the decision
4. A copy of the investigation file, including but not limited to all notes, interviews, and documents submitted by the parties and gathered by the investigator
5. A report of any action taken to resolve the complaint
6. A copy of the District's uniform complaint procedures
7. Other relevant information requested by the CDE

The CDE may directly intervene in the complaint without waiting for action by the District when one of the conditions listed in 5 CCR 4650 exists, including cases in which the District has not taken action within 60 days of the date of the complaint was filed with the District.

Civil Law Remedies

For complaints alleging unlawful discrimination based on state law (such as discriminatory harassment, intimidation, and bullying), the decision shall also include a notice to the complainant that:

1. He/she may pursue available civil law remedies outside of the District's complaint procedures, including seeking assistance from mediation centers or public/private interest attorneys, 60 calendar days after the filing of an appeal with the CDE. (Education Code 262.3)
2. The 60 days moratorium does not apply to complaints seeking injunctive relief in state courts or to discrimination complaints based on federal law. (Education Code 262.3)
3. Complaints alleging discrimination based on race, color, national origin, sex, gender, disability, or age may also be filed with the U.S. Department of Education, Office for Civil Rights at www.ed.gov/ocr within 180 days of the alleged discrimination.

Last revised: July 17, 2017



Book Board Policies
Section 4000: Personnel
Title Sexual Harassment
Number BP 4119.11
Status Active
Adopted June 21, 2004
Last Revised February 21, 2017

BP 4119.11

SEXUAL HARASSMENT

The Governing Board prohibits sexual harassment of district employees. The Board also prohibits retaliatory behavior or action against district employees or other persons who complain, testify, or otherwise participate in the complaint process established pursuant to this policy and accompanying administrative regulation. This policy shall apply to all district employees and, when applicable, to interns, volunteers, and job applicants.

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 4030 - Nondiscrimination in Employment)

The Superintendent or designee shall take all actions necessary to ensure the prevention, investigation, and correction of sexual harassment, including but not limited to:

1. Providing training to employees in accordance with law and administrative regulation
2. Publicizing and disseminating the district's sexual harassment policy to staff
3. Ensuring prompt, thorough, and fair investigation of complaints
4. Taking timely and appropriate corrective/remedial action(s), which may require interim separation of the complainant and the alleged harasser and subsequent monitoring of developments

All complaints and allegations of sexual harassment shall be kept confidential to the extent necessary to carry out the investigation or to take other subsequent necessary actions. (2 CCR 11023)

Any district employee who feels that he/she has been sexually harassed or who has knowledge of any incident of sexual harassment by or against another employee shall immediately report the incident to his/her supervisor, the principal, district administrator, or Superintendent.

A supervisor, principal, or other district administrator who receives a harassment complaint shall promptly notify the Superintendent or designee.

Complaints of sexual harassment shall be filed in accordance with AR 4030 - Nondiscrimination in Employment. An employee may bypass his/her supervisor in filing a complaint where the supervisor is the subject of the complaint.

Any district employee who engages or participates in sexual harassment or who aids, abets, incites, compels, or coerces another to commit sexual harassment in violation of this policy is subject to disciplinary action, up to and including dismissal.

(cf. 4118 - Dismissal/Suspension/Disciplinary Action)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

GOVERNMENT CODE

12900-12996 Fair Employment and Housing Act, especially:

12940 Prohibited discrimination

12950.1 Sexual harassment training

LABOR CODE

1101 Political activities of employees

1102.1 Discrimination: sexual orientation

CODE OF REGULATIONS, TITLE 2

11009 Employment discrimination

11021 Retaliation

11023 Harassment and discrimination prevention and correction

11024 Sexual harassment training and education

11034 Terms, conditions, and privileges of employment

CODE OF REGULATIONS, TITLE 5

4900-4965 Nondiscrimination in elementary and secondary education programs receiving state financial assistance

UNITED STATES CODE, TITLE 42

2000d-2000d-7 Title VI, Civil Rights Act of 1964

2000e-2000e-17 Title VII, Civil Rights Act of 1964, as amended

2000h-2-2000h-6 Title IX, 1972 Education Act Amendments

CODE OF FEDERAL REGULATIONS, TITLE 34

106.9 Dissemination of policy

COURT DECISIONS

Department of Health Services v. Superior Court of California, (2003) 31 Cal.4th 1026

Faragher v. City of Boca Raton, (1998) 118 S.Ct. 2275

Burlington Industries v. Ellreth, (1998) 118 S.Ct. 2257

Gebser v. Lago Vista Independent School District, (1998) 118 S.Ct. 1989

Oncala v. Sundowner Offshore Serv. Inc., (1998) 118 S.Ct. 998

Meritor Savings Bank, FSB v. Vinson et al., (1986) 447 U.S. 57

Management Resources:

OFFICE OF CIVIL RIGHTS AND NATIONAL ASSOCIATION OF ATTORNEYS GENERAL

Protecting Students from Harassment and Hate Crime, January 1999

WEB SITES

California Department of Fair Employment and Housing: <http://www.dfeh.ca.gov>

Equal Employment Opportunity Commission: <http://www.eeoc.gov>

U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr/index.html>

Policy

adopted: June 21, 2004

revised: June 5, 2006; June 16, 2008; December 7, 2015; February 21, 2017

TORRANCE UNIFIED SCHOOL DISTRICT

Torrance, California



Book Administrative Rules
Section 4000: Personnel
Title Sexual Harassment
Number AR 4119.11
Status Active
Adopted February 21, 2017

AR 4119.11

SEXUAL HARASSMENT

This administrative regulation shall apply to all allegations of sexual harassment involving employees, interns, volunteers, and job applicants, but shall not be used to resolve any complaint by or against a student.

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 work or educational setting when: (Education Code 212.5; Government Code 12940; 2 CCR 11034)

1. Submission to the conduct is made explicitly or implicitly a term or condition of the individual's employment.
2. Submission to or rejection of the conduct is used as the basis for an employment decision affecting the individual.
3. Submission to or rejection of the conduct is used as the basis for any decision affecting the individual regarding benefits, services, honors, programs, or activities available at or through the district.

Prohibited sexual harassment also includes conduct which, regardless of whether or not it is motivated by sexual desire, is so severe or pervasive as to unreasonably interfere with the victim's work performance or create an intimidating, hostile, or offensive work environment.

Examples of actions that might constitute sexual harassment in the work or educational setting, whether committed by a supervisor, a co-worker, or a non-employee, include, but are not limited to:

1. Unwelcome verbal conduct such as sexual flirtations or propositions; graphic comments about an individual's body; overly personal conversations or pressure for sexual activity; sexual jokes or stories; unwelcome sexual slurs, epithets, threats, innuendoes, derogatory comments, sexually degrading descriptions, or the spreading of sexual rumors
2. Unwelcome visual conduct such as drawings, pictures, graffiti, or gestures; sexually explicit emails; displaying sexually suggestive objects
3. Unwelcome physical conduct such as massaging, grabbing, fondling, stroking, or brushing the body; touching an individual's body or clothes in a sexual way; cornering, blocking, leaning over, or impeding normal movements

Training

The Superintendent or designee shall ensure that all employees receive training regarding the district's sexual harassment policies when hired and periodically thereafter. The training shall include the procedures for reporting and/or filing complaints involving an employee, employees' duty to use the district's complaint procedures, and employee obligations when a sexual harassment report involving a student is made to the employee.

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 4030 - Nondiscrimination in Employment)

(cf. 5145.7 - Sexual Harassment)

Every two years, the Superintendent or designee shall ensure that supervisory employees receive at least two hours of classroom or other effective interactive training and education regarding sexual harassment. All such newly hired or promoted employees shall receive training within six months of their assumption of the new position. (Government Code 12950.1)

A *supervisory employee* is any employee having the authority, in the interest of the district, to hire, transfer, suspend, lay off, promote, discharge, assign, reward, or discipline other employees, or the responsibility to direct them, adjust their grievances, or effectively recommend such action, when the exercise of the authority is not of a merely routine or clerical nature, but requires the use of independent judgment. (Government Code 12926)

(cf. 4300 - Administrative and Supervisory Personnel)

The district's sexual harassment training and education program for supervisory employees shall be aimed at assisting them in preventing and effectively responding to incidents of sexual harassment, as well as implementing mechanisms to promptly address and correct wrongful behavior. The training shall include, but is not limited to, the following: (Government Code 12950.1; 2 CCR 11024)

1. Information and practical guidance regarding federal and state laws on the prohibition, prevention, and correction of sexual harassment, the remedies available to sexual harassment victims in civil actions, and potential district and/or individual exposure or liability
2. The types of conduct that constitute sexual harassment and practical examples which illustrate sexual harassment, discrimination, and retaliation using training modalities such as role plays, case studies, and group discussions, based on factual scenarios taken from case law, news and media accounts, and hypotheticals based on workplace situations and other sources
3. A supervisor's obligation to report sexual harassment, discrimination, and retaliation of which he/she becomes aware and what to do if the supervisor himself/herself is personally accused of harassment
4. Strategies for preventing harassment, discrimination, and retaliation and appropriate steps to ensure that remedial measures are taken to correct harassing behavior, including an effective process for investigation of a complaint
5. The essential elements of the district's anti-harassment policy, including the limited confidentiality of the complaint process and resources for victims of unlawful sexual harassment, such as to whom they should report any alleged sexual harassment, and how to use the policy if a harassment complaint is filed
6. A copy of the district's sexual harassment policy and administrative regulation, which each participant shall acknowledge in writing that he/she has received
7. The definition and prevention of abusive conduct that addresses the use of derogatory remarks, insults, or epithets, other verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating, and the gratuitous sabotage or undermining of a person's work performance

The Superintendent or designee shall retain for at least two years the records of any training provided to supervisory employees. Such records shall include the names of trained employees, date of the training, the type of training, and the name of the training provider. (2 CCR 11024)

Notifications

A copy of the Board policy and this administrative regulation shall: (Education Code 231.5)

1. Be displayed in a prominent location in the main administrative building, district office, or other area of the school where notices of district rules, regulations, procedures, and standards of conduct are posted

2. Be provided to every district employee at the beginning of the first quarter or semester of the school year or whenever a new employee is hired
3. Appear in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures, and standards of conduct

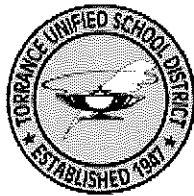
All employees shall receive either a copy of information sheets prepared by the California Department of Fair Employment and Housing (DFEH) or a copy of district information sheets that contain, at a minimum, components on: (Government Code 12950)

1. The illegality of sexual harassment
2. The definition of sexual harassment under applicable state and federal law
3. A description of sexual harassment, with examples
4. The district's complaint process available to the employee
5. The legal remedies and complaint process available through DFEH and the Equal Employment Opportunity Commission (EEOC)
6. Directions on how to contact DFEH and the EEOC
7. The protection against retaliation provided by 2 CCR 11021 for opposing harassment prohibited by law or for filing a complaint with or otherwise participating in an investigation, proceeding, or hearing conducted by DFEH and the EEOC

In addition, the district shall post, in a prominent and accessible location, DFEH's poster on discrimination in employment and the illegality of sexual harassment. (Government Code 12950)

Regulation
approved: February 21, 2017

TORRANCE UNIFIED SCHOOL DISTRICT
Torrance, California



Book Board Policies
Section 4000: Personnel
Title Drug and Alcohol-Free Workplace
Number BP 4020
Status Active
Adopted November 5, 2001
Last Revised April 11, 2011

BP 4020

DRUG AND ALCOHOL-FREE WORKPLACE

The Board of Education believes that the maintenance of a drug- and alcohol-free workplace is essential to staff and student safety and to help ensure a productive and safe work and learning environment.

(cf. 4112.42 - Drug and Alcohol Testing for School Bus Drivers)

An employee shall not unlawfully manufacture, distribute, dispense, possess, or use any controlled substance while on duty, on District property, or at a school-related activity or event. (Government Code 8355; 41 USC 701)

Employees are prohibited from being under the influence of controlled substances or alcohol while on duty. For purposes of this policy, *on duty* means while an employee is on duty during both instructional and non-instructional time in the classroom or workplace, at extracurricular or co-curricular activities, or while transporting students or otherwise supervising them. *Under the influence* means that the employee's capabilities are adversely or negatively affected, impaired, or diminished to an extent that impacts the employee's ability to safely and effectively perform his/her job.

(cf. 4032 - Reasonable Accommodation)

The Superintendent or designee shall notify employees of the District's prohibition against drug use and the actions that will be taken for violation of such prohibition. (Government Code 8355; 41 USC 701)

An employee shall abide by the terms of this policy and shall notify the district, within five days, of his/her conviction for violation in the workplace of any criminal drug statute. (Government Code 8355; 41 USC 701)

The Superintendent or designee shall notify the appropriate federal granting or contracting agency within 10 days after receiving notification, from an employee or otherwise, of any conviction for a violation occurring in the workplace. (41 USC 701)

In accordance with law and the District's collective bargaining agreements, the Superintendent or designee shall take appropriate disciplinary action, up to and including termination, against an employee for violating the terms of this policy and/or shall require the employee to satisfactorily participate in and complete a drug assistance or rehabilitation program approved by a federal, state, or local health or law enforcement agency or other appropriate agency.

(cf. 4112 - Appointment and Conditions of Employment)

Drug-Free Awareness Program

The Superintendent or designee shall establish a drug-free awareness program to inform employees about: (Government Code 8355; 41 USC 701)

1. The dangers of drug abuse in the workplace
2. The District's policy of maintaining a drug-free workplace
3. Available drug counseling, rehabilitation, and employee assistance programs

(cf. 4159 - Employee Assistance Programs)

4. The penalties that may be imposed on employees for drug abuse violations occurring in the workplace

Legal Reference:

EDUCATION CODE

44011 Controlled substance offense

44425 Conviction of controlled substance offenses as grounds for revocation of credential

44836 Employment of certificated persons convicted of controlled substance offenses

44940 Compulsory leave of absence for certificated persons

44940.5 Procedures when employees are placed on compulsory leave of absence

45123 Employment after conviction of controlled substance offense

45304 Compulsory leave of absence for classified persons

GOVERNMENT CODE

8350-8357 Drug-free workplace

UNITED STATES CODE, TITLE 20

7111-7117 Safe and Drug Free Schools and Communities Act

UNITED STATES CODE, TITLE 21

812 Controlled Substances Act

UNITED STATES CODE, TITLE 41

701-707 Drug-Free Workplace Act

CODE OF FEDERAL REGULATIONS, TITLE 21

1308.01-1308.49 Schedule of controlled substances

COURT DECISIONS

Cahoon v. Governing Board of Ventura USD, (2009) 171 Cal.App.4th 381

Ross v. RagingWire Telecommunications, Inc., (2008) 42 Cal.4th 920

Management Resources:

WEB SITES

California Department of Alcohol and Drug Programs: <http://www.adp.ca.gov>

California Department of Education: <http://www.cde.ca.gov>

U.S. Department of Labor: <http://www.dol.gov>

Policy

adopted: November 5, 2001

revised: October 4, 2010; April 11, 2011

TORRANCE UNIFIED SCHOOL DISTRICT

Torrance, California



Book	Board Policies
Section	5000: Students
Title	Nondiscrimination/Harassment
Number	BP 5145.3
Status	Active
Adopted	March 17, 2003
Last Revised	October 24, 2016

BP 5145.3

NONDISCRIMINATION/HARASSMENT

The Board of Education desires to provide a safe school environment that allows all students equal access and opportunities in the District's academic, extracurricular, and other educational support programs, services, and activities. The Board prohibits, at any District school or school activity, unlawful discrimination, including discriminatory harassment, intimidation, and bullying, targeted at any student by anyone, based on the student's actual race, color, ancestry, national origin, nationality, ethnicity, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, or gender expression; or association with a person or group with one or more of these actual or perceived characteristics.

This policy shall apply to all acts related to school activity or to school attendance occurring within a District school, and to acts which occur off campus or outside of school-related or school-sponsored activities but which may have an impact or create a hostile environment at school.

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 5131 - Conduct)

(cf. 5131.2 - Bullying)

(cf. 5137 - Positive School Climate)

(cf. 5145.9 - Hate-Motivated Behavior)

(cf. 5146 - Married/Pregnant/Parenting Students)

(cf. 6164.6 - Identification and Education Under Section 504)

Unlawful discrimination, including discriminatory harassment, intimidation, or bullying includes physical, verbal, nonverbal, or written conduct based on any of the categories listed above. Unlawful discrimination also shall include the creation of a hostile environment when the prohibited conduct is so severe, persistent, or pervasive that it affects a student's ability to participate in or benefit from an educational program or activity; creates an intimidating, threatening, hostile, or offensive educational environment; has the effect of substantially or unreasonably interfering with a student's academic performance; or otherwise adversely affects a student's educational opportunities.

Unlawful discrimination also includes disparate treatment of students based on one of the categories above with respect to the provision of opportunities to participate in school programs or activities or the provision or receipt of educational benefits or services.

The Board also prohibits any form of retaliation against any individual who reports or participates in the reporting of unlawful discrimination, files or participates in the filing of a complaint, or investigates or participates in the investigation of a complaint or report alleging unlawful discrimination. Retaliation complaints shall be investigated and resolved in the same manner as a discrimination complaint.

The Superintendent or designee shall facilitate students' access to the educational program by publicizing the District's nondiscrimination policy and related complaint procedures to students, parents/guardians, and employees. He/she shall provide training and information on the scope and use of the policy and complaint procedures and take other measures designed to

increase the school community's understanding of the requirements of law related to discrimination. The Superintendent or designee shall regularly review the implementation of the District's nondiscrimination policies and practices and, as necessary, shall take action to remove any identified barrier to student access to or participation in the educational program. He/she shall report his/her findings and recommendations to the Board after each review.

(cf. 1312.3 - Uniform Complaint Procedures)
(cf. 1330 - Use of Facilities)
(cf. 4131 - Staff Development)
(cf. 4231 - Staff Development)
(cf. 4331 - Staff Development)
(cf. 6145 - Extracurricular and Co-curricular Activities)
(cf. 6145.2 - Athletic Competition)
(cf. 6164.2 - Guidance/Counseling Services)

Regardless of whether a complainant complies with the writing, timeline, and/or other formal filing requirements, all complaints alleging unlawful discrimination, including discriminatory harassment, intimidation, or bullying, shall be investigated and prompt action taken to stop the discrimination, prevent recurrence, and address any continuing effect on students.

Students who engage in unlawful discrimination, including discriminatory harassment, intimidation, bullying, or retaliation in violation of law, Board policy, or administrative regulation shall be subject to appropriate consequence or discipline, which may include suspension, or expulsion for behavior that is severe or pervasive as defined in Education Code 48900.4. Any employee who permits or engages in prohibited discrimination, including discriminatory harassment, intimidation, bullying, or retaliation shall be subject to disciplinary action, up to and including dismissal.

(cf. 4119.21/4319.21 - Professional Standards)
(cf. 5144 - Discipline)
(cf. 5144.1 - Suspension and Expulsion/Due Process)
(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))
(cf. 5145.2 - Freedom of Speech/Expression)

Record-Keeping

The Superintendent or designee shall maintain a record of all reported cases of unlawful discrimination, including discriminatory harassment, intimidation, or bullying, to enable the District to monitor, address, and prevent repetitive prohibited behavior in District schools.

(cf. 3580 - District Records)

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex, especially:

48900.3 Suspension or expulsion for act of hate violence

48900.4 Suspension or expulsion for threats or harassment

48904 Liability of parent/guardian for willful student misconduct

48907 Student exercise of free expression

48950 Freedom of speech

48985 Translation of notices

49020-49023 Athletic programs

51500 Prohibited instruction or activity

51501 Prohibited means of instruction

60044 Prohibited instructional materials

CIVIL CODE

1714.1 Liability of parents/guardians for willful misconduct of minor

PENAL CODE

422.55 Definition of hate crime

422.6 Crimes, harassment

CODE OF REGULATIONS, TITLE 5

432 Definition of hate crime

4600-4687 Uniform Complaint Procedures

4900-4965 Nondiscrimination in elementary and secondary education programs receiving state financial assistance

UNITED STATES CODE, TITLE 20

1681-1688 Title IX of the Education Amendments of 1972

12101-12213 Title II equal opportunity for individuals with disabilities
UNITED STATES CODE, TITLE 29
794 Section 504 of Rehabilitation Act of 1973
UNITED STATES CODE, TITLE 42
2000d-2000e-17 Title VI & VII Civil Rights Act of 1964 as amended
2000h-2-2000h-6 Title IX, 1972 Education Act Amendments
6101-6107 Age Discrimination Act of 1975
CODE OF FEDERAL REGULATIONS, TITLE 28
35.107 Nondiscrimination on basis of disability; complaints
CODE OF FEDERAL REGULATIONS, TITLE 34
100.3 Prohibition of discrimination on basis of race, color or national origin
104.7 Designation of responsible employee for Section 504
106.8 Designation of responsible employee for Title IX
106.9 Notification of nondiscrimination on basis of sex
COURT DECISIONS
Donovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567
Flores v. Morgan Hill Unified School District, (2003) 324 F.3d 1130

Management Resources:

CSBA PUBLICATIONS

Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011

Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014

Final Guidance Regarding Transgender Students, Privacy, and Facilities, March 2014

FIRST AMENDMENT CENTER PUBLICATIONS

Public Schools and Sexual Orientation: A First Amendment Framework for Finding Common Ground, 2006

NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATIONS

Dealing with Legal Matters Surrounding Students' Sexual Orientation and Gender Identity, 2004

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS

Dear Colleague Letter: Harassment and Bullying, October 2010

Notice of Non-Discrimination, January 1999

WEB SITES

CSBA: <http://www.csba.org>

California Department of Education: <http://www.cde.ca.gov>

California Safe Schools Coalition: <http://www.casafeschools.org>

First Amendment Center: <http://www.firstamendment.org>

National School Boards Association: <http://www.nsba.org>

U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>

Policy

adopted: March 17, 2003

revised: June 21, 2004; June 4, 2012; March 17, 2014; January 20, 2015;

October 24, 2016

TORRANCE UNIFIED SCHOOL DISTRICT

Torrance, California



Book Administrative Rules
Section 5000: Students
Title Nondiscrimination/Harassment
Number AR 5145.3
Status Active
Adopted March 17, 2014
Last Revised July 17, 2017

AR 5145.3

NONDISCRIMINATION/HARASSMENT

The District designates the individual(s) identified below as the employee(s) responsible for coordinating the District's efforts to comply with state and federal civil rights laws, including Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, and the Age Discrimination Act of 1975, and to answer inquiries regarding the District's nondiscrimination policies. The individual(s) shall also serve as the compliance officer(s) specified in AR 1312.3 - Uniform Complaint Procedures as the responsible employee to handle complaints regarding unlawful discrimination, including discriminatory harassment, intimidation, or bullying, based on actual race, color, ancestry, national origin, nationality, ethnicity, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or any other legally protected status; the perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics. The coordinator/compliance officer(s) may be contacted at: (Education Code 234.1; 5 CCR 4621)

Senior Director – Human Resources
2335 Plaza del Amo, Torrance, CA 90501
(310) 972-6071

Director – Compliance
2335 Plaza del Amo, Torrance, CA 90501
(310) 972-6101

(cf. 1312.1 - Complaints Concerning District Employees)
(cf. 1312.3 - Uniform Complaint Procedures)

Measures to Prevent Discrimination

To prevent unlawful discrimination, including discriminatory harassment, intimidation, retaliation, and bullying, of students at District schools or in school activities and to ensure equal access of all students to the educational program, the Superintendent or designee shall implement the following measures:

1. Publicize the District's nondiscrimination policy and related complaint procedures, including the coordination/compliance officer's contact information, to students, parents/guardians, employees, volunteers, and the general public. Posting them on the District's web site and other prominent locations and providing easy access to them through district-supported social media, when available.

(cf. 1113 - District and School Web Sites)

2. Post in a prominent and conspicuous location on the District and school web sites information regarding Title IX prohibitions against discrimination based on a student's sex, gender, gender identity, pregnancy, and parental status, including the following:
(Education Code 221.61)

- a. The name and contact information of the District's Title IX coordinator, including the phone number and email address.
- b. The rights of students and the public and the responsibilities of the District under Title IX, including a list of rights as specified in Education Code 221.8 and web links to information about those rights and responsibilities located on the web sites of the Office for Equal Opportunity and the U.S. Department of Education's Office for Civil Rights (OCR)
- c. A description of how to file a complaint of noncompliance with Title IX in accordance with AR 1312.3 - Uniform Complaint procedures, which shall include:
 - 1) An explanation of the statute of limitations within which a complaint must be filed after an alleged incident of discrimination has occurred and how a complaint may be filed beyond the statute of limitations.
 - 2) An explanation of how the complaint will be investigated and how the complainant may further pursue the complaint, including web links to this information on the OCR's web site.
 - 3) A web link to the OCR complaints form and the contact information for the office, including the phone number and email address for the office.

(cf. 1113 – District and School Web Sites)

3. Provide to students a handbook that contains age-appropriate information that clearly describes the District's nondiscrimination policy, procedures for filing a complaint, and resources available to students who feel that they have been the victim of any such behavior. (Education Code 234.1)
4. Annually notify all students and parents/guardians of the District's nondiscrimination policy, including its responsibility to provide a safe, nondiscriminatory school environment for all students, including transgender and gender-nonconforming students. The notice shall inform students and parents/guardians that they may request to meet with the compliance officer to determine how best to accommodate or resolve concerns that may arise from the District's implementation of its nondiscrimination policies. The notice shall also inform all students and parents/guardians that, to the extent possible, the District will address any individual student's interests and concerns in private.

(cf. 5145.6 - Parental Notifications)

5. The Superintendent or designee shall ensure that all students and parents/guardians, including students and parents/guardians with limited English proficiency, are notified of how to access the relevant information provided in the District's nondiscrimination policy and related complaint procedures, notices, and forms in a language they can understand.

If 15 percent or more of students enrolled in a particular District school speak a single primary language other than English, the District's policy, regulation, forms, and notices concerning nondiscrimination shall be translated into that language in accordance with Education Code 234.1 and 48985. In all other instances, the District shall ensure meaningful access to all relevant information for parents/guardians with limited English proficiency.

6. Provide to students, employees, volunteers, and parents/guardians age-appropriate training and information regarding the District's nondiscrimination policy; what constitutes prohibited discrimination, including discriminatory harassment, intimidation, retaliation, or bullying; how and to whom a report of an incident should be made; and how to guard against segregating or stereotyping students when providing instruction, guidance, supervision, or other services to them. Such training and information shall include details of guidelines the District may use to provide a discrimination-free environment for all District students including transgender and gender-nonconforming students.

(cf. 1240 - Volunteer Assistance)

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

7. At the beginning of each school year, inform school employees that any employee who witnesses any act of unlawful discrimination, including discriminatory harassment, intimidation, or bullying, against a student is required to intervene if it is safe to do so. (Education Code 234.1)
8. At the beginning of each school year, inform each principal or designee of the District's responsibility to provide appropriate assistance or resources to protect students' privacy rights and ensure their safety from threatened or potentially discriminatory behavior.

Enforcement of District Policy

The Superintendent or designee shall take appropriate actions to reinforce BP 5145.3 - Nondiscrimination/Harassment. As needed, these actions may include any of the following:

1. Removing vulgar or offending graffiti

(cf. 5131.5 - Vandalism and Graffiti)

2. Providing training to students, staff, and parents/guardians about how to recognize unlawful discrimination, how to report it or file a complaint, and how to respond
3. Disseminating and/or summarizing the District's policy and regulation regarding unlawful discrimination
4. Consistent with the laws regarding the confidentiality of student and personnel records, communicating the school's response to students, parents/guardians, and the community

(cf. 4112.6 - Personnel Files)

(cf. 5125 - Student Records)

5. Taking appropriate disciplinary action against students, employees, and anyone determined to have engaged in wrongdoing, including any student who is found to have made a complaint of discrimination that he/she knew was not true

(cf. 5144 - Discipline)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

(cf. 6159.4 - Behavioral Interventions for Special Education Students)

Process for Initiating and Responding to Complaints

Any student who feels that he/she has been subjected to unlawful discrimination described above or in District policy is strongly encouraged to immediately contact the compliance officer, principal, or any other staff member. In addition, any student who observes any such incident is strongly encouraged to report the incident to the compliance officer or principal, whether or not the alleged victim files a complaint.

Any school employee who observes an incident of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, or to whom such an incident is reported shall report the incident to the compliance officer or principal within a school day, whether or not the alleged victim files a complaint.

Any school employee who witnesses an incident of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, shall immediately intervene to stop the incident when it is safe to do so. (Education Code 234.1)

When a verbal report of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, is made to or received by the principal or compliance officer, he/she shall make a note of the report and encourage the student or parent/guardian to file the complaint in writing, pursuant to the provisions in AR 1312.3 - Uniform Complaint Procedures. Once notified verbally or in writing, the principal or compliance officer shall begin the investigation and shall implement immediate measures necessary to stop the discrimination and ensure that all students have access to the educational program and a safe school environment. Any interim measures adopted to address unlawful discrimination shall, to the extent possible, not disadvantage the complainant or a student who is the victim of the alleged unlawful discrimination.

Any report or complaint alleging unlawful discrimination by the principal, compliance officer, or any other person to whom a report would ordinarily be made or complaint filed shall instead be made to or filed with the Superintendent or designee who shall determine how the complaint will be investigated.

(cf. 5141.4 - Child Abuse Prevention and Reporting)

Transgender and Gender-Nonconforming Students

Gender identity means a student's gender-related identity, appearance, or behavior, whether or not that gender-related identity, appearance, or behavior is different from that traditionally associated with the student's physiology or assigned sex at birth.

Gender expression means a student's gender-related appearance and behavior, whether stereotypically associated with the student's assigned sex at birth. (Education Code 210.7)

Gender transition refers to the process in which a student changes from living and identifying as the sex assigned to the student at birth to living and identifying as the sex that corresponds to the student's gender identity.

Gender-nonconforming student means a student whose gender expression differs from stereotypical expectations.

Transgender student means a student whose gender identity or gender expression is different from that traditionally associated with the assigned sex at birth.

Acts of verbal, nonverbal, or physical aggression, intimidation, or hostility that are based on sex, gender identity, or gender expression, regardless of whether they are sexual in nature, where the act 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 are prohibited under state and federal law. Examples of types of conduct which are prohibited in the District and which may constitute gender-based harassment include, but are not limited to:

1. Refusing to address a student by a name and the pronouns consistent with his/her gender identity
2. Disciplining or disparaging a student or excluding him/her from participating in activities for behavior or appearance that is consistent with his/her gender identity or that does not conform to stereotypical notions of masculinity or femininity, as applicable.
3. Blocking a student's entry to the bathroom that corresponds to his/her gender identity
4. Taunting a student because he/she participates in an athletic activity more typically favored by a student of the other sex
5. Revealing a student's transgender status to individuals who do not have a legitimate need for the information, without the student's consent
6. Use of gender-specific slurs
7. Physical assault of a student motivated by hostility toward him/her because of his/her gender, gender identity, or gender expression

The District's uniform complaint procedures (AR 1312.3) shall be used to report and resolve complaints alleging discrimination against transgender and gender-nonconforming students. Examples of bases for complaints include, but are not limited to, the above list as well as improper rejection by the District of a student's asserted gender identity, denial of access to facilities that correspond with a student's gender identity, improper disclosure of a student's transgender status, discriminatory enforcement of a dress code, and other instances of gender-based harassment.

To ensure that transgender and gender-nonconforming students are afforded the same rights, benefits, and protections provided to all students by law and Board policy, the District shall address each situation on a case-by-case basis, in accordance with the following guidelines:

1. **Right to privacy:** A student's transgender or gender-nonconforming status is his/her private information and the District will only disclose the information to others with the student's prior written consent, except when the disclosure is otherwise required by law or when the District has compelling evidence that disclosure is necessary to preserve the student's physical or mental well-being. In the latter instance, the District shall limit disclosure to individuals reasonably believed to be able to protect the student's well-being. Any District employee to whom a student discloses his/her transgender or gender-nonconforming status shall seek the student's permission to notify the compliance officer. If the student refuses to give permission, the employee shall keep the student's information confidential, unless he/she is required to disclose or report the student's information pursuant to this procedure, and shall inform the student that honoring the student's request may limit the District's ability to meet the student's needs related to his/her status as a transgender or gender-nonconforming student. If the student permits the employee to notify the compliance officer, the employee shall do so within three school days.

As appropriate given the physical, emotional, and other significant risks to the student, the compliance officer may consider discussing with the student any need to disclose the student's transgender or gender-nonconformity status to his/her parents/guardians and/or others, including other students, teacher(s), or other adults on campus. The District shall offer support services, such as counseling, to students who wish to inform their parents/guardians of their status and desire assistance in doing so.

(cf. 1340 - Access to District Records)

(cf. 3580 - District Records)

2. **Determining a Student's Gender Identity:** The compliance officer shall accept the student's assertion of his/her gender identity and begin to treat the student consistent with his/her gender identity unless District personnel present a credible and supportable basis for believing that the student's assertion is for an improper purpose.
3. **Addressing a Student's Transition Needs:** The compliance officer shall arrange a meeting with the student and, if appropriate, his/her parents/guardians to identify and develop strategies for ensuring that the student's access to education programs and activities is maintained. The meeting shall discuss the transgender or gender-nonconforming student's rights and how those rights may affect and be affected by the rights of other students and shall address specific subjects related to the student's access to facilities and to academic or educational support programs, services, or activities, including, but not limited to, sports and other competitive endeavors. In addition, the compliance officer shall identify specific school site employee(s) to whom the student may report any problem related to his/her status as a transgender or gender-nonconforming individual, so that prompt action could be taken to address it. Alternatively, if appropriate and desired by the student, the school may form a support team for the student that will meet periodically to assess whether the arrangements for the student are meeting his/her educational needs and providing equal access to programs and activities, educate appropriate staff about the student's transition, and serve as a resource to the student to better protect the student from gender-based discrimination.
4. **Accessibility to Sex-Segregated Facilities, Programs, and Activities:** When the District maintains sex-segregated facilities, such as restrooms and locker rooms, or offers sex-segregated programs and activities, such as physical education classes, intramural sports, and interscholastic athletic programs, students shall be permitted to access facilities and participate in programs and activities consistent with their gender identity. To address any student's privacy concerns in using sex-segregated facilities, the District shall offer available options such as a gender-neutral or single-use restroom or changing area, a bathroom stall with a door, an area in the locker room separated by a curtain or screen, access to a staff member's office, or use of the locker room before or after the other students. However, the District shall not require a student to utilize these options because he/she is transgender or gender-nonconforming. In addition, a student shall be permitted to participate in accordance with his/her gender identity in other circumstances where students are separated by gender, such as for class discussions, yearbook pictures, and field trips. A student's right to participate in a sex-segregated activity in accordance with his/her gender identity shall not render invalid or inapplicable any other eligibility rule established for participation in the activity.

(cf. 6145 - Extracurricular and Co-curricular Activities)

(cf. 6145.2 - Athletic Competition)

(cf. 6153 - School-Sponsored Trips)

(cf. 7110 - Facilities Master Plan)

5. **Student Records:** A student's legal name or gender as entered on the mandatory student record required pursuant to 5 CCR 432 shall only be changed pursuant to a court order. However, at the written request of a student or, if appropriate, his/her parents/guardians, the District shall use the student's preferred name and pronouns consistent with his/her gender identity on all other district-related documents. Such preferred name may be added to the student's record and official documents as permitted by law.

(cf. 5125 - Student Records)

(cf. 5125.1 - Release of Directory Information)

6. **Names and Pronouns:** If a student so chooses, District personnel shall be required to address the student by a name and the pronouns consistent with his/her gender identity, without the necessity of a court order or a change to his/her official District record. However, inadvertent slips or honest mistakes by district personnel in the use of the student's name and/or consistent pronouns shall not constitute a violation of this administrative regulation or the accompanying District policy.
7. **Uniforms/Dress Code:** A student has the right to dress in a manner consistent with his/her gender identity, subject to any dress code adopted on a school site.

(cf. 5132 - Dress Code)

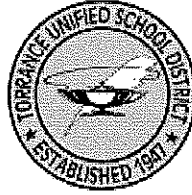
Regulation

adopted: March 17, 2014

revised: January 20, 2015; October 24, 2016; July 17, 2017

TORRANCE UNIFIED SCHOOL DISTRICT

Torrance, California



Book	Board Policies
Section	4000: Personnel
Title	Nondiscrimination in Employment
Number	BP 4030
Status	Active
Adopted	November 5, 2001
Last Revised	February 21, 2017

BP 4030

NONDISCRIMINATION IN EMPLOYMENT

The Governing Board is determined to provide district employees, interns, volunteers, and job applicants a safe, positive environment where they are assured of full and equal employment access and opportunities, protection from harassment or intimidation, and freedom from any fear of reprisal or retribution for asserting their employment rights in accordance with law. This policy shall apply to all district employees and, to the extent required by law, to interns, volunteers, and job applicants.

(cf. 1240 - Volunteer Assistance)

(cf. 4111 - Recruitment and Selection)

No district employee shall be discriminated against or harassed by any coworker, supervisor, manager, or other person with whom the employee comes in contact in the course of employment, on the basis of the employee's actual or perceived race, religious creed, color, national origin, ancestry, age, marital status, pregnancy, physical or mental disability, medical condition, genetic information, military and veteran status, gender, gender identity, gender expression, sex, or sexual orientation or his/her association with a person or group with one or more of these actual or perceived characteristics.

(cf. 0410 - Nondiscrimination in District Programs and Activities)

Discrimination in employment based on the characteristics listed above is prohibited in all areas of employment and in all employment-related practices, including the following:

1. Discrimination in hiring, compensation, terms, conditions, and other privileges of employment
2. Taking of an adverse employment action, such as termination or the denial of employment, promotion, job assignment, or training

(cf. 4151 - Employee Compensation)

(cf. 4154 - Health and Welfare Benefits)

3. Unwelcome conduct, whether verbal, physical, or visual, that is so severe or pervasive as to adversely affect an employee's employment opportunities, or that has the purpose or effect of unreasonably interfering with the individual's work performance or creating an intimidating, hostile, or offensive work environment
4. Actions and practices identified as unlawful or discriminatory pursuant to Government Code 12940 or 2 CCR 11006-11086, such as:

- a. Sex discrimination based on an employee's pregnancy, childbirth, breastfeeding, or any related medical condition or on an employee's gender, gender expression, or gender identity, including transgender status

(cf. 4033 - Lactation Accommodation)

(cf. 4119.11- Sexual Harassment)

- b. Religious creed discrimination based on an employee's religious belief or observance, including his/her religious dress or grooming practices, or based on the district's failure or refusal to use reasonable means to accommodate an employee's religious belief, observance, or practice which conflicts with an employment requirement.
- c. Disability discrimination based on a district requirement for a medical or psychological examination of a job applicant, or an inquiry into whether a job applicant has a mental or physical disability or a medical condition or as to the severity of any such disability or condition, without the showing of a job-related need or business necessity

(cf. 4119.41 - Employees with Infectious Disease)

- d. Disability discrimination based on the district's failure to make reasonable accommodation for the known physical or mental disability of an employee or to engage in a timely, good faith, interactive process with an employee, to determine effective reasonable accommodations for the employee, when he/she has requested reasonable accommodation for a known physical or mental disability or medical condition

(cf. 4032 - Reasonable Accommodation)

The Board also prohibits retaliation against any district employee who opposes any discriminatory employment practice by the district or its employees, agents, or representatives or who complains, testifies, assists, or in any way participates in the district's complaint process pursuant to this policy. No employee who requests an accommodation for any protected characteristic listed in this policy shall be subjected to any punishment or sanction, regardless of whether the request was granted. (Government Code 12940)

Complaints concerning employment discrimination, harassment, or retaliation shall immediately be investigated in accordance with procedures specified in the accompanying administrative regulation.

Any supervisory or management employee who observes or has knowledge of an incident of prohibited discrimination or harassment shall report the incident to the Superintendent or designated district coordinator as soon as practical after the incident. All other employees are encouraged to report such incidents to their supervisor immediately. The district shall protect any employee who reports such incidents from retaliation.

The Superintendent or designee shall use all appropriate means to reinforce the district's nondiscrimination policy. He/she shall provide training and information to employees about how to recognize harassment, discrimination, or other related conduct, how to respond appropriately, and components of the district's policies and regulations regarding discrimination. The Superintendent or designee shall regularly review the district's employment practices and, as necessary, shall take action to ensure district compliance with the nondiscrimination laws.

In addition, the Superintendent or designee shall post, in a conspicuous place on district premises, the California Department of Fair Employment and Housing publication on workplace discrimination and harassment issued pursuant to 2 CCR 11013.

Any district employee who engages in prohibited discrimination, harassment, or retaliation or who aids, abets, incites, compels, or coerces another to engage or attempt to engage in such behavior in violation of this policy shall be subject to disciplinary action, up to and including dismissal.

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

CIVIL CODE

51.7 Freedom from violence or intimidation

GOVERNMENT CODE

11135 Unlawful discrimination

11138 Rules and regulations

12900-12996 Fair Employment and Housing Act

PENAL CODE

422.56 Definitions, hate crimes

CODE OF REGULATIONS, TITLE 2

11006-11086 Discrimination in employment

11013 Recordkeeping

11019 Terms, conditions and privileges of employment

11023 Harassment and discrimination prevention and correction

11024 Sexual harassment training and education
CODE OF REGULATIONS, TITLE 5
4900-4965 Nondiscrimination in elementary and secondary education programs
UNITED STATES CODE, TITLE 20
1681-1688 Title IX of the Education Amendments of 1972
UNITED STATES CODE, TITLE 29
621-634 Age Discrimination in Employment Act
794 Section 504 of the Rehabilitation Act of 1973
UNITED STATES CODE, TITLE 42
2000d-2000d-7 Title VI, Civil Rights Act of 1964, as amended
2000e-2000e-17 Title VII, Civil Rights Act of 1964, as amended
2000ff-2000ff-11 Genetic Information Nondiscrimination Act of 2008
2000h-2-2000h-6 Title IX of the Civil Rights Act of 1964
6101-6107 Age discrimination in federally assisted programs
12101-12213 Americans with Disabilities Act
CODE OF FEDERAL REGULATIONS, TITLE 28
35.101-35.190 Americans with Disabilities Act
CODE OF FEDERAL REGULATIONS, TITLE 34
100.6 Compliance information
104.7 Designation of responsible employee for Section 504
104.8 Notice
106.8 Designation of responsible employee and adoption of grievance procedures
106.9 Dissemination of policy
110.1-110.39 Nondiscrimination on the basis of age
COURT DECISIONS
Thompson v. North American Stainless LP, (2011) 131 S.Ct. 863
Shephard v. Loyola Marymount, (2002) 102 Cal.App.4th 837

Management Resources:

CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING PUBLICATIONS
California Law Prohibits Workplace Discrimination and Harassment, December 2014
U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS
Notice of Non-Discrimination, August 2010
U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION PUBLICATIONS
Questions and Answers: Religious Discrimination in the Workplace, 2008
New Compliance Manual Section 15: Race and Color Discrimination, April 2006
Enforcement Guidance: Vicarious Employer Liability for Unlawful Harassment by Supervisors, June 1999
WEB SITES
California Department of Fair Employment and Housing: <http://www.dfeh.ca.gov>
U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>
U.S. Equal Employment Opportunity Commission: <http://www.eeoc.gov>

Policy

TORRANCE UNIFIED SCHOOL DISTRICT

adopted: November 5, 2001

Torrance, California

revised: June 7, 2010; June 4, 2012; March 4, 2013; March 16, 2015, February 16, 2016;
June 20, 2016; February 21, 2017



Book Administrative Rules
Section 4000: Personnel
Title Nondiscrimination in Employment
Number AR 4030
Status Active
Adopted February 16, 2016
Last Revised February 21, 2017

AR 4030

NONDISCRIMINATION IN EMPLOYMENT

All allegations of discrimination in employment, including those involving an intern, volunteer, or job applicant, shall be investigated and resolved in accordance with procedures specified in this administrative regulation.

The district designates the position identified below as its coordinator for nondiscrimination in employment (coordinator) to coordinate the district's efforts to comply with state and federal nondiscrimination laws and to answer inquiries regarding the district's nondiscrimination policies. The coordinator may be contacted at:

Senior Director – Human Resources
District Offices – 2335 Plaza Del Amo, Torrance, CA 90501
310/972-6072

Measures to Prevent Discrimination

To prevent unlawful discrimination, harassment, and retaliation in district employment, the Superintendent or designee shall implement the following measures:

1. Publicize the district's nondiscrimination policy and regulation, including the complaint procedures and the coordinator's contact information, by: (5 CCR 4960; 34 CFR 100.6, 106.9)
 - a. Including them in each announcement, bulletin, or application form that is used in employee recruitment
 - b. Posting them in all district schools and offices, including staff lounges and other prominent locations
 - c. Posting them on the district's web site and providing easy access to them through district-supported social media, when available

(cf. 1113 - District and School Web Sites)

2. Disseminate the district's nondiscrimination policy to all employees by one or more of the following methods: (2 CCR 11023)
 - a. Printing and providing a copy of the policy to all employees, with an acknowledgment form for each employee to sign and return

- b. Sending the policy via email with an acknowledgment return form
 - c. Posting the policy on the district intranet with a tracking system ensuring all employees have read and acknowledged receipt of the policies
 - d. Discussing the policy with employees upon hire and/or during a new hire orientation session
 - e. Any other way that ensures employees receive and understand the policy
3. Provide to employees a handbook that contains information that clearly describes the district's nondiscrimination policy, procedures for filing a complaint, and resources available to anyone who feels that he/she has been the victim of any discriminatory or harassing behavior
 4. Provide training to employees, volunteers, and interns regarding the district's nondiscrimination policy, including what constitutes unlawful discrimination, harassment, and retaliation and how and to whom a report of an incident should be made

Training for supervisors shall include the requirement to report any complaint of misconduct to a designated representative, such as the coordinator, human resources manager, or Superintendent or designee as a topic in the sexual harassment prevention training required pursuant to 2 CCR 11024 (2 CCR 11023)

(cf. 1240 - Volunteer Assistance)
(cf. 4119.11 - Sexual Harassment)
(cf. 4131 - Staff Development)
(cf. 4231 - Staff Development)
(cf. 4331 - Staff Development)

5. Periodically review the district's recruitment, hiring, and promotion processes and regularly monitor the terms, conditions, and privileges of employment to ensure district compliance with law
6. For any district facility where 10 percent of employees have a language other than English as their spoken language, translate the policy into every language spoken by at least 10 percent of the workforce

Complaint Procedure

Any complaint alleging unlawful discrimination or harassment shall be addressed in accordance with the following procedures:

1. **Notice and Receipt of Complaint:** A complainant may inform his/her direct supervisor, another supervisor, the coordinator, the Superintendent or, if available, a complaint hotline or an ombudsman.

The complainant may file a written complaint in accordance with this procedure, or if he/she is an employee, may first attempt to resolve the situation informally with his/her supervisor.

A supervisor or manager who has received information about an incident of discrimination or harassment, or has observed such an incident, shall report it to the coordinator, whether or not the complainant files a written complaint.

The written complaint should contain the complainant's name, the name of the individual who allegedly committed the act, a description of the incident, the date and location where the incident occurred, any witnesses who may have relevant information, other evidence of the discrimination or harassment, and any other pertinent information which may assist in investigating and resolving the complaint.

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 4032 - Reasonable Accommodation)

2. **Investigation Process:** The coordinator shall initiate an impartial investigation of an allegation of discrimination or harassment within five business days of receiving notice of the alleged discriminatory or harassing behavior, regardless of whether a written complaint has been filed or whether the written complaint is complete.

The coordinator shall meet with the complainant to describe the district's complaint procedure and discuss the actions being sought by the complainant in response to the allegation. The coordinator shall inform the complainant that the investigation of the allegations will be fair, timely, and thorough and will be conducted in a manner that provides all parties due process and reaches reasonable conclusions based on the evidence collected. He/she shall also inform the

parties that the investigation will be kept confidential to the extent possible, but that some information may be revealed as necessary to conduct an effective investigation.

(cf. 3580 - District Records)
(cf. 4112.6 - Personnel Files)

If the coordinator determines that a detailed fact-finding investigation is necessary, he/she shall begin the investigation immediately. As part of this investigation, the coordinator should interview the complainant, the person accused, and other persons who could be expected to have relevant information.

The coordinator shall track and document the progress of the investigation to ensure reasonable progress and shall inform the parties as necessary.

When necessary to carry out his/her investigation or to protect employee safety, the coordinator may discuss the complaint with the Superintendent or designee, district legal counsel, or the district's risk manager.

The coordinator also shall determine whether interim measures, such as scheduling changes, transfers, or leaves, need to be taken before the investigation is completed to ensure that further incidents are prevented. The coordinator shall ensure that such interim measures do not constitute retaliation.

3. Written Report on Findings and Remedial/Corrective Action: No more than 20 business days after receiving the complaint, the coordinator shall conclude the investigation and prepare a written report of his/her findings. This timeline may be extended for good cause. If an extension is needed, the coordinator shall notify the parties and explain the reasons for the extension.

The report shall include the decision and the reasons for the decision and shall summarize the steps taken during the investigation. If a determination has been made that discrimination or harassment occurred, the report also shall include any corrective action(s) that have been or will be taken to address the behavior, provide appropriate options for remedial actions and resolutions for the complainant, and ensure that retaliation or further discrimination or harassment is prevented.

The report shall be presented to the complainant, the person accused, and the Superintendent or designee.

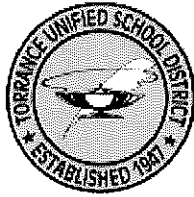
4. Appeal to the Governing Board: The complainant or the person accused may appeal any findings to the Board within 10 business days of receiving the written report of the coordinator's findings. The Superintendent or designee shall provide the Board with all information presented during the investigation. Upon receiving an appeal, the Board shall schedule a hearing as soon as practicable. Any complaint against a district employee shall be addressed in closed session in accordance with law. The Board shall render its decision within 10 business days.

(cf. 1312.1 - Complaints Concerning District Employees)
(cf. 9321 - Closed Session Purposes and Agendas)

Other Remedies

In addition to filing a discrimination or harassment complaint with the district, a person may file a complaint with either the California Department of Fair Employment and Housing (DFEH) or the Equal Employment Opportunity Commission (EEOC). The time limits for filing such complaints are as follows:

1. To file a valid complaint with DFEH, within one year of the alleged discriminatory act(s), unless an exception exists pursuant to Government Code 12960
2. To file a valid complaint directly with EEOC, within 180 days of the alleged discriminatory act(s) (42 USC 2000e-5)
3. To file a valid complaint with EEOC after first filing a complaint with DFEH, within 300 days of the alleged discriminatory act(s) or within 30 days after the termination of proceedings by DFEH, whichever is earlier (42 USC 2000e-5)



Book	Board Policies
Section	4000: Personnel
Title	Professional Standards
Number	BP 4119.21
Status	Active
Adopted	November 5, 2001
Last Revised	October 8, 2012

BP 4119.21

PROFESSIONAL STANDARDS

The Board of Education expects District employees to maintain the highest ethical standards, exhibit professional behavior, follow District policies and regulations, and abide by state and federal laws and exercise good judgment when interacting with students and other members of the school community. Employee conduct should enhance the integrity of the District and advance the goals of the District's educational programs, and contribute to a positive school climate.

(cf. 0200 - Goals for the School District)
(cf. 4119.1/4319.1 - Civil and Legal Rights)
(cf. 5131 - Conduct)
(cf. 5137 - Positive School Climate)

The Board of Education encourages District employees to accept as guiding principles the professional standards and codes of ethics adopted by educational or professional associations to which they may belong.

(cf. 9005 - Governance Standards)

Each employee should make a commitment to acquire the knowledge and skills necessary to fulfill his/her responsibilities and should focus on his/her contribution to the learning and achievement of District students.

(cf. 4112.2 - Certification)
(cf. 4131 - Staff Development)
(cf. 4231 - Staff Development)

Inappropriate employee conduct includes, but is not limited to:

1. Engaging in any conduct that endangers students, staff, or others, including, but not limited to, physical violence, threats of violence, or possession of a firearm or other weapon

(cf. 0450 - Comprehensive Safety Plan)
(cf. 4158- Employee Security)

2. Engaging in harassing or discriminatory behavior towards students, parents/guardians, staff, or community members, or failing or refusing to intervene when an act of discrimination, harassment, intimidation, or bullying against a student is observed

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 4119.11 - Sexual Harassment)
(cf. 5131.2 - Bullying)
(cf. 5145.3 - Nondiscrimination/Harassment)
(cf. 5145.7 - Sexual Harassment)

3. Physically abusing, sexually abusing, neglecting, or otherwise willfully harming or injuring a child
4. Engaging in inappropriate socialization or fraternization with a student or soliciting, encouraging, or maintaining an inappropriate written, verbal, or physical relationship with a student
5. Possessing or viewing any pornography on school grounds, or possessing or viewing child pornography or other imagery portraying children in a sexualized manner at any time
6. Using profane, obscene, or abusive language against students, parents/guardians, staff, or community members
7. Willfully disrupting District or school operations by loud or unreasonable noise or other action
8. Using tobacco, alcohol, or an illegal or unauthorized substance, or possessing or distributing any controlled substance, while in the workplace or at a school-sponsored activity

(cf. 3513.3 - Tobacco-Free Schools)

(cf. 4020 - Drug and Alcohol Free Workplace)

(cf. 4112.42 - Drug and Alcohol Testing for School Bus Drivers)

9. Dishonesty with students, parents/guardians, staff, or members of the public, including, but not limited to, falsification of information in employment records or other school records
10. Divulging confidential information about students, district employees, or District operations to persons not authorized to receive the information

(cf. 3580 - District Records)

(cf. 5125 - Student Records)

(cf. 5125.1 - Release of Directory Information)

11. Using District equipment or other District resources for the employee's own commercial purposes or for political activities

(cf. 4119.25 - Political Activities of Employees)

12. Using District equipment or communications devices for personal purposes while on duty, except in an emergency, during scheduled work breaks, or for personal necessity

Employees shall be notified that computer files and all electronic communications, including, but not limited to, email and voice mail, are not private. To ensure proper use, the Superintendent or designee may monitor employee usage of District technological resources at any time without the employee's consent.

(cf. 4040 - Employee Use of Technology)

13. Causing damage to or engaging in theft of property belonging to students, staff, or the District
14. Wearing inappropriate attire

An employee who observes or has evidence of another employee's inappropriate conduct shall immediately report such conduct to the principal or Superintendent or designee. An employee who has knowledge of or suspects child abuse or neglect shall file a report pursuant to the district's child abuse reporting procedures as detailed in AR 5141.4 - Child Abuse Prevention and Reporting.

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 5141.4 - Child Abuse Prevention and Reporting)

Any reports of employee misconduct shall be promptly investigated. Any employee who is found to have engaged in inappropriate conduct in violation of law or Board policy shall be subject to disciplinary action and, in the case of a certificated employee, may be subject to a report to the Commission on Teacher Credentialing. The Superintendent or designee shall notify local law enforcement as appropriate.

An employee who has knowledge of but fails to report inappropriate employee conduct may also be subject to discipline.

The District prohibits retaliation against anyone who files a complaint against an employee or reports an employee's inappropriate conduct. Any employee who retaliates against any such complainant, reporter, or other participant in the District's complaint process shall be subject to discipline.

Legal Reference:

EDUCATION CODE

200-262.4 *Prohibition of discrimination on the basis of sex*

44242.5 *Reports and review of alleged misconduct*

PENAL CODE

11164-11174.4 *Child Abuse and Neglect Reporting Act*

CODE OF REGULATIONS, TITLE 5

80303 *Reports of dismissal, resignation and other terminations for alleged misconduct*

80331-80338 *Rules of conduct for professional educators*

Management Resources:

COMMISSION ON TEACHER CREDENTIALING PUBLICATIONS

California Standards for the Teaching Profession, 2009

COUNCIL OF CHIEF STATE SCHOOL OFFICERS PUBLICATIONS

Educational Leadership Policy Standards: ISLLC 2008, 2008

NATIONAL EDUCATION ASSOCIATION PUBLICATIONS

Code of Ethics of the Education Profession, 1975

WESTED PUBLICATIONS

Moving Leadership Standards into Everyday Work: Descriptions of Practice, 2003

WESTED AND ASSOCIATION OF CALIFORNIA SCHOOL ADMINISTRATORS PUBLICATIONS

California Professional Standards for Educational Leaders, 2001

WEB SITES

CSBA: <http://www.csba.org>

Association of California School Administrators: <http://www.acsa.org>

California Department of Education: <http://www.cde.ca.gov>

California Federation of Teachers: <http://www.cft.org>

California School Employees Association: <http://www.csea.com>

California Teachers Association: <http://www.cta.org>

Commission on Teacher Credentialing: <http://www.ctc.ca.gov>

Council of Chief State School Officers: <http://www.ccsso.org>

WestEd: <http://www.WestEd.org>

Policy

adopted: November 5, 2001

revised: October 12, 2009; October 8, 2012

TORRANCE UNIFIED SCHOOL DISTRICT

Torrance, California



Book	Board Policies
Section	4000: Personnel
Title	Policy on Non-Fraternization with Students
Number	BP 4119.22
Status	Active
Adopted	February 20, 2007
Last Revised	November 14, 2016

BP 4119.22

Personnel

POLICY ON NON-FRATERNIZATION WITH STUDENTS

The Torrance Unified School District strives to provide an environment for all students, faculty and staff that is respectful, fair and free of unlawful harassment or discrimination.

The relationship between adults and students should be one of professional cooperation and respect. All adults including, but not limited to, certificated and classified employees, walk-on coaches, volunteers, and guests, have a responsibility to conduct themselves in a manner that will maintain an atmosphere that is conducive to learning and contribute to a positive school climate.

It is the policy of the Board of Education to prohibit any type of close personal relationship or inappropriate socialization, written, verbal or physical, between adults and students that may reasonably be perceived as unprofessional and/or inappropriate including, but not limited to, the perception of a dating relationship. Adults shall not entertain, socialize, or spend an excess amount of time with students in such a manner as to reasonably create the impression to District staff, other students, their parents, or the public that an unprofessional and/or inappropriate relationship exists. Other examples of unacceptable behavior include, but are not limited to: meeting with a student alone and with the doors closed. Doors shall remain open at all times. Adults shall not transport a single student alone in his/her vehicle except for his/her own child.

It is also the policy of the Board of Education to prohibit any type of sexual relationship, sexual contact, or sexually-nuanced behavior between adults and students without regard to the student's age. This includes all social media platforms or similar web sites/technologies, cell phones, and all other forms of electronic or other types of communication. This prohibition applies to students of the same or opposite sex of the adult. It also applies regardless of whether the student or the adult initiated the sexual behavior, and whether or not the student welcomes the sexual behavior and/or reciprocates the attention.

Relationships prohibited by this policy shall be reported immediately to the school principal, manager, or supervisor. Both adults and students are encouraged to report any perception, question, or concern that an unprofessional or inappropriate relationship may exist to the school principal, manager or supervisor.

Adults who violate the policy will be subject to disciplinary action, up to and including termination of employment and/or forfeiture of all coaching and volunteer privileges.

The District shall promptly review all allegations of prohibited adult/student relationships and take appropriate action which will be reported to the Senior Director of Human Resources or the Chief Academic Officer. The District shall utilize the investigation procedures followed for complaints of sexual harassment within the District, as referenced below:

(cf. 4119.11 - Sexual Harassment/Personnel)

(cf. 5145.7 - Sexual Harassment/Students)

(cf. 1240 - Volunteer Assistance and Volunteer Code of Conduct)

(cf. 4119.21 - Professional Standards)

(cf. 4127 - Temporary Athletic Team Coaches)

(cf. 4319.21 – Professional Standards for Educational Leaders)
(cf. 5137 – Positive School Climate)
(cf. 5141.4 – Child Abuse Prevention and Reporting)

Legal Reference:

Professional Standards
Title IX of the Education Amendments of 1972; 20 U.S.C. § 1681

Policy
adopted: February 20, 2007
revised: October 24, 2016; November 14, 2016

TORRANCE UNIFIED SCHOOL DISTRICT
Torrance, California

TORRANCE UNIFIED SCHOOL DISTRICT Adult Acceptable Use Policy

The Torrance Unified School District strongly believes in the educational value of electronic services and recognizes the potential of such to support our curriculum and student learning. We are pleased to announce that electronic information services are available to students and teachers in our District. Our goal in providing this service is to promote educational excellence by facilitating resource sharing, innovation, and communication.

Listed below are terms and guidelines for appropriate use of technology. If any user does not follow these guidelines, access to the information service may be denied and the user may be subject to disciplinary or legal action.

1. Privileges

The use of the information system is a privilege, not a right, and inappropriate use will result in a cancellation of those privileges. All decisions, related to the cancellation, are subject to the District's review process. The Torrance Unified School District may deny, revoke, or suspend specific user accounts.

2. Acceptable Use

The use of the assigned account must be in support of education and research and with the educational goals and objectives of the Torrance Unified School District. The user is personally responsible for this provision at all times when using the electronic information service.

- a. Use of other organization's networks or computing resources must comply with rules appropriate to that network.
- b. Transmission of any material in violation of any United States or other state organizations is prohibited. This includes, but is not limited to: copyrighted materials, threatening or obscene material, or material protected by trade secret.
- c. Use of unauthorized commercial activities is not acceptable.
- d. Use of product advertisement or political lobbying is prohibited.
- e. Use of the network that incurs expense to the District is prohibited.
- f. Unauthorized installing of any software or data is prohibited.

3. District Responsibilities/Limitations

- a. The District will take prudent steps to develop, implement and maintain security procedures to insure the integrity of individual and District files. The District cannot guarantee that information on any computer system will be secure from other users.
- b. The District will attempt to provide error free and dependable access to technology resources associated with the network.
- c. The District will not be held liable for any information that may be lost, damaged, or unavailable due to technical or other difficulties.
- d. The District cannot be held liable for the accuracy of information available through its services.

4. Web Policy

- a. Teacher/Staff Web Pages. Teachers may establish Web pages for use with class activities or that provide a resource for other teachers. Teachers will be responsible for maintaining their class or educational resource sites. Teacher Web pages will be developed in such a manner as to reflect well upon the District and school.
- b. Student and Extracurricular Organization Web Pages. Students may create a web site as part of a class activity. Material presented on a student class activity Web site must meet the educational objectives of the class activity. Material presented on extracurricular pages must relate specifically to organization activities.
- c. Online Identification – Middle School/High School. To recognize student achievement and success, images of students and their work may be displayed on Web pages. Images of students, student work, and student achievement will only be

identified by first name and last initial. Student grades may be displayed by I.D. number. Signed parent permission must be obtained if students are to be identified beyond these guidelines.

- d. Online Identification – Elementary School. To recognize student achievement and success, images of students and their work may be displayed on Web pages. Images of students, student work, and student achievement will only be displayed with signed positive parent/guardian permission.
- e. It will not be considered a violation of a user's right to free speech to require the removal of material that fails to meet established educational objectives or that is in violation of this ISP or student disciplinary policy.

5. Personal Responsibility

- a. As a representative of this school, the user will accept personal responsibility for reporting any misuse of the network to a teacher, administrator or supervisor. Misuse can come in many forms, but is commonly viewed as any message(s) sent or received that indicate or suggest pornography, unethical or illegal solicitation, racism, sexism and inappropriate language.
- b. Security on any computer system is a high priority because there are so many users. If the user identifies a security problem, notify an administrator at once. Never demonstrate the problem to other users. Never use another individual's account without written permission from that person. All use of the system must be under the user's own account. Any user identified as a security risk will be denied access to the information system.
- c. Vandalism is defined as any malicious attempt to harm or destroy data of another user or any other agencies or networks that are connected to the system. This includes, but is not limited to, the uploading or creation of computer viruses. Any vandalism will result in the loss of computer services, disciplinary action, and/or legal referral.

TORRANCE UNIFIED SCHOOL DISTRICT

Paraeducator Email Acceptable Use Policy

The Torrance Unified School District strongly believes in the educational value of electronic services and recognizes the potential of such to support our curriculum and student learning.

Listed below are terms and guidelines for appropriate use of the District email system. If any user does not follow these guidelines, access to the information service may be denied and the user may be subject to disciplinary or legal action.

1. Privileges

The use of the email system is a privilege, not a right, and inappropriate use will result in a cancellation of those privileges. All decisions, related to the cancellation, are subject to the District's review process. The Torrance Unified School District may deny, revoke, or suspend specific user accounts.

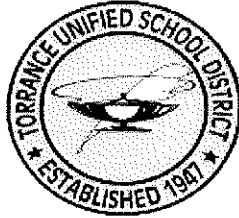
2. Acceptable Use and Restrictions

The use of the assigned account is for the sole purpose of sending and receiving District communication in support of the educational goals and objectives of the Torrance Unified School District. The user is personally responsible for this provision at all times when using the electronic information service.

- a. You will not be issued a District device, but can use a school device in a common area to access email.
- b. You will not be issued a District network account.
- c. You may configure your email on a personal device.
- d. You are not to review or send email during the time that you are working with students.
- e. Email is not to be used to communicate with student families or other personnel about student related issues.
- f. Transmission of any material in violation of any United States or other state organizations is prohibited. This includes, but is not limited to: copyrighted materials, threatening or obscene material, or material protected by trade secret.
- g. Use of unauthorized commercial activities is not acceptable.
- h. Use of product advertisement or political lobbying is prohibited.
- i. Use of the network that incurs expense to the District is prohibited.

3. Personal Responsibility

- a. As a representative of this school, the user will accept personal responsibility for reporting any misuse of the network to a teacher, administrator or supervisor. Misuse can come in many forms, but is commonly viewed as any message(s) sent or received that indicate or suggest pornography, unethical or illegal solicitation, racism, sexism and inappropriate language.
- b. Security on any computer system is a high priority because there are so many users. If the user identifies a security problem, notify an administrator at once. Never demonstrate the problem to other users. Never use another individual's account without written permission from that person. All use of the system must be under the user's own account. Any user identified as a security risk will be denied access to the information system.
- c. Vandalism is defined as any malicious attempt to harm or destroy data of another user or any other agencies or networks that are connected to the system. This includes, but is not limited to, the uploading or creation of computer viruses. Any vandalism will result in the loss of computer services, disciplinary action, and/or legal referral.



TUSD EAP Benefits

Employee Assistance Program:
800-662-7241

- ✓ Confidential counseling and assistance any time at no charge to you!
- ✓ 1-3 sessions per member, per problem, per calendar year
 - Face to face, telephonic, video counseling
- ✓ Legal & Financial Support
- ✓ Award winning Achieve Solutions website
 - www.myachieve.com
- ✓ Work/Life Services
 - Online and phone referrals for child care, elder care, education, daily living

You and your household family members can contact your EAP 24/7, 365, by simply calling the toll-free number, **800-662-7241** to get assistance with a variety of issues such as:

- marriage and relationship issues
- stress management
- parenting skills
- alcohol and/or drug abuse
- finding work/life balance
- depression and anxiety
- work-related concerns
- improving your self-esteem
- financial or legal concerns
- finding care for an aging parent
- personal growth and development
- living healthier

Visit the Achieve Solutions website any time of day at home or on the go at: www.myachieve.com and read articles, take quizzes, view videos, trainings, audio clips, and workbooks.

