

# BUSH GOTTLIEB

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## MEMORANDUM

11250-33012

Direct Dial: (818) 973-3231  
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TO: UTLA Executive Director Jeff Good

FROM: Michael E. Plank and Katharine Hirata

DATE: July 11, 2023

RE: Outline of Tools for Protecting LGBTQ+ Educators

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Following recent events at Saticoy Elementary School, and given UTLA's interest in developing strategies for protecting LGBTQ+ educators, we have reviewed provisions of the CBA and existing LAUSD policies to provide a short outline of UTLA's existing options under those documents. This outline is intended to be introductory rather than exhaustive, and to serve as a starting point for further consideration and discussion.

Initially, we note that the CBA already provides procedural options for engaging with the District on these issues. Next, we outline existing policies and specific substantive options for UTLA and its members.

**Utilization of existing safety committee:** Article XXVIII, Section 3.0 of the CBA provides for an Environmental, Health, Safety and Violence Joint Committee that could address the issue of anti-LGBTQ threats and harassment and attempt to develop solutions.

**Formation of a new special committee:** UTLA could also draw on Article XXX of the CBA to advocate that addressing the safety of LGBTQ+ employees and students warrants the addition of a new subcommittee specifically to address that issue.

**Discrimination complaints:** Per LAUSD BUL-6612.1, all employees who witness or experience discrimination or harassment must submit a complaint to the site administrator. UTLA representatives and chapter chairs could advise employees on how to make these complaints, and to assist them with the process including gathering and presenting evidence. We note that the standard grievance procedure laid out in the CBA is not available for issues of discrimination on the basis of a protected category

**Safety grievances:** Article XXVIII, Section 5.0 of the CBA allows for grievances over unsafe or hazardous conditions, if the administration does not address such conditions. Section 1.0 also requires planning at each site to address safety risks.

**Responses to social media harassment:** LAUSD BUL-5688.2 sets out the District's policy for responding to threats and harassment on social media. Administrators must investigate reported incidents of social media misconduct by employees or associated adults, meaning all persons who work with or have contact with students (including parents). If threats are posted on social media, administrators must report the incident to the appropriate agency: Los Angeles School Police Department, School Operations, and Crisis Counseling and Intervention Services. The target of online harassment can request that posts be taken down by reporting them to the webmaster, and they should document the posts first.

**Planning for and addressing hate-motivated incidents:** Per LAUSD BUL-2047.2, each school site should develop a plan to address hate-motivated crimes and incidents, which are defined as hostility against a person because of their protected categories, including actual or perceived sex, sexual orientation, gender, gender identity, or gender expression. This includes identifying a staff member who will serve as Title IX/Bullying Complaint Manager and establishing a process for response and reporting. This also includes prompt intervention to ensure safety, investigation of the incident, and documentation of evidence.

**Physical security precautions regarding visitors:** All visitors must report to the main office and carry or wear a Visitor's Pass while on campus (LAUSD BUL-5721.1) During non-business hours, the site-administrator must pre-approve employees entering the facility. Per LAUSD BUL-1325.1, parents have the right to be informed in advance of the procedures for visiting the school, request and obtain approval to enter campus, observe their child's classroom after making a request, and meet with the classroom teacher after observing class. Parents do not have the right to interfere with discipline or conduct in any school classroom or activity, disrupt class work or extracurricular activities, or cause disorder.

**Immediate responses to civil disturbances:** Per LAUSD BUL-6320, administrators may restrict the location and nature of demonstrations to maintain campus safety. This could include initiating a lockdown. Administrators may also intervene when an adult who is not an employee disrupts school activities by asking the individual to leave campus.

**Immediate responses to threats of workplace violence:** A threat may be direct, indirect, verbal, non-verbal, written or electronic. Any individual who commits acts of violence or threatening behavior in the workplace may be removed from the premises and subject to discipline, including non-staff members. LAUSD BUL-5798.0 provides specific steps for responding to workplace violence or threats.

**Voluntary transfers:** CBA Article XI provides for transfers within the District. If an employee wished to seek a transfer, their chapter chair could guide them through this process.