

ADOPTED		
01/09/2012	05/15/2023	05/15/2023

Sexual and Gender-Based Harassment

Reporting Process

Any student, parent/guardian, or other person who believes a student has been subjected to sexual harassment, which includes any form of sex or gender-based harassment, by another student, an employee, or any third party, or who has witnessed an incident of possible sexual harassment, is strongly encouraged to report the incident to the student's teacher, vice principal, principal, the District's Title IX Coordinator, or any other available school employee, and/or to submit a complaint pursuant to AR 1312.3 - Uniform Complaint Procedures or AR 5145.71 - Title IX Sexual Harassment Complaint Procedures.

Any employee who receives a complaint or report of sexual harassment shall, within one school day of receiving the complaint or report, or within one school day of observing an incident of potential sexual harassment that involves a student, forward the complaint or report, or prepare and forward a written description of a verbal report or observation, to the principal or the Title IX Coordinator. The employee shall take these actions whether or not the alleged victim submits a complaint, and even if the alleged victim requests their identity or the triggering incident be kept confidential. The Title IX Coordinator shall be responsible for assessing a victim's request for confidentiality, and will only initiate the Title IX Sexual Harassment Complaint Process - AR 5145.71 against a victim's wishes if doing so is not clearly unreasonable in light of the known circumstances.

If a complaint or report of sexual harassment is initially submitted to the principal, the principal shall forward the complaint or report to the Title IX Coordinator that same day, or as soon as is reasonably possible.

In any case of sexual harassment involving the principal, Title IX Coordinator, or any other person to whom the incident would ordinarily be reported, the complaint or report may instead be submitted to the Superintendent or designee who shall determine who will investigate or otherwise process the complaint or report.

When a verbal or informal report of sexual harassment is submitted, the principal and/or Title IX coordinator shall inform the student or parent/guardian of their right to file a formal written complaint in accordance with applicable District complaint procedures. As detailed in AR 5145.71, if the alleged conduct meets the definition of sexual harassment under Title IX, the Title IX Coordinator must notify the student-victim of this right. If a complainant-victim refuses to reduce their complaint to writing in accordance with either AR 1312.3 or AR 5145.71, the Title IX Coordinator or designee shall reduce the verbal complaint to writing and may initiate an investigation into the verbal allegations pursuant to AR 1312.3 or AR 5145.71.

- (cf. 1312.3 - Uniform Complaint Procedures)
- (cf. 5141.4 - Child Abuse Prevention and Reporting)
- (cf. 5145.71 - Title IX Sexual Harassment Complaint Procedures)

Title IX Coordinators

The District designates the following individual, who holds the title of Title IX Coordinator, as the employee responsible for coordinating its efforts to comply with Title IX of the Education Amendments of 1972, as well as to oversee, investigate, and/or resolve sexual harassment complaints processed under AR 1312.3 - Uniform Complaint Procedures and AR 5145.71 - Title IX Sexual Harassment Complaint Procedures.

The Title IX Coordinator may be contacted at:

Jose Espinoza

Director, Office of Educational Equity | Title IX Coordinator | Equity Compliance Officer
1108 Bissell Avenue
Richmond, CA 94801
Phone: (510) 231-1118
Email: jespinoza2@wccusd.net

(cf. 1312.3 - Uniform Complaint Procedures)

harassment; the name, phone number, and email address of an appropriate school employee to contact to report a charge of sexual harassment; the rights of the reporting student, the complainant, and the respondent; and the responsibilities of the school. (Education Code § 231.6)

4. Be posted in a prominent location on the District's website in a manner that is easily accessible to parents/guardians and students. This shall include the name or title, office address, email address, and telephone number of the employee designated as the District's Title IX Coordinator. (Education Code § 236; 34 CFR § 106.8) The posting shall include the rights of a student and the public and the responsibilities of the District under Title IX, which shall include, but shall not be limited to, Internet Web links to the California Department of Education's Office for Equal Opportunity and the United States Department of Education Office of Civil Rights, as well as the list of rights specified in Education Code Section 221.8. (Education Code § 221.61) The list of rights in Education Code Section 221.8 include:

- a. The right to fair and equitable treatment and to not be discriminated against based on sex.
- b. The right to be provided with an equitable opportunity to participate in all academic extracurricular activities, including athletics.
- c. The right to inquire of the athletic director of the school as to the athletic opportunities offered by the school.
- d. The right to apply for athletic scholarships.
- e. The right to receive equitable treatment and benefits in the provision and maintenance of all of the following: equipment and supplies; scheduling of games and practices; transportation and daily allowances; access to tutoring; coaching; locker rooms; practice and competitive facilities; medical and training facilities and services; and publicity.
- f. The right to have access to a gender equity coordinator to answer questions regarding gender equity laws.
- g. The right to contact the State Department of Education and the California Interscholastic Federation to access information on gender equity laws.
- h. The right to file a confidential discrimination complaint with the United States Office of Civil Rights or the State Department of Education if discriminated against or given unequal treatment on the basis of sex.
- i. The right to pursue civil remedies if you have been discriminated against.
- j. The right to be protected against retaliation if you file a discrimination complaint.

(Education Code § 221.8.)

The posting shall also include a description of how to file a Title IX complaint, which contains:

- a. 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;
- b. An explanation of how the complaint will be investigated and how the complainant may further pursue the complaint, including, but not limited to, Internet Web links to this information on the United States Department of Education Office for Civil Rights' website; and
- c. An Internet Web link to the United States Department of Education Office for Civil Rights complaints form, and the contact information for the office, which shall include the phone number and email address for the office.

(cf. 1113 - District and School Web Sites)

5. Be provided as part of any orientation program conducted for new and continuing students at the beginning of each quarter, semester, or summer session. (Education Code § 231.)

6. Appear in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures, and standards of conduct. (Education Code § 231.5.)

7. Be included in any handbook provided to students, parents/guardians, employees, or employee organizations. (34 CFR § 106.8.)

Instruction/Information

Ed. Code 48985

Notices to parents in language other than English -
<https://simbli.eboardsolutions.com/SU/LHS9ygCUBYa76W1AygYdnA==>

Gov. Code 12950.1

Sexual harassment training -
https://simbli.eboardsolutions.com/SU/On3RaMjJlanguag_ardsol_gCa

