



Sex Discrimination and Sex-Based Harassment Policy
and
Title IX Sex Discrimination and Sex-Based Complaint Procedures

BP 4119.11 & 4119.12 Approved: 12/12/24

The following policy shall apply to all employees, interns, volunteers, contractors, job applicants, and other persons with an employment relationship with Feather River Charter School, "Charter School."

The Feather River Charter School Board ("Board") is committed to providing a safe work environment that is free of discrimination, harassment, and intimidation. The Board prohibits sex discrimination, including sex-based harassment, as defined in the policy, in school programs and activities by and against school employees.

The purpose of the Board approving this Title IX Sex Discrimination and Sex-Based Harassment Policy and Complaint Procedures is to accomplish the following:

1. Explain Reports and Complaints
2. Provide Definitions
3. Provide Examples of Sex Discrimination and Sex-Based Harassment
4. State Title IX Coordinator and Investigator
5. Outline the General Response to Sexual Harassment
6. Provide Notifications
7. Explain Sex Discrimination and Sex-Based Harassment Complaint Procedures
8. Explain Filing a Complaint
9. Provide Supportive Measures
10. Explain Emergency Removal
11. Explain Dismissal of Formal Complaint
12. Explain Informal Resolution Process
13. Explain Notice of Allegations
14. Explain Consolidation of Complaints
15. Explain Investigation Procedures
16. Explain Written Decision
17. Explain Appeal of the Decision
18. Appeal to the School Board
19. Other Remedies

The Board prohibits retaliatory behavior or action against any person who complains or testifies about conduct that reasonably may constitute sex discrimination, including sex-based harassment, reports such conduct, or otherwise participates or refuses to participate in the complaint process established for the purpose of this policy. (Education Code 220.1; 34 CFR 106.71)

The Executive Director or designee shall take all actions necessary to ensure the prevention, investigation, and correction of sex discrimination and sex-based harassment, including but not limited to:

1. Providing training to employees in accordance with law and policy guidelines
2. Publicizing and disseminating the school's sex discrimination and sex-based harassment policy to employees and others to whom the policy may apply
3. Publicizing, in accordance with 34 CFR 106.8 and as specified in Nondiscrimination in Employment, a Title IX notice of nondiscrimination to employees and applicants for employment
4. Ensuring prompt, thorough, fair, and equitable investigation of complaints through the appropriate state and/or federal procedures
5. Taking timely and appropriate corrective/remedial action(s), which may require interim separation of the complainant and the alleged harasser and subsequent monitoring of developments

The Executive Director or designee shall periodically evaluate the effectiveness of the school's strategies to prevent and address sex discrimination and sex-based harassment. Such evaluation may involve conducting regular anonymous employee surveys to assess whether sex discrimination and/or sex-based harassment is occurring or is perceived to be tolerated, partnering with researchers or other agencies with the needed expertise to evaluate the school's prevention strategies, and using any other effective tool for receiving feedback on systems and/or processes. As necessary, changes shall be made to harassment policy(ies), complaint procedures, or training, as appropriate and in accordance with law.

Reports and Complaints

Any school employee who has experienced sex discrimination or sex-based harassment in the school's education program or activity may file a complaint with the school's Title IX Coordinator or designee. (34 CFR 106.2, 106.44)

Any employee with knowledge of conduct that reasonably may constitute sex discrimination or sex-based harassment by or against another school employee, a student, or a third party in a school education program or activity shall notify the Title IX Coordinator or designee within one workday. An employee may be subject to discipline for failure to timely report such conduct. (34 CFR 106.44)

Once notified, the Title IX Coordinator or designee shall ensure the complaint or allegation is addressed through Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures.

The Title IX Coordinator or designee shall offer and coordinate supportive measures to be provided to the complainant and, if the school has begun grievance procedures or offered an informal resolution process to the respondent, offer and coordinate supportive measures to be provided to the respondent as deemed appropriate under the circumstances. (34 CFR 106.44)

Upon investigation of a sex discrimination or sex-based harassment complaint, any school employee found to

have engaged or participated in sex discrimination or sex-based harassment or to have aided, abetted, incited, compelled, or coerced another to commit sex discrimination or sex-based harassment in violation of this policy shall be subject to disciplinary action, up to and including dismissal, in accordance with law.

The Charter School does not discriminate on the basis of sex in any of its programs or activities and complies with Title IX of the Education Amendments of 1972 and its implementing regulations. Sex discrimination, including sex-based harassment, is prohibited in Charter School education programs and activities.

The following paragraphs shall apply to all allegations of sex discrimination and sex-based harassment by and against school employees, interns, volunteers, and job applicants, but shall not be used to resolve any complaint by a student.

Definitions

Sex discrimination includes treating an employee differently based on the employee's sex, which includes differential treatment based on sex stereotypes; sex characteristics; sexual orientation; gender; gender identity; gender expression; pregnancy, childbirth, termination of pregnancy, or lactation, including related medical conditions and recovery; parental, family, or marital status; or association with a person or group with one or more of these actual or perceived characteristics.

Sex discrimination, including sex-based harassment, intimidation, or bullying, may result from physical, verbal, nonverbal, or written conduct and occurs when prohibited conduct is so severe, persistent, or pervasive that it creates an intimidating, threatening, hostile, or offensive work environment; has the effect of substantially or unreasonably interfering with an employee's term or condition of employment; or otherwise adversely affects an employee's employment opportunities.

Sex-based harassment is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, sex stereotypes, sex characteristics, or other bases specified above. Conduct will constitute sex-based harassment when it takes the form of: (34 CFR 106.2, 106.11)

1. Quid pro quo harassment: A school employee, agent, or other individual authorized by the school to provide aid, benefit, or service in the school's education program or activity conditioning the provision of school aid, benefit, or service on a student's participation in unwelcome sexual conduct
2. Hostile environment harassment: Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the school's education program or activity. Any prohibited conduct that occurs off of the Resource Center grounds or outside of school-related or school-sponsored programs or activities will be regarded as sex-based harassment in violation of school policy if it has a continuing effect on a student's ability to participate in or benefit from school educational programs or activities.
3. Sexual assault, dating violence, domestic violence, or stalking, as defined in 34 CFR 106.2.

Sexual harassment includes but is not limited to, unwelcome sexual advances, unwanted requests for sexual

favours, or other unwanted verbal, visual, or physical conduct of a sexual nature, regardless of whether the conduct is motivated by sexual desire. Conduct is considered to be sexual harassment when made against another person of the same or opposite sex in the work or educational setting under any of the following conditions: (Education Code 212.5; Government Code 12940; 2 CCR 11034)

1. Submission to the conduct is made explicitly or implicitly a term or condition of the individual's employment
2. Submission to or rejection of the conduct is used as the basis for an employment decision affecting the individual
3. The conduct has the purpose or effect of having a negative impact upon the individual's work performance or of creating an intimidating, hostile, or offensive work environment
4. Submission to or rejection of the conduct is used as the basis for any decision affecting the individual regarding benefits, services, honors, programs, or activities available at or through the school

Examples of Sex Discrimination and Sex-Based Harassment

Examples of actions that might constitute sex-based harassment under state and/or federal law in accordance with the definitions above, in the work or educational setting, whether committed by a supervisor, a co-worker, or a non-employee, include, but are not limited to:

1. Unwelcome verbal conduct such as sex-based flirtations or propositions; graphic comments about an individual's body; overly personal conversations or pressure for sex-based activity; sex-based jokes or stories; unwelcome sex-based slurs, epithets, threats, innuendoes; derogatory comments; sex-based degrading descriptions; or the spreading of sex-based rumors
2. Unwelcome visual conduct such as drawings, pictures, graffiti, or gestures; sexually explicit emails or messaging; or displaying sexually suggestive objects
3. Unwelcome physical conduct such as massaging, grabbing, fondling, stroking, or brushing the body; touching an individual's body or clothes in a sexual way; or cornering, blocking, leaning over, or impeding normal movements

Title IX Coordinator and Investigator

The Charter School designates the following individual(s) as the responsible employee(s) to coordinate its efforts to comply with Title IX in accordance with- Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures, and oversee the school's response to discrimination complaints under Nondiscrimination in Employment. The Title IX Coordinator(s) may be contacted at:

Title IX Coordinator and Investigator - Deanna Moreno

Email- deanna.moreno@sequoiagrove.org

Phone Number- (916) 957-5709

Title IX- Decision Maker - Shannon Breckenridge

Email- shannon.breckenridge@sequoiagrove.org

Phone Number- (916) 521-1793

Title IX Appeals Officer - Jenell Sherman
Email- jenell.sherman@sequoiagrove.org
Phone Number - (916) 532-5923

The Executive Director or designee shall ensure that all employees receive training regarding sex discrimination and sex-based harassment in accordance with state and federal law.

Every two years, the Executive Director or designee shall ensure that supervisory employees receive at least two hours, and nonsupervisory employees receive at least one hour, of classroom or other effective interactive training and education regarding sexual harassment as specified in Government Code 12950.1. All newly hired employees and employees promoted to a supervisory position shall receive training within six months of their assumption of the new position. (Government Code 12950.1)

Such training may be completed by employees individually or as part of a group presentation, may be completed in shorter segments as long as the applicable hourly requirement is met, and may be provided in conjunction with other training provided to the employees. The training shall be presented by trainers or educators with knowledge and expertise in the prevention of harassment, discrimination, and retaliation. (Government Code 12950.1)

The school's sexual harassment training and education program shall include but is not limited to, the following: (Government Code 12950.1; 2 CCR 11024)

1. Information and practical guidance regarding federal and state laws concerning the prohibition, prevention, and correction of sexual harassment
2. The types of conduct that constitute sexual harassment
3. Remedies available for victims in civil actions, and potential employer/individual exposure/liability
4. Strategies to prevent harassment in the workplace
5. Supervisors' obligation to report sexual harassment, discrimination, and retaliation of which they become aware
6. Practical examples that illustrate sexual harassment, discrimination, and retaliation using training modalities such as role plays, case studies, and group discussions, based on factual scenarios taken from case law, news and media accounts, and hypotheticals based on workplace situations and other sources
7. The limited confidentiality of the complaint process
8. Resources for victims of unlawful harassment, such as to whom they should report any alleged harassment
9. Steps necessary to take appropriate remedial measures to correct harassing behavior, which include the school's obligation to conduct an effective workplace investigation of a harassment complaint
10. What to do if the supervisor is personally accused of harassment
11. The essential elements of the school's anti-harassment policy, and how to use the policy if read and acknowledge that they have received.
12. Information, including practical examples, of harassment based on gender identity, gender

expression, and sexual orientation

13. Prevention of abusive conduct, including a review of the definition and elements of abusive conduct pursuant to Government Code 12950.1, the negative effects that abusive conduct has on the victim and others in the workplace, the detrimental consequences of this conduct on employee productivity and morale, and that a single act does not constitute abusive conduct unless the act is severe or egregious

Additionally, the Executive Director or designee shall ensure that all employees receive annual training related to their duties under Title IX and that a newly hired employee receives training promptly upon hire or change of position that alters the employee's duties under Title IX. (34 CFR 106.8)

1. The school's Title IX sex discrimination and sex-based harassment training shall include: (34 CFR 106.8)The school's obligation to address sex-based discrimination, including sex-based harassment, in its education program or activity
2. The scope of conduct that constitutes sex discrimination under Title IX, including the definition of sex-based harassment
3. The notification and information requirements specified in 34 CFR 106.40 and 106.44

The charter school's Title IX sex-based harassment training and education program shall also include additional training required of supervisors; investigators, decision-makers, and other persons who are responsible for implementing the school's grievance procedures or have the authority to modify or terminate supportive measures; facilitators of an informal resolution process; and Title IX Coordinators and designees. (34 CFR 106.8)

The Executive Director or designee shall retain for at least two years the records of any training provided to supervisory employees. Such records shall include the names of trained employees, the date of the training, the type of training, and the name of the training provider. (2 CCR 11024)

Additionally, the Executive Director or designee shall retain for at least seven years the materials used to provide training and to make these materials available, upon request, to members of the public. (34 CFR 106.8)

Notifications

To prevent unlawful sex discrimination and sex-based harassment, including retaliation, in charter school programs and activities, the Executive Director or designee shall provide notifications and implement measures to prevent discrimination and harassment as specified in - Nondiscrimination in Employment.

In addition to the measures to prevent discrimination as specified in Nondiscrimination in Employment, the Executive Director or designee shall ensure that a copy of the Board policy:

1. Be displayed in a prominent location where notices of school rules, regulations, procedures, and standards of conduct are posted (Education Code 231.5)
2. Be provided to every Charter School employee at the beginning of the first semester of the school year or whenever a new employee is hired (Education Code 231.5)
3. Appear in any Charter School or Charter School publication that sets forth the Charter school's

4. or Charter School's comprehensive rules, regulations, procedures, and standards of conduct (Education Code 231.5)

All employees shall receive a copy of an information sheet prepared by the California Civil Rights Department (CRD) or the school that contains, at a minimum, components on: (Government Code 12950)

1. The illegality of sex-based harassment
2. The definition of sex-based harassment under applicable state and federal law
3. A description of sex-based harassment, with examples
4. The school's complaint process available to the employee
5. The legal remedies and complaint process available through CRD and the Equal Employment Opportunity Commission (EEOC)
6. Directions on how to contact CRD and the EEOC
7. The protection against retaliation provided by 2 CCR 11021 for opposing harassment prohibited by law or for filing a complaint with or otherwise participating in an investigation, proceeding, or hearing conducted by CRD and the EEOC

Additionally, the charter school shall post, in a prominent and accessible location, the CRD poster on discrimination in employment and the illegality of sex-based harassment, and the CRD poster regarding transgender rights. (Government Code 12950)

Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures

All complaints and allegations of sex discrimination and sex-based harassment by and against employees shall be investigated and resolved as specified in 34 CFR 106.44 and 106.45 and Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures.

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

The complaint procedures shall be used to address any complaint governed by Title IX of the Education Amendments of 1972 alleging that a school employee, while in an education program or activity, was subjected to conduct on or after August 1, 2024, including, but not limited to, conduct that is under the authority of the charter school, that constitutes sex discrimination, including sex-based harassment. For conduct that occurred prior to this date, the school should utilize its policies in place at the time of the alleged sex discrimination, including sex-based harassment, occurred, so long as they are in accordance with the applicable statutes and regulations.

Sex discrimination and sex-based harassment include but are not limited to, sex-based conduct as specified in - Sex Discrimination and Sex-Based Harassment.

Basic Requirements

When implementing Title IX complaint procedures, the school shall: (34 CFR 106.45)

1. Treat complainants and respondents equitably

2. Ensure that the Title IX Coordinator or designee, investigator, or decisionmaker does not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. The investigator and the decisionmaker may be the same person as the Title IX Coordinator or designee.
3. Presume that the respondent is not responsible for the alleged sex discrimination, including sex-based harassment, until a determination is made at the conclusion of the grievance procedures.
4. Establish reasonably prompt timeframes for the major stages of the grievance procedures, such as evaluation of whether to dismiss or investigate a complaint, investigation, decision, and appeals if any.
5. Establish a process that allows for the reasonable extension of timeframes on a case-by-case basis for good cause with notice to the parties that includes the reason for the delay. The school does not discriminate on the basis of sex in any of its programs or activities and complies with Title IX of the Education Amendments of 1972 and its implementing regulations. Sex discrimination, including sex-based harassment, is prohibited in school education programs and activities.

Additionally, the Charter School shall not disclose personally identifiable information obtained while implementing Title IX complaint procedures unless the school has obtained prior written consent from a person with the legal right to consent to the disclosure; the information is disclosed to a parent/guardian or other authorized legal representative with the legal right to receive disclosures on behalf of the person whose personally identifiable information is at issue; to take action to address conduct that reasonably may constitute sex discrimination under Title IX, including sex-based harassment, in the Charter School's education program or activity; as required by federal law, regulations, or as a condition to a federal award; as required by state or local law; or to the extent such disclosures are not otherwise in conflict with Title IX. (34 CFR 106.44)

If the respondent is a student with a disability, the Title IX Coordinator or designee shall consult with one or more members, as appropriate, of the student's individualized education program or 504 team, to determine how to comply with the requirements of the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973.

Filing a Complaint

Upon receiving information of an allegation of sex discrimination, including sex-based harassment, the Title IX Coordinator or designee shall notify the individual(s) specified in the law of the Title IX grievance procedures, and of the informal resolution process, if available and appropriate.

A *complaint* is an oral or written request that can objectively be understood by the Title IX Coordinator or designee as a request for the school to investigate and make a determination about alleged sex discrimination, including sex-based harassment. (34 CFR 106.2)

Complaints of sex discrimination and sex-based harassment may only be brought by an employee, or former employee, who was participating or attempting to participate in the Charter School's education program or activity at the time of the alleged sex-based harassment, or the Title IX Coordinator or designee. (34 CFR

106.45)

If the alleged victim chooses not to bring a complaint or withdraws any or all of the allegations in a complaint, and in the absence or termination of an informal resolution process, the Title IX Coordinator or designee shall consider whether to initiate a complaint. To do so, the Title IX Coordinator or designee shall first consider the following factors: (34 CFR 106.44)

1. The victim's request not to proceed with the initiation of a complaint
2. The victim's reasonable safety concerns regarding the initiation of a complaint
3. The risk that additional acts of sex discrimination, including sex-based harassment, would occur if a complaint is not initiated
4. The severity of the alleged sex discrimination or sex-based harassment, including whether the discrimination, if established, would require the removal of a respondent from the ability to attend the Resource Center, if applicable, or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence
5. The age and relationship of the parties, including whether the respondent is an employee of the Charter School
6. The scope of the alleged sex discrimination, including information suggesting a pattern; ongoing sex discrimination, including sex-based harassment; or sex discrimination, including sex-based harassment, alleged to have impacted multiple individuals
7. The availability of evidence to assist a decisionmaker in determining whether sex discrimination, including sex-based harassment, occurred
8. Whether the Charter School could end the alleged sex discrimination, including sex-based harassment, and prevent its recurrence without initiating the Title IX grievance procedures

If, after considering these factors, the Title IX Coordinator or designee determines that the alleged conduct presents an imminent and serious threat to the health and safety of the complainant or another person, or that the conduct as alleged prevents the Charter School from ensuring equal access to a Charter School program or activity on the basis of sex, the Title IX Coordinator or designee may initiate a complaint.

If the Title IX Coordinator or designee initiates a complaint, the Title IX Coordinator or designee shall provide the alleged victim notice of the complaint as well as other notices as required by the Title IX regulations at specific points in the complaint process. The Title IX Coordinator or designee shall also address reasonable concerns about the victim's safety or the safety of others, including providing supportive measures as described in "Supportive Measures" below, and taking other appropriate prompt and effective steps to ensure that sex discrimination, including sex-based harassment, does not continue or recur within the Charter School. (34 CFR 106.44)

The Title IX Coordinator or designee, investigator, decisionmaker, or other person who is responsible for implementing the Charter School's grievance procedures or has the authority to modify or terminate supportive measures, or a facilitator of an informal resolution process shall not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

In order to ensure that employees are not barred from reporting information about conduct that reasonably may constitute sex discrimination under Title IX, including sex-based harassment, the Title IX Coordinator shall monitor the Charter School for barriers to reporting and take steps reasonably calculated to address

such barriers. (34 CFR 106.44, 106.45)

Supportive Measures

Upon receipt of a report of Title IX sex discrimination or sex-based harassment, the Title IX Coordinator or designee shall offer and coordinate supportive measures. Supportive measures may vary depending on what the Charter School determines to be reasonably available and shall not unreasonably burden either the complainant or respondent. Supportive measures shall be provided without charging a fee to the complainant or respondent and be designed to protect the safety of the complainant, respondent, and the Charter School's educational environment, and to provide support during any grievance procedures implemented as specified in 34 CFR 106.45 or informal resolution process as specified in 34 CFR 106.44.

The Charter School shall not impose such measures for punitive or disciplinary reasons. Supportive measures may include but are not limited to, counseling; extensions of deadlines and other courses- or work-related adjustment; changes in class, work, housing, or extracurricular or any other activity regardless of whether there is a comparable alternative; modifications of class or work schedules; mutual restrictions on contact; changes in work locations; leaves of absence; increased security; monitoring of certain areas of the Resource Center; and, training and education programs related to sex-based harassment. (34 CFR 106.2, 106.44)

Unless there is an allegation of sex-based harassment or retaliation, the Charter School may provide supportive measures without altering the alleged discriminatory conduct. (34 CFR 106.44)

Upon the conclusion of any grievance procedures implemented as specified in 34 CFR 106.45 or informal resolution process as specified in 34 CFR 106.44, the Charter School may continue with the supportive measures, or modify or terminate such measures, as appropriate. (34 CFR 106.44)

The Charter School shall provide a complainant or respondent for whom supportive measures have been implemented with a timely opportunity to seek, from an impartial employee with authority to modify or reverse the supportive measures, modification or reversal of the Charter School's decision to provide, deny, modify, or terminate such measures, and to seek additional modification or termination of the supportive measures if circumstances materially change. (34 CFR 106.44)

The Charter School shall not disclose information about supportive measures to any person other than the person to whom they apply, including informing one party of supportive measures provided to another party, unless the disclosure is necessary to provide the supportive measures or restoring or preserving a party's access to the Charter School's education program or activity. (34 CFR 106.44)

Emergency Removal

If a Charter School employee is the respondent, the employee may be placed on administrative leave during the pendency of the formal complaint process. (34 CFR 106.44)

If the respondent is a student, the Charter School may, on an emergency basis, remove the student from the Charter School's education program or activity, provided that the Charter School conducts an individualized safety and risk analysis, determines that removal is justified due to an imminent and serious threat to the health or safety of a complainant or any student, employee, or other individual arising from the allegations, and provides the respondent with notice and an opportunity to challenge the decision immediately following

the removal. This authority to remove a student does not modify a student's rights under the IDEA or Section 504 of the Rehabilitation Act of 1973. (34 CFR 106.44)

Dismissal of Formal Complaint

1. The Title IX Coordinator or designee may dismiss a complaint if: (34 CFR 106.45)The Charter School is unable to identify the respondent after taking reasonable steps to do so
2. The respondent is not participating in the Charter school's education program or activity and is not employed by the Charter School
3. The Charter School determines that the conduct alleged in the complaint, even if proven, would not constitute sex discrimination, including sex-based harassment, under Title IX
Before dismissing the complaint, the Title IX Coordinator or designee shall make reasonable efforts to clarify the allegations with the complainant.
4. The complainant voluntarily withdraws any or all of the allegations in the complaint, the Title IX Coordinator declines to initiate a complaint, and the Title IX Coordinator or designee determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination, including sex-based harassment, under Title IX, even if proven.

The Title IX Coordinator or designee shall determine whether to dismiss or investigate any complaint of sex discrimination, including sex-based harassment, within 10 days unless such timeline is extended in accordance with this policy.

Upon dismissal, the Title IX Coordinator or designee shall promptly notify the complainant of the dismissal and the reasons for the dismissal. Additionally, if the dismissal occurs after the respondent has been notified of the allegations, the Title IX Coordinator shall provide such notification to the respondent, which shall occur simultaneously to both parties if the notification is in writing. The Title IX Coordinator or designee shall also inform the complainant, and the respondent if the dismissal occurs after the respondent has been notified of the allegations, of their right to appeal. Dismissals may be appealed on the following bases: (34 CFR 106.45)

1. A procedural irregularity that would change the outcome
2. New evidence that would change the outcome and that was not reasonably available when the dismissal was made
3. The Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome

If the dismissal is appealed, the Charter School shall: (34 CFR 106.45)

1. Notify the parties of any appeal, including notice of the allegations, if notice was not previously provided to the respondent
2. Implement appeal procedures equally for the parties
3. Ensure that the decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint
4. Ensure that the decisionmaker for the appeal has been trained consistent with the Title IX regulations
5. Provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome

6. Notify the parties of the result of the appeal and the rationale for the result

If a complaint is dismissed, the Title IX Coordinator or designee shall offer supportive measures as described above in "Supportive Measures" to the complainant. Additionally, the respondent shall be offered supportive measures if the complaint is dismissed because the complainant voluntarily withdrew any or all of the allegations in the complaint and the Charter School determined that without the withdrawn allegations the conduct, even if proven, would not constitute sex discrimination, including sex-based harassment, under Title IX, or if the complaint was dismissed because the Charter School determined, after taking reasonable efforts to clarify the allegations of the complaint, that the alleged conduct would not constitute sex discrimination, including sex-based harassment, even if proven. The Title IX Coordinator or designee shall also take other appropriate prompt and effective steps to ensure that sex discrimination, including sex-based harassment, does not continue or recur within the Charter School's education program or activity. (34 CFR 106.45)

If a complaint is dismissed, the conduct may still be addressed pursuant to the Nondiscrimination in Employment as applicable.

Informal Resolution Process

At any time prior to determining whether sex discrimination, including sex-based harassment, occurred under the complaint procedures specified in 34 CFR 106.45, the Charter School may offer, if it is determined to be appropriate upon receiving information about conduct that reasonably may constitute sex discrimination under Title IX or when a complaint of sex discrimination is made, an informal resolution process, such as mediation, to the complainant and respondent. However, the Charter School shall not offer an informal resolution process if the complaint alleges that an employee engaged in sex-based harassment of an elementary or secondary Charter School student or that such process would conflict with federal, state, or local law. (34 CFR 106.44)

The Charter School shall not require or pressure a party to participate in the informal resolution process or to waive the right to an investigation and determination of a complaint as a condition of employment or continuing employment, or exercise of any other right. The Charter School may decline to offer an informal resolution process including, but not limited to when the Charter School determines that the alleged conduct would present a future risk of harm to others. (34 CFR 106.44)

The Charter School may facilitate an informal resolution process provided that the Charter School, prior to initiating such process: (34 CFR 106.44)

1. Provides the parties with written notice disclosing the allegations; the requirements of the informal resolution process; the right to withdraw from the informal process and resume the formal complaint process; the inability to initiate or resume complaint procedures arising from the same allegations once the informal resolution process is concluded; the potential terms that may be requested or offered in an informal resolution agreement, including that the agreement would only be binding on the parties; and the information that the Charter School will maintain and whether and how the Charter School could disclose such information for use in Title IX grievance procedures if such procedures are initiated or resumed
2. Obtains the parties' voluntary consent to the informal resolution process

The Title IX Coordinator or designee shall ensure that the facilitator of the informal resolution process is not the same person as the investigator or decisionmaker of any ongoing or newly initiated complaint process specified in 34 CFR 106.45, does not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent, and receives training in accordance with 34 CFR 106.8. (34 CFR 106.44)

If the Charter School facilitates an informal resolution process, the Title IX Coordinator or designee shall, to the extent necessary, take other appropriate prompt and effective steps to ensure that sex discrimination, including sex-based harassment, does not continue or recur within the Charter School's education program or activity. (34 CFR 106.45)

Notice of Allegations

If the Charter School initiates a formal Title IX investigation, the Title IX Coordinator or designee shall provide the known parties with written notice of the following: (34 CFR 106.45)

1. The Charter School's complaint process, including any informal resolution process
2. Sufficient information, available at the time, to allow the parties to respond to the allegations, including, to the extent available, the identity of parties involved in the incident(s), the conduct allegedly constituting sex discrimination, including sex-based harassment, and the date(s) and location(s) of the alleged incident. Such notice shall be provided with sufficient time for the parties to prepare a response before any initial interview.

If, during the course of the investigation, new Title IX allegations arise about the complainant or respondent that are not included in the initial notice, the Title IX Coordinator or designee shall provide notice of the additional allegations to the parties.

3. A statement that retaliation is prohibited
4. A statement that the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an accurate description of such evidence, as specified

The above notice may also include the name of the investigator, facilitator of an informal process, and decisionmaker and shall inform the parties that, if at any time a party has concerns regarding conflict of interest or bias regarding any of these persons, the party should immediately notify the Title IX Coordinator or designee.

Consolidation of Complaints

The Charter School may consolidate complaints of sex discrimination, including sex-based harassment, against more than one respondent; by more than one complainant against one or more respondents; or by one party against another party, when the allegations of sex discrimination, including sex-based harassment, arise out of the same facts or circumstances. (34 CFR 106.45)

Investigation Procedures

The Charter School shall provide for adequate, reliable, and impartial investigation of complaints. (34 CFR 106.45)

During the investigation process, the Charter School's designated investigator shall: (34 CFR 106.45)

1. Provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that is relevant and not otherwise impermissible
2. Review all evidence gathered through the investigation and determine which evidence is relevant and which evidence is impermissible regardless of relevance
3. Provide each party with an equal opportunity to access evidence that is relevant, and not otherwise impermissible, to the allegations of sex discrimination, including sex-based harassment, by:
 - a. Providing an equal opportunity to access either the relevant and not otherwise impermissible evidence or an accurate description of such evidence
 - b. If an accurate description is provided, the Charter School shall, upon request of any party, provide the parties with an equal opportunity to access the relevant and permissible evidence.
 - c. Providing a reasonable opportunity to respond to the evidence or to the accurate description of the evidence
4. Taking reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained solely through the grievance procedures
5. Take reasonable steps to protect the privacy of parties and witnesses that do not restrict the ability of the parties to obtain and present evidence, including, by speaking to witnesses; consulting with family members, confidential resources, or advisors; or otherwise preparing for or participating in the grievance procedures
6. Objectively evaluate all evidence that is relevant and not otherwise impermissible, including both inculpatory and exculpatory evidence, including that credibility determinations will not be based on a person's status as complainant, respondent, or witness
7. Exclude as impermissible the following types of evidence, and questions seeking that evidence:
 - a. Evidence that is protected under a privilege recognized by state or federal law or evidence that is provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege
 - b. A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness unless the Charter School obtains that party's or witness's voluntary, written consent for use in its grievance procedures
 - c. Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment.

The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's consent to the alleged sex-based harassment or preclude a determination that sex-based harassment occurred.

The Charter School shall ensure that the decisionmaker can question parties and witnesses adequately to assess a party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating

one or more allegations of sex-based harassment. (34 CFR 106.45)

If the complaint is against an employee, rights conferred under an applicable collective bargaining agreement shall be applied to the extent they do not conflict with the Title IX requirements.

The investigator shall complete the investigation within 20 days after the Title IX Coordinator or designee determines to proceed with an investigation, unless such timeline is extended in accordance with this policy.

Written Decision

The Executive Director or designee shall designate an employee as the decisionmaker to determine responsibility for the alleged conduct, who may be the Title IX Coordinator or designee or the investigator so long as there is no conflict of interest or bias. (34 CFR 106.45)

1. Following an investigation and evaluation of all relevant and not otherwise impermissible evidence, the Charter School shall: (34 CFR 106.45) Use the preponderance of the evidence standard of proof to determine whether sex discrimination, including sex-based harassment, has occurred
2. Notify the parties in writing of the determination of whether sex discrimination, including sex-based harassment, occurred

The notification shall include the rationale for such determination and the procedures and permissible bases for the complainant and respondent to appeal, if applicable.

The written decision shall be issued no more than 20 school days after the investigation is completed, unless such time is extended in accordance with this administrative regulation.

Appeal of the Decision

Either party may appeal the Charter School's decision of a complaint or any allegation in the complaint. (34 CFR 106.45)

When conducting an appeal, the Charter School shall follow the appeal process as specified- Nondiscrimination in Employment.

All allegations of discrimination in employment, including those involving an employee, job applicant, intern, volunteer, or other person contracted to provide services to the Charter School shall be investigated and resolved in accordance with procedures specified in this policy. However, complaints alleging sex discrimination under Title IX shall be investigated and resolved in accordance with the procedures specified in 34 CFR 106.44 and 106.45 and Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures.

Appeal to the School Board

The complainant or the person accused may appeal any findings to the Board within 10 business days of receiving the written report of the coordinator's findings. The Executive Director or designee shall provide the Board with all information presented during the investigation. Upon receiving an appeal, the Board shall schedule a hearing as soon as practicable. Any complaint against a Charter School employee shall be

addressed in a closed session in accordance with law. The Board shall render its decision within 10 business days.

Other Remedies

In addition to filing a discrimination or harassment complaint with the Charter School, a person may file a complaint with either CRD or the Equal Employment Opportunity Commission (EEOC). The time limits for filing such complaints are as follows:

1. For filing a complaint with CRD alleging a violation of Government Code 12940-12952, within
2. three years of the alleged discriminatory act(s), unless an exception exists pursuant to Government Code 12960 (Government Code 12960)
3. For filing a complaint with EEOC, within 180 days of the alleged discriminatory act(s) (42 USC2000e-5)
4. For filing a complaint with EEOC after first filing a complaint with CRD, within 300 days of the alleged discriminatory act(s) or within 30 days after the termination of proceedings by CRD, whichever is earlier (42 USC 2000e-5)

An employee may also file a complaint with the Wage and Hour Division of the U.S. Department of Labor for an alleged violation of the PUMP Act and/or the Equal Employment Opportunity Commission for failure to provide reasonable accommodations pursuant to the Pregnant Workers Fairness Act. (29 USC 218c, 218d, 42 USC 2000gg-2)

Additionally, an employee may file a complaint with the Labor Commissioner at the California Department of Industrial Relations for any alleged violation of Labor Code 1030-1034. (Labor Code 1034)

Either party has the right to file a complaint with the U.S. Department of Education's Office for Civil Rights within 180 days of the date of the most recently alleged misconduct.

The complainant shall be advised of any civil law remedies, including, but not limited to, injunctions, restraining orders, or other remedies or orders that may be available under state or federal antidiscrimination laws, if applicable.

Extension of Timelines

Any timelines specified in the policy may be extended by the Charter School for good cause, with written notice to the parties. The written notice shall specify the reasons for the extension. (34 CFR 106.45)

Remedies

When there is a determination that sex discrimination, including sex-based harassment, has occurred, the Title IX Coordinator or designee shall coordinate the provision and implementation of remedies to the complainant and other persons the Charter School identifies as having had equal access to the Charter School's education program or activity limited or denied by sex discrimination, including sex-based harassment; coordinate the imposition of any disciplinary sanctions on a respondent as described in "Disciplinary Actions" below, including notification to the complainant of any such disciplinary sanctions; and take other appropriate prompt and effective steps to ensure that sex discrimination, including sex-based harassment, does not continue or recur within the Charter School's education program or activity. (34 CFR 106.45)

Disciplinary Actions

The Charter School shall not impose any disciplinary sanctions or other actions against a respondent, other than supportive measures as described above in the section "Supportive Measures," until the complaint procedure has been completed and a determination of responsibility has been made. (34 CFR 106.44, 106.45)

When an employee is found to have committed sex discrimination, including sex-based harassment, or retaliation, the Charter School shall take appropriate disciplinary action, up to and including dismissal, in accordance with applicable law and collective bargaining agreement.

The Charter School shall not discipline a party, witness, or others participating in the grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the Charter School's determination of whether sex discrimination, including sex-based harassment, occurred. (34 CFR 106.45)

Record-Keeping

The Executive Director or designee shall maintain, for at least a period of seven years: (34 CFR 106.45)

1. For each complaint of sex discrimination, including sex-based harassment, records documenting any informal resolution process or formal investigation procedures
2. For each notification, the Title IX Coordinator or designee receives of information about conduct that reasonably may constitute sex discrimination under Title IX, including sex-based harassment, records documenting the actions taken to fulfill the Charter School's obligations as specified in 34 CFR 106.44, including supportive measures offered and implemented
3. All materials used to train Charter School employees; the Title IX Coordinator and designee(s); investigator(s), decisionmaker(s), and other person(s) who are responsible for implementing the Charter School's grievance procedures or have the authority to modify or terminate supportive measures; and any person who facilitates an informal resolution process.

The Charter School shall make such training materials available upon request by members of the public.

For complaints containing allegations of childhood sexual assault, the Executive Director or designee or designee shall also indefinitely maintain the following: (Code of Civil Procedure 340.1):

1. A record of the allegation(s)
2. A record of the investigation procedures followed
3. A record of the written determination
4. A record of the corrective action implemented, if any
5. A record of any appeals and the outcome of the same
6. All training materials addressing the prohibition and investigation of childhood sexual assault

Title IX Sexual Harassment Complaint Form

Instructions: This form can be completed by any individual who has knowledge of a sexual harassment conduct occurring within Feather River Charter School's (" Charter School") education program or activity. Please complete the information below to the best of your ability. Should you need additional space or would like to provide documentation to support the allegations in the complaint, you can attach those to this complaint form. If you have any questions, please contact the School's Title IX Coordinator or designee and Investigator listed below.

Contact Information and Complainant's (Person Making Complaint) Information

Full Name of Person Filing the Complaint Name:

Address:

Phone:

Email:

Complainant's Full Name (if different from above):

Respondent's (Accused) Information

Respondent's Full Name:

Is the accused a student? No Yes

If yes, what is the student's grade and relation to complainant:

Is the accused a School staff member? No Yes Other

If yes, what is the staff member's relation to the complainant (e.g., teacher)?

If other, what is the affiliation or organization:

Details of Complaint

Date of the Alleged Incident: Location of Alleged Incident:

Please describe the facts underlying your complaint. Provide details such as the names of those involved, the dates of the incident, whether witnesses were present and the names of any witnesses, etc. Please provide any details which you feel might be helpful to the complaint investigator.

Did the harassment occur within or during the Charter School's program or activity? If so, please describe below:

Did this incident interfere with your ability to access or participate in the Charter School's education program or activity? If so, please describe below:

List the individuals involved in the relevant incident(s):

List any witnesses to the incident(s):

Acknowledgments

By submitting this form to the Charter School's Title IX Coordinator or designee and Investigator, I wish to initiate the Charter School's formal Title IX Grievance Procedures.

Signature of Person Filing Complaint

Date

Once you have completed this form, please submit it to:

Title IX Coordinator and Investigator - Deanna Moreno
deanna.moreno@sequoiagrove.org
Phone Number- (916) 957-5709