

## **NOTICE OF EMPLOYEE RIGHTS UNDER TITLE IX**

### **Title IX: Notice of Employee Rights and Title IX Policy**

(34 C.F.R. § 106.8, subd. (b))

The Oak Grove School District does not discriminate on the basis of sex in any education program or activity that it operates. This includes employment at an educational institution. The prohibition against discrimination on the basis of sex is required by federal law, Title IX of the Education Amendments of 1972 (“Title IX”), 20 U.S.C §§ 1681-1688, and specifically 34 C.F.R. § 106.8, subsection (b).

Title IX requires that school districts take immediate and appropriate action to address any potential Title IX violations that are brought to its attention.

#### **Title IX Coordinator**

Amy L. Boles is the Title IX Co-Coordinator for the Oak Grove School District (“District”), and can be reached by telephone at (408) 227-8300 ext. 100289, by e-mail at [aboles@ogsd.net](mailto:aboles@ogsd.net), by mail or in person at 6578 Santa Teresa Boulevard, San Jose, CA 95119.

Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is also the alleged victim), in person, by mail, by telephone or by e-mail, using the contact information listed for the District’s Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person’s verbal or written report. Such reports may be made at any time, including during non-business hours.

Additionally, any inquiries about the application of Title IX, this notice, and who is protected by Title IX may be referred to Amy L. Boles, Associate Superintendent of Human Resources/Title IX Co-Coordinator, or to the Assistant Secretary for Civil Rights from the United States Department of Education, or both.

#### **Sexual Harassment Under Title IX**

Sexual harassment under Title IX means conduct on the basis of sex that satisfies one or more of the following:

1. An employee of the school district conditioning the provision of an aid, benefit or service of the recipient on an individual’s participating in unwelcome sexual conduct (*quid pro quo*);
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to the recipient’s education program or activity; or
3. “Sexual assault” as defined in 20 U.S.C. 1092(f)(6)(A)(v), “dating violence” as defined in 34 U.S.C. 12291(a)(10), “domestic violence” as defined in 34 U.S.C. 12291(a)(8), or “stalking” as defined in 34 U.S.C. 12291(a)(30).

Alleged conduct that does not rise to the level of the sexual harassment under Title IX will be addressed in accordance with other District policies that prohibit sexual harassment and/or sex-based discrimination, or address other forms of inappropriate conduct, as is deemed appropriate.

### **Filing a Title IX Complaint with the District**

A formal Title IX complaint is a written complaint that alleges sexual harassment against a respondent (or the person accused of committing the alleged conduct), and requests that the school district investigate the allegation of sexual harassment. The written complaint must be filed by the victim of alleged sexual harassment using the Title IX Coordinator's contact information listed above. A formal Title IX Complaint may also be signed and initiated by the Title IX Coordinator. It may be filed at any time the employee or applicant, who is the victim of the alleged conduct, is participating in, or attempting to participate in the District's education program or activity. However, the District encourages all reports to be brought forth as soon as possible, as the length of time elapsed between an incident of alleged sexual harassment, and the filing of a formal complaint, may, in specific circumstances, prevent the District from collecting enough evidence to reach a determination.

The District will process all formal Title IX complaints in accordance with Title IX and District Board Policy ("BP") 4119.11 – Sexual Harassment, and Administrative Regulation ("AR") 4119.12 – Title IX Sexual Harassment Complaint Procedures, which includes an option for informal resolution for certain matters.

All investigations will be conducted as confidentially as possible. Upon receipt of a formal complaint, the District will provide the complainant and respondent (or "the parties") with adequate notice of the District's complaint process and the underlying allegations. During the course of the investigation, the District will provide the parties with an equal opportunity to present witnesses and evidence. The District will not restrict the ability of the parties to discuss the allegations under investigation, and it will allow parties to utilize an advisor of their choice. As detailed in AR 4119.12, prior to the conclusion of the investigation, the parties will have the opportunity to inspect and respond to evidence directly related to the allegations in the complaint that was gathered during the course of the investigation. Thereafter, and prior to any final decision being made, the parties will receive a copy of the investigation report that fairly summarizes relevant evidence, and they will have an opportunity to submit written, relevant questions to be asked of the other party or any witness. Next, a determination regarding responsibility will be made and issued to both parties. Under Title IX and District policy, the responding party is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the end of the complaint process.

Any party not satisfied with the final written determination will have the option to appeal the final determination, as detailed in AR 4119.12. In addition, a person may file a complaint concerning sexual harassment with either the California Department of Fair Employment and Housing ("DFEH") or the Equal Employment Opportunity Commission ("EEOC"). Complaints with DFEH must be filed within three years of the alleged discriminatory acts, unless an exception exists pursuant to Government Code section 12960. Complaints with the EEOC must be filed within 180 days of the alleged discriminatory acts, or within 300 days of the alleged

discriminatory act after first filing a complaint with DFEH or 30 days after the termination of proceedings by DFEH, whichever is earlier.

Additional details about procedures for filing a formal Title IX complaint may be found in BP 4119.11 – Sexual Harassment and [AR 4119.12 – Title IX Sexual Harassment Complaint Procedures](#) found on our District website at this [LINK](#). Copies may also be obtained at the District office.

### **All Other Employee Complaints of Sexual Harassment and Discrimination**

The District requires all employees and encourages all parents, students, and community members to immediately report suspected incidents of all forms of sexual harassment or discrimination, regardless of when it occurred, to the Title IX Coordinator or a District administrator so that the District may take appropriate steps to address the alleged misconduct.

Sexual harassment and discrimination complaints brought forth by or on behalf of employees that do not qualify as formal Title IX complaints, or do not rise to the level of sexual harassment as defined by Title IX, as described above, will be processed in accordance with BP/AR 4119.11 – Sexual Harassment and/or BP/AR 4030 – Nondiscrimination in Employment, or in a manner that is otherwise deemed appropriate by the District.

### **Additional Resources**

- California Department of Fair Employment and Housing: <https://www.dfeh.ca.gov/Employment/>
- U.S. Equal Employment Opportunity Commission: <https://www.eeoc.gov/sex-based-discrimination/>; <https://www.eeoc.gov/sexual-harassment>
- Link to Access Board Policy and Administrative Regulation 4119.11 – Sexual Harassment, Administrative Regulation 4119.12 – Title IX Sexual Harassment Complaint Procedures, Board Policy and Administrative Regulation 4030 – Nondiscrimination in Employment: <https://simbli.eboardsolutions.com/Policy/PolicyListing.aspx?S=36030929>  
Copies may also be obtained at the District office.

### **Training Materials**

Materials used to train the District’s Title IX Coordinator, investigator(s), decision-maker(s), appeals officer(s), and any person who facilitates an informal resolution process are may be found here:

<https://resources.finalsite.net/images/v1646259014/ogsdnet/gxqdujiowr2wugndbtlu/TitleIX-OGSDLeadershipTraining.pdf>. They are also available at the District office upon request.