

## 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 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 – 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 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.) The District designates the following individual, who holds the title of Title IX Coordinator, for coordinating its efforts to comply with Title IX of the Education Amendments of 1972, as well as to oversee, investigate, and 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

## Supportive Measures and Response Pending Investigation

When an incident of sexual harassment is reported, the Title IX Coordinator or designee, in consultation with the Title IX Coordinator shall determine whether supportive measures are necessary during and pending the result of an investigation to the alleged discrimination and ensure that all students have access to the educational program and a safe school environment. Supportive measures will be implemented on a case by case basis and offered to both complainant-victims and respondents (the accused), as appropriate. Any supportive measures adopted to address alleged sexual harassment, or related retaliation shall be designed to preserve equal access to the district's educational program or activity without unreasonably burdening other involved party. The supportive measures shall remain in place until the Title IX Coordinator determines that they are no longer necessary.

Supportive measures may include, but are not limited to, counseling, course-related adjustments, modifications of class schedules, academic support, mutual restrictions on contact, increased security, and monitoring of certain areas of the campus. All supportive measures shall be implemented in accordance with law and Board policy. Such actions shall be considered even when a student chooses to not file a formal complaint or if the alleged sexual harassment occurs off school grounds or outside school-sponsored or school-related programs or activities.

## Complaint Investigation and Resolution

The Title IX Coordinator or designee investigate and/or resolve the complaint in accordance with law and District policy. The Title IX Coordinator will determine, based on the allegations brought forth and how sexual harassment is defined under Title IX and District policy, whether the complaint or allegations therein should be processed in accordance with AR 1312.3 Uniform Complaint Procedures or AR 5145.71 Title IX Sexual Harassment Complaint Procedures. Complaints that are filed but do not meet the definition of sexual harassment under Title IX may need to be formally dismissed pursuant to AR 5145.71.

(cf. 1312.3 Uniform Complaint Procedures)

(cf. 5145.71 Title IX Sexual Harassment Complaint Procedures)

When a complaint or report of sexual harassment involves off-campus conduct that was outside a district program or activity, the Title IX Coordinator, or a designee who has consulted with the Title IX Coordinator, shall assess whether the conduct may have or contribute to the creation of a hostile school environment. If the Title IX Coordinator or designee determines that a hostile school environment may be created, the complaint shall be investigated and resolved, as appropriate under the circumstances. At a minimum, supportive measures will be offered to the victim.

In investigating a sexual harassment complaint, evidence of past sexual relationships of the complainant-victim shall not be considered, except to the extent that such evidence may relate to the complainant's relationship with the respondent.

If sexual harassment is found following an investigation, the Title IX Coordinator, or designee in consultation with the Title IX Coordinator, shall take prompt action to stop the sexual harassment, prevent recurrence, and address any continuing effects.

## Notifications

A copy of the District's sexual harassment policy and regulation shall:

1. Be included in the notifications that are sent to parents/guardians at the beginning of each school year. (Education Code § 48980; 5 CCR § 4917)

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 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 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 extra-curricular 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 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 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.

Instruction/Information

The Superintendent or designee shall ensure that all District students receive age-appropriate information on sexual harassment. Such instruction and information shall include:

- 1.

