
Grooming Behaviors and Our Obligations



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Grooming Behaviors and Our Obligations

OXNARD UNION HIGH SCHOOL DISTRICT

PRESENTED BY:
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- All stories related in this presentation are derived directly from news reports, articles, and other sources of information available in the public sphere.
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Why Care about Sexual Abuse of Minors?

- Nearly 70% of all reported sexual assaults (including assaults on adults) occur to children 17 and under.
- Of children who are sexually abused, 20% are abused before the age of 8.
- One in 10 children will be sexually abused before the age of 18.
- One in 7 girls, and one in 25 boys will be sexually abused before the age of 18.
- 60% of child abuse victims never tell anyone.
- The number of child abuse incidents identified decreased by at least 47% from 1993 to 2005.

Overview/Goals

- Discuss how to identify and detect possible child abuse and grooming behaviors.
 - Hypotheticals, signs, and examples
- Identify the legal obligations of a mandated reporter.
 - What constitutes “reasonable suspicion?”
- Explain the consequences for failing to make a report.
 - Criminal and civil liability
 - Recent headlines, case law, and settlements in sexual abuse and failure to report
- Q/A session.



IDENTIFYING AND DETECTING POSSIBLE CHILD ABUSE AND GROOMING BEHAVIOR

Types of Child Sexual Abuse

- **Sexual Assault**

- Rape & statutory rape (Penal Code § 261.5(d) only).
- Any sexual contact with the genitals or anal opening.
- Child molestation (Penal Code § 647.6).
- Any intentional touching of the genitals or intimate parts or the clothing covering them.
- Masturbation in the presence of a child.

- **Sexual Exploitation**

- Promoting, aiding, persuading, coercing a child to engage in obscene sexual conduct.
- Child pornography.

Statutory Rape/Consensual Sex of Minors

In California, it is “illegal” for minors to have sex.
(Penal Code § 261.5.)

- **REPORT *IS* AUTOMATICALLY REQUIRED:**

- Non-consensual sexual conduct between children of any age.
- Any sexual conduct where child is under 16 and partner is 21 or older. (Penal Code §§ 261.5(d), 11165.1(a).)
- Any sexual conduct where child is under 14 and partner is 14 or older.

(*People ex rel. Eichenberger v. Stockton Pregnancy Control Medical Clinic, Inc.* (1988)
203 Cal.App.3d 225.)

Statutory Rape/Consensual Sex of Minors

- **The Child Abuse and Neglect Reporting Act (CANRA) does NOT require a report for all instances of sexual conduct or pregnancy involving minors.**
 - Intent of CANRA was to protect minors from “criminal acts of child abuse causing trauma to the victim.”
 - Requiring a report of all incidents of consensual sex of minors would deter minors from seeking needed reproductive health care.
(*Planned Parenthood Affiliates v. Van de Kamp* (1986) 181 Cal.App.3d 245.)
- **A report may still be warranted where:**
 - Reasonable suspicion that sex is not voluntary or consensual.
 - Very young children engaging in sophisticated sex play (possible evidence of sexual abuse at home).
 - Other reasons to believe possible abuse is occurring.
 - Use your professional judgment.

REMEMBER – WHEN IN DOUBT, REPORT IT OUT!

Spotting Sexual Abuse

- **Many times, children will not initially report abuse or neglect.**
- **Abusers are adept at convincing children to stay quiet:**
 - Threaten violence to child and child’s family.
 - Warn child that the police will take them away if they tell.
 - Shame child and convince child it is his/her fault.
 - Tell child no one will believe them.
- **It is important to watch for physical and behavioral signs of abuse and neglect.**

Signs of Sexual Abuse

- Difficulty walking or sitting.
- Reports of nightmares or bedwetting.
- Sudden refusal to participate in or change for P.E.
- Pregnancy or STD, particularly if under the age of 14.
- Sudden change in appetite.
- Excessive fondling or masturbation.

Signs of Sexual Abuse

- Demonstrates bizarre, sophisticated, or unusual sexual knowledge or behavior for age.
- Simulates sexual acts on objects or other students.
- Reports exposure to pornography.
- Creates sexually explicit pictures or drawings.
- Molests other students.
- **Child reports abuse**
 - Children rarely fabricate reports of sexual abuse.

Note about Signs of Sexual Abuse

- These indicators are only clues or warning signs of possible abuse; they are not an all-inclusive list or an absolute indication abuse is occurring.
- The presence of a combination of these indicators should serve as a warning that a child needs help and abuse may be the cause.
- As a Mandated Reporter, you must use your own judgment as to whether the facts as a whole cause you to suspect a child is being abused.

Emotional Abuse

- Not as clearly defined in the law.
- Reportable if:
 - Child suffers or is at risk of suffering “serious emotional damage.” (Penal Code § 11166.05)
- May include:
 - Constant criticism, rejection
 - Threats, intimidation
 - Humiliation
 - Withholding of love and support, isolation

Signs of Emotional Abuse

- Emotional abuse is often difficult to identify
 - Indicators are often evident in non-abused children.
 - Behaviors of emotionally abused and emotionally disturbed are often the same.

Signs of Emotional Abuse

- Underdeveloped physically, emotionally, or intellectually
- Obese or underweight, eating disorders
- Anxiety
- Depression/withdrawal
- Untoward aggressive behavior toward self or others
- Bedwetting (enuresis)
- Hyperactivity/hypoactivity
- Nervous skin disorders
- Emotional abuse of other students

What is Grooming?

U.S. Department of Justice Definition

- “Grooming” is “a method of building trust with a child and adults around the child in effort to gain access to and time alone with the child. In extreme cases, offenders may use threats and/or physical force to sexually assault or abuse a child. More common, though, are subtle approaches designed to build relationships with families. The offender may assume a caring role, befriend the child, or even exploit their position of trust and authority to groom the child and/or the child’s family. These individuals intentionally build relationships with the adults around a child or seek out a child who may have fewer adults in her/his life. This increases the likelihood that the offender’s time with the child is welcomed and encouraged.

Understanding Grooming

- There are no statutes criminalizing grooming, as it is a subtle behavior.
- While grooming is often a precursor to sex offenses against children, it is not a stand-alone violation of law.
- Case law discussing grooming is mainly centered on either a student victim’s Title IX or negligent supervision claim, brought once sexual abuse has occurred. In these claims, the victim/victim’s family alleges that the district, or an individual district employee, was deliberately indifferent to the abuse or potential for abuse, and/or negligently hired and inadequately supervised an employee that the district knew or should have known had propensities towards sexual abuse of children.

Signs of Behavior that may be Indicative of Grooming

- An adult seems overly interested in a child.
- An adult frequently initiates or creates opportunities to be alone with a child (or multiple children).
- An adult becomes fixated on a child.
- An adult gives special privileges to a child (e.g. rides to and from practices, etc.)
- An adult befriends a family and shows more interest in building a relationship with the child than with the adults.

Signs of Behavior that may be Indicative of Grooming

- An adult displays favoritism towards one child within a family.
- An adult finds opportunities to buy a child gifts.
- An adult caters to the interests of a child, so a child or the parent may initiate contact with the offender.
- An adult who displays age and gender preferences.
- An adult who attempts to become the child's confidant or savior in a difficult situation.
- An adult creates a trust relationship with the child.

Case Law Addressing Grooming Behavior – *C.A. v. William S. Hart Union High School District*

- In 2012, the Supreme Court of California considered allegations that a district neither had in place nor implemented a procedure for investigating and supervising personnel “to prevent pre-sexual grooming and/or sexual harassment, molestation, and abuse of children.” (*C.A. v. William S. Hart Union High School District* (2012) 53 Cal.4th 861, 867.)

Case Law Addressing Grooming Behavior – *C.A. v. William S. Hart Union High School District* Continued

- The court held that “school principals and supervisory employees, to the extent their duties include overseeing the educational environment and the performance of teachers and counselors, also have the responsibility of taking reasonable measures to guard pupils against harassment and abuse from foreseeable sources, including any teachers or counselors they know or have reason to know are prone to such abuse.” (*Id.* at 870-71.)

Case Law Addressing Grooming Behavior – *Doe v. Boyertown Area School District*

- In a Pennsylvania federal district court case, the court found that a victim student had alleged sufficient facts to show that the school district officials acted with deliberate indifference to prior students' complaints of sexual harassment and to the continued risk of sexual harassment posed by a teacher, where there was both grooming behavior as well as prior complaints of sexual harassment lodged by students. (*Doe v. Boyertown Area School District* (2014) 10 F.Supp.3d 637, 653.)

Case Law Addressing Grooming Behavior – *Doe v. Boyertown Area School District* Continued

- Prior to the teacher's initiation of a sexual relationship with the plaintiff, he "gave his cell phone number to all of his students and established a reputation as being the cool teacher: allowing them to send text messages in class, allowing cheating, allowing the students to goof off, and granting female students passes to allow them to avoid other classes and spend time with him. This manner of teaching was intended to groom impressionable female students to trust him and confide in him as one of their peers."
(*Id.* at 643.)

Case Law Addressing Grooming Behavior – *Doe v. Boyertown Area School District* Continued

- The court noted that district officials were aware of his behavior, or could have been aware of it through proper monitoring. (*Id.* at 643-44.) The court noted that the suppression of prior complaints, along with the district officials' allowance of the . . . teacher to breach certain school rules, allowed him to accomplish his grooming of female students for inappropriate sexual relations, which in part caused the eventual sexual abuse of the plaintiff. (*Id.* at 647.)

Case Law: Takeaways

- Grooming is still not a well developed area of law, as it is a subtle behavior, and precursor to criminal behavior.
- While the courts in these cases did not actually determine whether the districts or individual employees were liable, cases such as these seem to indicate that a district should be on the lookout for grooming behavior, and could potentially be subject to liability for failure to take action.

Is this Grooming?

- Hypothetical: Teacher takes an interest in an elementary school student. He allows only this student to come to his classroom for private tutoring and usually spends an hour with the student after school alone in his room. He frequently asks the student if they need further help and encourages the student to come to his room. The teacher buys the student gifts for attending these sessions.
- Answer: Yes. The teacher seems overly interested, creates opportunities for isolation, and gives only that student gifts.

Is this Grooming?

- Hypothetical: Teacher allows elementary school students to make appointments for one-on-one tutoring. The teacher makes this announcement to the entire class, and posts a list that allows students to sign up for time slots on a first come, first serve basis. The teacher reminds students of the opportunity and sign up sheet, but does not pressure them. Students do not receive any incentives for coming for help.
- Answer: No. The teacher provides an equal opportunity to receive help and does not show special interest in any particular student.

Is this Grooming?

- Hypothetical: Teacher provides her cell phone number to all students in her class. She does not ask for their numbers in return and makes it clear that students should only call in cases of providing her with an important school related notification or in the case of an emergency.
- Answer: No. The teacher provides her number to all students, and does not seek out particular students based on their gender, personality type, etc. She also makes it clear that this form of communication is only for important school related matters or emergencies. However, employees should not share personal cell phone numbers as a common practice.

Is this Grooming?

- Hypothetical: Student confides in teacher that she is experiencing personal issues since her parent has left the home. Teacher encourages Student to confide in her, communicates with Student outside of school through cell phone and social media contact, and tells Student, “No one understands you like I do.”
- Answer: Yes. Teacher has created an improper personal relationship where she attempts to become Student’s confidant and isolates Student from obtaining help.

IDENTIFYING THE LEGAL OBLIGATIONS OF A MANDATED REPORTER

When to Make a Report

- You must make a report whenever, in your professional capacity or ***within the scope of your employment***, you have knowledge of or observe a child whom you know or ***reasonably suspect*** has been the victim of child abuse or neglect. (Penal Code § 11166.)

“Scope of Employment”

- Report is *required* when the information is learned in connection with your employment.
- The suspected abuse does *not* have to occur on campus.
- Requires some nexus between information/victim and school employment.
- Mandated reporters may *voluntarily* report suspected child abuse outside of scope of employment.
 - Legal protections still apply! (Penal Code § 11172(a).) [“immunity shall apply even if the mandated reporter acquired the knowledge or reasonable suspicion of child abuse or neglect outside of their professional capacity or outside the scope of their employment”].)

“Reasonable Suspicion”

- “Reasonable suspicion” means a reasonable person, drawing when appropriate on training and experience, would simply *entertain a suspicion* that abuse has occurred.
- “Reasonable suspicion” does NOT require certainty or proof.
- The duty is to REPORT, not to investigate.
- Does **NOT** require proof or certainty.
- Does **NOT** require “more likely than not.”

What if I Don't Know?

- What if you are not sure whether you should have reasonable suspicion of abuse?
 - Consult with your supervisor.
 - Call Child Protective Services and ask.
- BUT – *no one* can veto your assessment of reasonable suspicion!

REMEMBER – WHEN IN DOUBT, REPORT IT OUT!

LEGAL ISSUES RELATED TO CHILD ABUSE REPORTING

Legal Consequences of Failing to Report

- **Criminal Liability** – Any person who fails to report an instance of child abuse as required by the Child Abuse and Reporting Act is guilty of a misdemeanor with a punishment of up to 6 months in jail, a \$1,000 fine, or both.
(Penal Code § 11166(c).)
- If death or great bodily injury happens to the child as a result of the abuse, the mandated reporter is guilty of a misdemeanor punishable by up to one year in jail, a fine up to \$5,000, or both.
(Penal Code § 11166.01(b).)

Failing to Report

- **Civil Liability** – Failure to report child abuse may result in a civil action by the victim(s) of abuse. A mandated reporter who willfully or negligently fails to report child abuse can be sued for injuries that occur after the report should have been made.
(*Landeros v. Flood* (1976) 17 Cal.3d 399; *Phyllis P. v. Claremont Unified School District* (1986) 183 Cal.App.3d 1193.)
 - Civil liability varies from case to case. A survey of jury verdicts reveals significant awards to plaintiffs in instances where a district was on notice of the abuse and did nothing to prevent the harm.

Failing to Report

- **Employment Consequences**

- Failure to report suspected child abuse or neglect violates district policy. (BP/AR 5141.4)
- Failure to report child abuse may subject the employee to disciplinary action, up to and including termination.
- Failure to report can also result in suspension or revocation of a credential.

APPLICABLE DISTRICT POLICIES AND REGULATIONS

Nondiscrimination Generally

BP 0410

- District programs, activities, and practices shall be free from unlawful discrimination, including discrimination against an individual or group based on race, color, ancestry, nationality, national origin, immigration status, ethnic group identification, ethnicity, age, religion, marital status, pregnancy, parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or genetic information; a 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.

BP 5145.3

- The Governing Board 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.

Prohibited Discrimination

BP 5145.3

- What counts as prohibited discrimination?
 - Discriminatory harassment, intimidation, and bullying, targeted at any student by anyone, based on the student's actual or perceived race, color, ancestry, nationality, national origin, immigration status, ethnic group identification, ethnicity, age, religion, marital status, pregnancy, parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression; or genetic information, or association with a person or group with one or more of these actual or perceived characteristics.
- What constitutes “discrimination, harassment, intimidation, and bullying?”
 - Physical, verbal, nonverbal, or written conduct based on any of the categories listed above. Unlawful discrimination also includes the creation of a hostile environment through prohibited conduct that is so severe and 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.

Prohibited Discrimination Continued

BP 5145.3

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

Prohibited Discrimination Continued

BP 5145.3

- What is the grievance/reporting procedure for students?
 - Any student who feels that he/she has been subjected to discrimination, harassment, intimidation, or bullying **should immediately contact** the Coordinator, the principal, or any other staff member. In addition, any student who observes any such incident should report the incident to the Coordinator or principal, whether or not the victim files a complaint.
- What is the grievance/reporting procedure for employees?
 - Any school employee who observes an incident of discrimination, harassment, intimidation, or bullying or to whom such an incident is reported **shall report the incident to the Coordinator or principal**, whether or not the victim files a complaint.
 - In addition, the employee shall immediately intervene when safe to do so.

Prohibited Discrimination Continued

BP 5145.3

- What is the grievance procedure after a report is made?
 - The Assistant Superintendent Human Resources is designated Coordinator for Nondiscrimination to handle complaints regarding discrimination, harassment, intimidation, or bullying, and to answer inquiries regarding the district's nondiscrimination policies.
 - Upon receiving a complaint of discrimination, harassment, intimidation, or bullying, the Coordinator **shall immediately investigate** the complaint in accordance with the site-level grievance procedures specified in AR 5145.7 - Sexual Harassment and AR 1312.3 - Uniform Complaint Procedures.
 - All complaints shall be investigated and resolved within 60 calendar days of the district's receipt of the complaint.

Non-Fraternization with Students

BP 4119.21, 4219.21, 4319.21

- What non-fraternization behavior is required of district employees?
 - The Governing Board expects district employees to maintain the highest ethical standards, behave professionally, follow district policies and regulations, abide by state and federal laws, and exercise good judgment when interacting with students and other members of the school community. Employees shall engage in conduct that enhances the integrity of the district, advances the goals of the district's educational programs, and contributes to a positive school climate.
 - The Board 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.

Non-Fraternization with Students Continued

BP 4119.21, 4219.21, 4319.21

- What behavior is prohibited of district employees?
 - Engaging in inappropriate socialization or fraternization with a student or soliciting, encouraging, or maintaining an inappropriate written, verbal, or physical relationship with a student.

Non-Fraternization with Students Continued

- What are some examples of inappropriate employment behavior?
 - flirting;
 - making suggestive comments;
 - dating;
 - requests for sexual activity;
 - physical displays of affection;
 - giving inappropriate personal gifts;
 - providing alcohol or drugs to students;
 - frequent personal communication with a student (including, but not limited to, phone, e-mail, text messages, chat rooms, websites, letters, notes, etc.) unrelated to coursework or official school matters;
 - inappropriate touching; and engaging in sexual contact and/or sexual relations.

Even if the student participated “willingly” in the activity (regardless of the student’s age), inappropriate fraternization of staff with students is against district policy and may be in violation of professional standards of conduct and state law.

Non-Fraternization with Students Continued

BP 4119.21, 4219.21, 4319.21

- What is the reporting requirement?
 - 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. (Addressed in upcoming slides).
 - Any reports of employee misconduct shall be promptly investigated.
 - An employee who has knowledge of but fails to report inappropriate employee conduct may also be subject to discipline.

Non-Fraternization with Students Continued

BP 4119.21, 4219.21, 4319.21

- What are the consequences for violation?
 - 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.

Child Abuse Prevention and Reporting

AR 5141.4

- Who are examples of mandated reporters?
 - Teachers; instructional aides; teacher's aides or assistants; classified employees; certificated pupil personnel employees; administrative officers or supervisors of child attendance; administrators and employees of a licensed day care facility; Head Start teachers; district police or security officers; licensed nurses or health care providers; and administrators, presenters, and counselors of a child abuse prevention program (Penal Code 11165.7).

BP 5141.4

- What are mandated reporter duties?
 - Employees who are mandated reporters, as defined by law and administrative regulation, are obligated to report all known or suspected incidents of child abuse and neglect.
 - Mandated reporters shall not investigate any suspected incidents, but rather shall cooperate with agencies responsible for investigating and prosecuting cases of child abuse and neglect.

Child Abuse Prevention and Reporting Continued

AR 5141.4

- Who should report?
 - The reporting duties of mandated reporters are individual and cannot be delegated to another person.
 - When two or more mandated reporters jointly have knowledge of a known or suspected instance of child abuse or neglect, the 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 person not identified as a mandated reporter who has knowledge of or observes a child whom he/she knows or reasonably suspects has been a victim of child abuse or neglect **may report** the known or suspected instance of child abuse or neglect to the appropriate agency.

Child Abuse Prevention and Reporting Continued

AR 5141.4

- What constitutes child abuse or neglect?
 - A physical injury or death inflicted by other than accidental means on a child by another person.
 - Sexual abuse of a child, including sexual assault or sexual exploitation, as defined in Penal Code 11165.1.
 - Neglect of a child as defined in Penal Code 11165.2.
 - Willful harming or injuring of a child or the endangering of the person or health of a child as defined in Penal Code 11165.3.
 - Unlawful corporal punishment or injury as defined in Penal Code 11165.4.

Child Abuse Prevention and Reporting Continued

AR 5141.4

- What are the reporting procedures?
 - Step 1: **Immediately or as soon as practicable** after knowing or observing suspected child abuse or neglect, a mandated reporter shall make an initial report by telephone to any police department (excluding a school district police/security department), sheriff's department, county probation department if designated by the county to receive such reports, or county welfare department.
 - Step 2: **Within 36 hours** of knowing or observing the information concerning the incident, the mandated reporter shall then prepare and either send, fax, or electronically submit to the appropriate agency a written follow-up report, which includes a completed Department of Justice form (SS 8572).
 - Step 3: While mandated reporters are not required to disclose their identity to their supervisors, the reporting employees are encouraged to notify the principal as soon as possible after the initial telephone report to the appropriate agency.

Sexual Harassment

BP/AR 5145.7

- What is prohibited sexual harassment?
 - 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 educational setting, when made on the basis of sex and under any of the following conditions:
 - Submission to the conduct is explicitly or implicitly made a term or condition of a student’s academic status or progress.
 - Submission to or rejection of the conduct by a student is used as the basis for academic decisions affecting the student.
 - The conduct 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.
 - Submission to or rejection of the conduct by the student is used as the basis for any decision affecting the student regarding benefits and services, honors, programs, or activities available at or through any district program or activity.



Sexual Harassment Continued

AR 5145.7

- What are examples of prohibited conduct which may constitute sexual harassment?
 - Unwelcome leering, sexual flirtations, or propositions
 - Unwelcome sexual slurs, epithets, threats, verbal abuse, derogatory comments, or sexually degrading descriptions
 - Graphic verbal comments about an individual’s body or overly personal conversation
 - Sexual jokes, derogatory posters, notes, stories, cartoons, drawings, pictures, obscene gestures, or computer-generated images of a sexual nature
 - Spreading sexual rumors
 - Teasing or sexual remarks about students enrolled in a predominantly single-sex class
 - Massaging, grabbing, fondling, stroking, or brushing the body
 - Touching an individual’s body or clothes in a sexual way
 - Impeding or blocking movements or any physical interference with school activities when directed at an individual on the basis of sex
 - Displaying sexually suggestive objects
 - Sexual assault, sexual battery, or sexual coercion
 - Electronic communications containing comments, words, or images described herein



Sexual Harassment Continued

AR 5145.7

- What is the complaint process/grievance procedure?
 - Any student who believes he/she has been subjected to sexual harassment or who has witnessed sexual harassment may file a complaint with any school employee.
 - **Within one school day** of receiving a complaint or observing any incident of sexual harassment involving a student, the school employee shall report it to the district Coordinator for Nondiscrimination/Principal.
 - The compliance officer shall contact the complainant and investigate and resolve the complaint in accordance with law and district procedures specified in AR 1312.3. Within **10 business days** after the compliance officer receives the complaint, the compliance officer shall begin an investigation into the complaint.

TITLE IX UPDATE

Hypothetical Scenario #1 - Student reporting low level student-to-student harassment

- A first grade student, Tianna, reports seeing her classmate, Beth, put her hand on a “bad place” on classmate Chris when the students were waiting in line for the slide. Tianna reported that her mom told her “touching was never okay” and that she “is supposed to tell an adult.” Beth and Chris are both in first grade.
- Your response?

Hypothetical Scenario #2 - Teacher-to-Student inappropriate communications

- A male student, Kumar, came to the office to report “something weird” happening to his friend, Lucy. When Lucy walks into class, if she is not walking next to Kumar, the teacher would place his hand on her shoulder. Every time the teacher walks by the Lucy’s desk, he rests his hand on her shoulder or leans down. He does this to about three or four other girls in the class. None of the girls seems to turn away or have a problem, but it strikes Kumar as weird. Also, whenever the teacher calls on the students, he calls them nicknames based on appearance, such as “Leggy Lucy.”
- Your response?

Hypothetical Scenario #3 – Parent reporting alleged student-to-student sexual misconduct

- High school student, Li, has been feeling “down.” His parent contacted the counselor because Li recently said he did not want to play baseball anymore. At night, during dinner, Li’s phone was exploding. Li’s mom took his phone and found an Instagram group message chain among approximately 30 students (only 5 active) with GIFs and other items that refer to the student as “gay,” depict male on male sexual acts, and use vulgar names. The message chain had been going on for approximately 2 days and had over 300 messages. Some coaches and staff were invited to participate in the “group chat” and accepted the invite – though had not sent anything to the chat.
- Your response?

Hypothetical Scenario #4 – Miscellaneous employee conduct

- The school office clerk loves the holidays. She hangs a piece of mistletoe near the door to the principal. When students enter, she says “uh-oh, look what you are standing under.” She only says this when opposite sex students are under the mistletoe.
- Your response?

Hypothetical Scenario #5 – Miscellaneous employee conduct

- While driving a golf cart, two high school supervision staff sees two students making out in the field. The two students are lying down and appear to be “getting it on.” Things look a bit rough and the girl was making some noises that sounded a bit out of normal. When the cart drives up, the two students, Dana and Eric get up and walk away, separately. One of the staff members in the golf cart states, “I thought Eric was going out with different girl, other than Dana...are they even friends?” One of the other staff members states, “Well, Dana has a reputation for being easy.”
- Your response?

Question & Answer
Session

Thank You

For questions or comments, please contact:

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Alexandria Davidson represents California public school districts as general counsel. She has experience with employment-related matters, including certificated and classified employee discipline, reductions of force, certificated layoffs, and collective bargaining agreement interpretation. Ms. Davidson's practice also includes student discipline and general student matters, complaint processes, including Title IX, and well as general governance issues, the California Public Records Act, and the Brown Act. She has represented employers before the Public Employment Relations Board, Department of Fair Employment and Housing, California Department of Education, Office for Civil Rights, and the Office of Administrative Hearings. Ms. Davidson is an experienced trainer, including in FRISK, PROOF, and Title IX.

While attending Chapman University, Ms. Davidson received the CALI Award of Excellence in Client Counseling.

Events & Speaking Engagements

Ms. Davidson has spoken at CSBA (California School Boards Association) conferences and has conducted PROOF[®] and FRISK[®] trainings.

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