



## LOS ANGELES UNIFIED SCHOOL DISTRICT POLICY BULLETIN

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**TITLE:** Employee Inappropriate Conduct Allegation Policy and Procedures

**NUMBER:** BUL- 6211.0

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School Operations

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Office of the General Counsel

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**DATE:** December 20, 2013

**PURPOSE:** The District is committed to ensuring that allegations of employee misconduct are dealt with promptly, thoroughly, and effectively. This policy assists administrators and supervisors in handling such allegations, and in managing the investigation and notification processes, as well as processing related discipline with the utmost concern for students, while complying with the rights of employees under applicable laws and collective bargaining agreements.

This Bulletin outlines the reporting, investigation, notification, and reassignment procedures of District certificated and classified employees for alleged misconduct incidents. The guidelines will help ensure the safety of students and safeguard employee due process through improved District communication and effective management of incidents of employee misconduct.

**POLICY:** The Los Angeles Unified School District is committed to maintaining a learning environment that is free from abuse of any type. Allegations of employee misconduct must be handled in accordance with applicable law and District policies regarding the reporting of suspected child abuse and responding to allegations of sexual misconduct towards students. This bulletin sets forth additional procedures to assist District personnel in responding to such allegations and in conducting related investigation, parent notification and disciplinary actions, as appropriate.

**MAJOR CHANGES:** This Bulletin replaces BUL-5736.2 Employee-to-Student Sexual Abuse and Related Investigation and Notification Policy, issued on October 18, 2012 and BUL-5813.0 Reassignment (Housing) of District Certificated and Classified Employees, issued on August 3, 2012. The content has been updated to include clarification on handling employee inappropriate conduct allegations and reflects requirements outlined in the Board Resolution, Protect Children and Safeguard Due Process, adopted April 17, 2013.

**ROUTING**  
All Schools  
All Employees



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### **GUIDELINES:**

#### **I. REPORTING ALLEGATIONS OF EMPLOYEE MISCONDUCT**

All LAUSD employees are mandated reporters by District policy and law. When an incident occurs that involves reasonable suspicion of child abuse (including sexual abuse) by an employee, the following steps are taken:

- A. The mandated reporter makes a telephone report to a local law enforcement and/or a child protective services agency immediately (e.g., Los Angeles Police Department, Los Angeles Sheriff's Department, Department of Child and Family Services, etc.) and will file a written report within 36 hours. The mandated reporter also notifies his/her site administrator, division head or appropriate Educational Service Center (ESC) Administrator of Operations or Operations Coordinator of the incident. Refer to BUL-1347.2, Child Abuse and Neglect Reporting Requirements, dated July 1, 2011, for complete information.
- B. The site administrator/supervisor will take action to stop the inappropriate conduct by removing the employee from the classroom/location. The site administrator/supervisor will contact the Administrator of Operations/designee or division head. The Administrator of Operations or division head will determine whether or not the employee may continue in his/her assignment or will report to the ESC/District office pending the investigation.
- C. The site administrator/supervisor will generate and submit an iSTAR report. The Administrator of Operations, in conjunction with the school or District office, will monitor the incident and communicate with the site administrator/supervisor and central offices about appropriate follow-up.
- D. If the allegation involves the site administrator/supervisor, the employee/mandated reporter must inform the Administrator of Operations, the Instructional Superintendent, Unit/Division Head, or the Employee Performance Accountability Unit or division Human Resources (HR) Representative of the alleged inappropriate conduct. The Administrator of Operations, Operations Coordinator, or Division Head will generate and submit an iSTAR report.

#### **II. REASSIGNMENT OF A CERTIFICATED EMPLOYEE**

When credible allegations of employee misconduct arise that threaten students, staff or workplace safety, District leaders must take appropriate and timely administrative action. For cases involving a criminal matter, the ESC/Division should consult with the Office of Employee Relations. For allegations of sexual



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misconduct, the Office of Employee Relations must be notified in order to provide appropriate notification to the California Commission on Teacher Credentialing.

A preliminary assessment of the allegation should be conducted prior to making the decision to reassign a certificated employee. Appropriate work groups {e.g., Office of the Superintendent, Office of Employee Performance Accountability (EPA), Office of Employee Relations (ER), and Office of the General Counsel (OGC)} may be contacted to request clarifying information. After an assessment of the allegation has been completed, the ESC Administrator of Operations, division head or the Office of the Superintendent will decide one of the following:

### A. Five (5) Working-Day Temporary Removal of Certificated Employee

While considering whether to reassign an employee, a five (5) working-day temporary removal from the worksite may be utilized, an administrator is to conduct an administrative investigation. If a law enforcement agency is conducting an investigation, approval for administrative investigation should be obtained and documented in the iSTAR report. A “pull memo” (Attachment A-Reassignment of District Employee) should not be submitted for a five (5) working-day temporary removal. The school site/division shall continue to report time for the certificated employee.

Examples of situations in which a five (5) working-day temporary removal may be warranted include the existence of a significant safety risk to students, staff, other employees, or members of the school community; or any serious allegation where not enough information is immediately available and therefore requires more extensive investigation, and to protect the integrity of the investigation.

After the five (5) working-day temporary removal, and a review of available investigative information, a determination shall be made by the end of the fifth working day. The ESC Administrator of Operations, division head or Office of the Superintendent will make a decision, to reassign the certificated employee or return to a worksite.

For schools, Budget Services will provide reimbursement for up to five (5) substitute days. The school site shall continue to report time for the removed employee and substitute teacher from school funds. To receive reimbursement, the school administrator shall submit Attachment D to the Fiscal Services Manager, who processes the request for approval by the Administrator of Operations.

### B. Decision not to reassign a certificated employee



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When a determination is made not to reassign an employee, other appropriate actions may be implemented:

1. In consultation with EPA, conferencing of certificated employee and uploading the final conference memorandum on the Incident Filing Database.
2. Disciplining of certificated employee.
3. Logistical decisions (changing of class for student, separating two adults, administrative transfer, etc.).
4. Monitoring situation for any changes that would increase the safety risk to students, staff, other employees, or members of the school community to take appropriate action.

If the decision is made not to reassign the certificated employee, the administrator should be sure that **no** significant safety risk to students, staff, other employees, or members of the school community exists.

### C. Reassignment of certificated employee at an alternate location

The decision to temporarily remove a certificated employee from their worksite to an alternate location pending the outcome of an investigation lies exclusively with the ESC Administrator of Operations, division head or the Office of the Superintendent.

Reassignment of a certificated employee can take place with or without the implementation of the five (5)-working day temporary removal. The certificated employee will receive instructions from his/her administrator and a copy of the Temporary Reassignment Memo (see Attachment B and refer to Attachment I).

### D. Reassignment of certificated employee to home

The decision to remove a certificated employee from their worksite to reassignment at home pending the outcome of an investigation lies exclusively with the ESC Administrator of Operations, division head or the Office of the Superintendent.

The certificated employee will receive instructions from his/her administrator and a copy of the Temporary Reassignment Memo (see Attachment C and refer to Attachment I).

The decision to reassign a certificated employee for performance issues or concerns must be made by the Office of the Superintendent. Certificated employees will be reassigned when the safety of students, schools, or work places is clearly at risk.

After a decision is made to reassign a certificated employee, the official "pull



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memo” form (see Attachment A) needs to be submitted by the ESC Administrator of Operations/Division Head or designee to the Senior Deputy Superintendent, School Operations with a copy to Employee Relations at the following e-mail address: [HRIncidentReporting@lausd.net](mailto:HRIncidentReporting@lausd.net).

### III. REASSIGNMENT OF DUTIES OF CLASSIFIED EMPLOYEE

As noted in Section II., District leaders must take appropriate and timely administrative action when credible allegation of employee misconduct arise that threatens students, staff or workplace safety. The decision to reassign a classified employee must be made pursuant to Personnel Commission Rule 812.5(d) and in accordance with applicable bargaining unit agreements. For cases involving a criminal matter, the ESC/Division should consult with Employee Relations.

A preliminary assessment of the allegation should be conducted prior to making the decision to reassign a classified employee. The division HR Representative and/or appropriate work groups {(e.g., Office of the Superintendent, Office of Employee Performance Accountability (EPA), Office of Employee Relations (ER), and Office of the General Counsel (OGC)} may be contacted to request clarifying information. After an assessment of the allegation, the ESC Administrator of Operations, division head, or the Office of the Superintendent will decide one of the following:

#### A. Five (5) Working-Day Temporary Removal of Classified Employee

While considering whether to reassign an employee, a five (5) working-day temporary removal from the worksite may be utilized, an administrator is to conduct an administrative investigation. A “pull memo” (Attachment A-Reassignment of District Employee) should not be submitted for a five (5) working-day temporary removal. The school site/division shall continue to report time for the classified employee, as applicable in the employee’s bargaining unit agreement.

Examples of situations in which a five (5) working-day temporary removal may be warranted include the existence of a significant safety risk to students, staff, other employees, or members of the school community; or any serious allegation where not enough information is immediately available and therefore requires more extensive investigation, and to protect the integrity of the investigation.

After the 5 working-day temporary removal, and a review of available investigative information, a determination shall be made no later than the end of the 5<sup>th</sup> working day. The ESC Administrator of Operations, division head or Office of the Superintendent will make a decision, to reassign the classified employee or return to a worksite.



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### B. Decision not to reassign a classified employee

When a determination is made not to reassign an employee, other appropriate actions may be implemented:

1. In consultation with EPA and the division HR Representative, conferencing of classified employee and uploading the final conference memorandum on Incident Filing Database.
2. Disciplining of classified employee.
3. Logistical decisions (changing of class for student, separating two adults, etc.).
4. Monitoring situation for any changes that would increase the safety risk to students, staff, other employees, or members of the school community to take appropriate action.

If the decision is made not to reassign the classified employee, the administrator should be sure that **no** significant safety risk to students, staff, other employees, or member of the school community exists.

### C. Reassignment of classified employee at an alternate location

The decision to temporarily reassign a classified employee from their worksite to an alternate location pending the outcome of an investigation lies exclusively with the ESC Administrator of Operations, division head, or the Office of the Superintendent.

Reassignment of a classified employee can take place with or without the implementation of the five (5)-working day temporary removal from the assigned work location. The classified employee will receive instructions from his/her administrator and a copy of the Temporary Reassignment Memo (see Attachment B and refer to Attachment I).

Employees in Bargaining Units F (Teacher Assistants) and G (Playground Aides) and other substitute or temporary employees are not to be reassigned or directed to their home, while still in paid status, pending the results of an investigation of an allegation of misconduct. "At-will" employees will be directed to their home without pay or separated due to completion of assignment. If exonerated once the investigation is completed, the case will be reviewed for appropriate action, reassignment to a District work location, re-employment by the District, or decision not to return to District service.

### D. Reassignment of classified employee to home

Classified employees {pursuant to Personnel Commission Rule 812.5(d)}



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**and the appropriate Collective Bargaining Agreement**}, may be sent home pending the results of a disciplinary investigation. Vacation hours may be used while the investigation is pending. If the investigation does not lead to discipline, then the classified employee's vacation balance needs to be restored.

The classified employee will receive instructions from his/her administrator and a copy of the Temporary Reassignment Memo (see Attachment C and refer to Attachment I).

The decision to reassign a classified employee for performance issues or concerns must be made by the Office of the Superintendent. Classified employees will be reassigned when the safety of students, schools or work places is clearly at risk.

After a decision is made to reassign an employee, the official "pull memo" form (see Attachment A-Reassignment of District Employee) needs to be submitted by the ESC Administrator of Operations/Division Head or designee to the Senior Deputy Superintendent, School Operations with a copy to Employee Relations at the following e-mail address: [HRIncidentReporting@lausd.net](mailto:HRIncidentReporting@lausd.net).

### IV. INVESTIGATION

#### 1. Law Enforcement Involvement

- a. When a report is made to law enforcement by phone, in writing, or in person, the administrator/designee needs to inquire as to whether or not conducting an administrative investigation would interfere with their investigation.
- b. If law enforcement is not involved, or if a law enforcement agency grants clearance for a concurrent investigation, the ESC or division needs to proceed with an administrative investigation to be completed within 30 working days. Every attempt should be made to complete all non-complex cases within 30 working days.
- c. If law enforcement does not give clearance to investigate, the ESC or division needs to communicate that information to Employee Relations. Employee Relations will then become the sole liaison to law enforcement for both certificated and classified cases. Once clearance is granted to investigate, Employee Relations will notify the appropriate administrator at the ESC or division.

#### 2. Administrative Investigations

Guidelines for Conducting an Administrative Investigation:

- a. Have a clear understanding of the allegation before commencing the investigation.
- b. Ask clarifying questions and get details about the incident.
- c. Identify potential witnesses and alleged victims in the case.



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- d. Identify the alleged suspect(s). Interview the alleged suspect(s) last.
  - e. Gather all relevant information.
  - f. Have potential witnesses and alleged victims write a statement describing specific details of the incident. Be sure to have them write their full name and date on the statement. If the potential witness or alleged victim is unable to write, have them dictate their statement.
  - g. Write a report (Call Employee Relations for report template).
  - h. Submit final report to ESC Administrator of Operations/division head for their review. The ESC Administrator of Operations/division head will make a recommendation to reassign back to a worksite or to initiate dismissal proceedings ***within ten (10) working days of receipt of final report.***
  - i. Contact Employee Performance Accountability Office for certificated and classified units B, D, F, G, and S.
3. Investigations Unit Assistance
- There are three levels of investigative assistance provided by the Employee Relations Investigations Unit:
- a. **Consultative**
    - Telephonic assistance with information on how to conduct a non-complex administrative investigation.
  - b. **Assistive Support**
    - In addition to the consultative assistance above, the Employee Relations Investigations Unit will provide on-site support with interviews.
  - c. **Computer Forensics Investigation**
    - If an administrator is made aware of an allegation involving a staff member inappropriately using a District issued computer (e.g., viewing sexually explicit material), staff may request a forensic computer investigation.
    - A request must be made by the ESC/Division Head to the Employee Relations Investigations Unit. Requests should be made using the "IU Assistance" form (see Attachment E) but they can only be made for computers of employees who are currently in reassigned status.
    - When the administrator makes the decision to take possession of the computer from the employee, this action should happen as soon as possible.
    - Upon confiscation, the computer should be immediately secured in a limited-access locked room. In order to prevent the possible corruption of the data, staff should NOT attempt to view anything on the suspect computer. If the computer is on, staff should not turn the computer off, but should either unplug the computer from the wall (if it is a desktop) or remove the battery (if it is a laptop).



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- Requesters will need to return the completed “IU Assistance” form to the Employee Relations Investigations Unit and clearly identify the type of allegation and the specific area/subject matter that they would like analyzed (e.g., communiqué pertaining to a specific student).
- Once the form is submitted and if an analysis is approved, Employee Relations Investigations Unit staff will arrange for the pick-up/drop-off of the computer.
- After an analysis is completed, a report will be provided to the appropriate HR Office and ESC/Division personnel. Once the matter has been resolved, the computer will be cleaned (if needed) and returned to the school.

### **d. Student Safety Investigation Team (SSIT) - Full Investigation**

- As of January 1, 2014, for complex investigations involving allegations of sexual misconduct, the ESC/Division must request a full investigation by forwarding the case to the Student Safety Investigation Team in Human Resources, noting the date sent, and completing Attachment E. Once the ESC/Division submits a request for SSIT assistance, the SSIT will assign investigators to immediately begin conducting the investigation.

Every attempt will be made to complete all full investigations within 120 working days of the date the case is opened.

## **V. NOTIFICATION AND COMMUNICATION FOR ALLEGATIONS OF SEXUAL MISCONDUCT**

### **Parent Notification Procedures**

- A. The Los Angeles Police Department and the Los Angeles County Sheriff’s Department will notify LAUSD within 72 hours after being informed about the allegation of sexual misconduct whether parents and guardians of the involved school site can be notified about the pending investigation.
  1. Unless otherwise advised by law enforcement agencies within the 72-hour turn-around time, LAUSD **will** notify parents and guardians of alleged employee misconduct.
  2. If there are other extenuating reasons not to send notification, the Administrator of Operations will advise the site administrator.
- B. The site administrator will send a letter and/or a Blackboard Connect message when it appears that the parent notification will not compromise the on-going investigation.
  1. The parent notification will specify whether the case involves an ongoing investigation or if there has been an arrest.
  2. It is critical that the site administrator, the Administrator of Operations/designee or division head communicates with law



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enforcement agencies on a case-by-case basis before releasing information to parents.

3. If the allegation involves the site administrator, the Administrator of Operations and Employee Relations will be responsible for communicating with the law enforcement agency before releasing information to the parents.
4. Principals should use a specific letter and/or Blackboard Connect phone message template for the following:
  - On-going law enforcement investigation:  
Principals should use Attachment F as a template after an employee has been removed from the classroom/school due to a criminal investigation and before the law enforcement agency has confirmed an arrest of an employee.
  - Law enforcement arrest of an employee:  
Principals should use Attachment G as a template after the law enforcement agency has confirmed an arrest of an employee.
  - District's administrative investigation – no arrest by law enforcement agencies:  
Principals should use Attachment H as a template after the law enforcement agency has confirmed that they are not proceeding criminally and advises the case be handled administratively.

### **Communications to the Media**

- A. Any and all communications to the media regarding the matter will be coordinated with the Office of Communications and Media Relations. Communications to the media will be made by the Director of Communications and Media Relations, and the ESC Administrator of Operations or the Unit/Division Head. Depending on the nature of the inquiry, other Division Heads might also provide their expertise. Every effort must be taken to ensure the safety and well-being of students, while balancing the rights of the accused employee.
- B. Specifically, all initial communications with the media will make it clear that allegations against an employee do not constitute a substantiation of guilt or liability. The District's standard policy of "removal pending investigation" should be referenced in explaining to the public that the temporary removal of an employee should not be interpreted as a substantiation of the allegations against the employee.

## VI. DECISIONS

1. Once an investigation (Non-Complex 30 working days; Complex 120 working days) is completed, the ESC Administrator of Operations/division head will make a recommendation to reassign the employee back to a worksite or to initiate dismissal proceedings ***within five (5) working days of receipt of the final report.***



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2. The ESC Administrator of Operations/division head's recommendation is sent to the **Housed Employee Review Committee (HERC)** **accompanied with the following documentation:**
  - a. A HERC packet will be completed through a joint effort of the principal and the ESC Operations./
  - b. The HERC packet should contain the following items in Attachment J:
    - The final administrative investigative report with recommendation and rationale on the last page.
    - Other pertinent documents (other agency reports, statements, employment summaries, etc.).
  - c. The HERC packet will be reviewed for completeness and submitted electronically by EPA to HERC.
  - d. The case will be placed on the HERC agenda within **8 working days** of submission of completed packet.
3. Upon receipt of the packet, HERC will:
  - a. Thoroughly review and discuss the case.
  - b. Consider the recommendation of the ESC Administrator of Operations/ division head and the recommendation of the principal/supervisor.
  - c. Make a recommendation to either return the employee to a worksite or initiate dismissal proceedings.
  - d. The case will be sent to the Superintendent/Designee for a **final recommendation, which will be made within 5 working days after receiving the case from HERC.** After the Superintendent's final recommendation, the case is returned to the ESC/division for the issuance of discipline and to conduct the administrative review. The case is then forwarded to OGC for the drafting of the statement of charges. Superintendent/designee will select one of the following options:
    - **Reassignment to a worksite**
      - Case goes to ESC/division, Human Resources for implementation of decision
      - If reassignment to a worksite is approved, a designee from the ESC/division meets with the employee to review applicable policies and procedures.
    - **Dismissal**
      - For certificated employees, the case goes to Office of General Counsel for implementation of decision
      - After the Superintendent's final recommendation, the case is returned to the ESC/division for the issuance of



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discipline and to conduct the administrative review. The case is then forwarded to OGC for the drafting of the statement of charges.

- Once a case is approved by the Board of Education to approve the intent to initiate dismissal proceedings, the reassigned employee will no longer report to the ESC/division, but will be reassigned to their home in unpaid status.

The Office of School Operations will distribute a copy of the final decision to appropriate offices.

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

California Education Code Sections 49001 and 49050

Penal Code Section 11164 et seq.

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

**RESOURCES:**

- BUL-1347.2, Child Abuse and Neglect Reporting Procedures
- BUL-3349.0, Sexual Harassment Policy (Student-to-Student, Adult-to-Student, and Student-to-Adult)
- BUL-5168.1, Reassignment (Housing) of District Certificated and Classified Employees, issued by the Office of the Superintendent
- BUL-5167.0, Code of Conduct with Students-Distribution and Dissemination Requirement Policy
- BUL-4748.0, Ethics Policies
- BUL-1347.2, Child Abuse and Neglect Reporting Procedures
- BUL-3349, Sexual Harassment Policy (Student-to-Student, Adult-to-Student, and Student-to-Adult)
- BUL-3357.1, Employee-to-Student Sexual Abuse and Related Discipline Policy
- BUL-5167.0, Code of Conduct with Students – Distribution and Dissemination Requirement Policy
- BUL-5736.2, Employee-to-Student Sexual Abuse and Related Investigation and Notification Policy (Certificated and Classified)

### ATTACHMENTS:

Attachment A – “Pull” Memo - Reassignment of District Employee

Attachment B – Memo Template - Temporary Reassignment to ESC

Attachment C – Memo Template - Temporary Reassignment to Home

Attachment D – Reimbursement Form for Removal of Teacher



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- Attachment E – Request for Employee Relations Investigations Unit Assistance and Rubric
- Attachment F – Letter and Blackboard Connect Message Template (On-Going Law Enforcement Investigation)
- Attachment G – Letter and Blackboard Connect Message Template (Law Enforcement Arrest of an Employee)
- Attachment H – Letter and Blackboard Connect Message Template (No Arrest by Law Enforcement Agencies)
- Attachment I – Recommended Brief Incident Descriptions
- Attachment J – HERC Packet Checklist

**ASSISTANCE:** For assistance or further information, please contact your Educational Service Center Operations Coordinator. For further assistance please call the Office of Employee Relations at (213) 241-6591 or Office of School Operations at (213) 241-5337.