

TITLE IX SEXUAL HARASSMENT COMPLAINT PROCEDURES

The district 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.

The Governing Board is committed to providing a safe work environment that is free of discrimination, harassment and intimidation, including sexual harassment. The Board prohibits sexual harassment, as defined in the accompanying administrative regulation, in district programs and activities by and against district employees. For purposes of this policy and accompanying administrative regulation, employees include interns, volunteers, contractors, job applicants, and other persons with an employment relationship with the district.

Sexual harassment includes, but is not limited to, harassment that is based on the gender, gender identity, gender expression, or sexual orientation of the victim.

Additionally, the Board prohibits retaliatory behavior or action against any person who complains or testifies about conduct that reasonably may constitute sexual 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 Superintendent or Assistant Superintendent shall take all actions necessary to ensure the prevention, investigation, and correction of sexual harassment, including but not limited to: (Education Code 231.5; Government Code 12950.1; 2 CCR 11023; 34 CFR 106.8, 106.45)

1. Providing training to employees in accordance with law and administrative regulation
2. Publicizing and disseminating the district's sexual harassment policy to employees and others to whom the policy may apply
3. Publicize as specified in Exhibit (I) 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures, the required notifications related to Title IX to employees, applicants for employment, and bargaining units
4. Ensuring prompt, thorough, fair, and equitable investigation of complaints
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 Superintendent or Assistant Superintendent shall periodically evaluate the effectiveness of the district's strategies to prevent and address harassment. Such evaluation may involve conducting regular anonymous employee surveys to assess whether harassment is occurring or is perceived to be tolerated, partnering with researchers or other agencies with the needed expertise to evaluate

the district'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 district employee who has experienced sexual harassment in the district's education program or activity may file a complaint with the district's Title IX Coordinator. (34 CFR 106.8)

Any employee with knowledge of conduct that reasonably may constitute sexual harassment by or against another district employee, a student, or a third party in a district education program or activity shall notify the Title IX Coordinator within one workday.

Once notified, the Title IX Coordinator shall ensure that the complaint is addressed through the proper policy, including but not limited to Administrative Regulation 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures for complaints meeting the Title IX regulatory definition of sexual harassment or Administrative Regulation 4030 - Nondiscrimination in Employment for complaints meeting the state definition, as applicable, and shall offer supportive measures to the complainant.

Upon investigation of a sexual harassment complaint, any district employee found to have engaged or participated in sexual harassment or to have aided, abetted, incited, compelled, or coerced another to commit sexual harassment in violation of this policy shall be subject to disciplinary action, up to and including dismissal, in accordance with law and the applicable collective bargaining agreement.

Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the Governing Board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

| State | Description |
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| 2 CCR 11006-11086 | Discrimination in employment |
| 2 CCR 11009 | <u>Employment discrimination</u> |
| 2 CCR 11021 | <u>Discrimination in employment - retaliation</u> |
| 2 CCR 11023 | <u>Harassment and discrimination prevention and correction</u> |
| 2 CCR 11024 | <u>Required training and education on harassment based on sex, gender identity and expression, and sexual orientation</u> |
| 2 CCR 11034 | <u>Terms, conditions, and privileges of employment</u> |

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| 5 CCR 4900-4965 | Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance |
| Ed. Code 200-262.4 | <u>Prohibition of discrimination</u> |
| Ed. Code 220.1 | Prohibition of retaliation related to educational equity |
| Ed. Code 220.3 | No requirement to disclose information related to student's sexual orientation, gender identity, or gender expression |
| Ed. Code 220.5 | Prohibition of policies requiring disclosure of information related to student's sexual orientation, gender identity, or gender expression |
| Gov. Code 11135 | <u>Prohibition of discrimination</u> |
| Gov. Code 12900-12996 | <u>Fair Employment and Housing Act</u> |
| Gov. Code 12940 | <u>Unlawful discriminatory employment practices</u> |
| Gov. Code 12950 | <u>Sexual harassment</u> |
| Gov. Code 12950.1 | <u>Sexual harassment training</u> |
| Lab. Code 1101 | <u>Political activities of employees</u> |
| Lab. Code 1102.1 | Discrimination: sexual orientation |
| Lab. Code 1197.5 | <u>Wages, hours, and working conditions</u> |
| Federal | Description |
| 20 USC 1681-1688 | Title IX of the Education Amendments of 1972; discrimination based on sex |
| 29 CFR 1636 | <u>Implementation of the Pregnant Workers Fairness Act</u> |
| 34 CFR 106.1-106.82 | <u>Nondiscrimination on the basis of sex in education programs or activities</u> |
| 42 USC 2000e-2000e-17 | Title VII, Civil Rights Act of 1964, as amended |
| 42 USC 2000gg-2000gg-6 | <u>Pregnant Workers Fairness Act</u> |
| Management Resources | Description |
| Court Decision | Tennessee v. Cardona (2024) 737 F.Supp.3d 510 |
| Court Decision | Olmstead v. L.C. ex rel. Zimring (1999) 527 U.S. 581 |
| Court Decision | John T. D. v. River Delta Joint Unified School District (2021) WL 5176356 |
| Court Decision | <u>Burlington Industries v. Ellreth (1998) 118 S.Ct. 2257</u> |

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| Court Decision | <u>Department of Health Services v. Superior Court of California (2003) 31 Cal.4th 1026</u> |
| Court Decision | <u>Faragher v. City of Boca Raton (1998) 118 S.Ct. 2275</u> |
| Court Decision | <u>Gebser v. Lago Vista Independent School District (1998) 118 S.Ct. 1989</u> |
| Court Decision | <u>Meritor Savings Bank, FSB v. Vinson et al. (1986) 447 U.S. 57</u> |
| Court Decision | <u>Oncale v. Sundowner Offshore Serv. Inc. (1998) 118 S.Ct. 998</u> |
| Federal Register | <u>Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, May 19, 2020, Vol. 85, No. 97, pages 30026-30579</u> |
| U.S. DOE, Office for Civil Rights Publication | <u>Dear Colleague Letter: Enforcement of Title IX under the provisions of the 2020 Title IX Rule, February 4, 2025</u> |
| Website | <u>CSBA District and County Office of Education Legal Services</u> |
| Website | <u>California Department of Education</u> |
| Website | <u>California Civil Rights Department</u> |
| Website | <u>U.S. Department of Education, Office for Civil Rights</u> |
| Website | <u>U.S. Equal Employment Opportunity Commission</u> |

Cross References

| Code | Description |
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| 0410 | Nondiscrimination In District Programs And Activities |
| 0450 | Comprehensive Safety Plan |
| 0450 | Comprehensive Safety Plan |
| 1312.3 | Uniform Complaint Procedures |
| 1312.3 | Uniform Complaint Procedures |
| 1312.3 | Uniform Complaint Procedures |
| 1312.3 | Uniform Complaint Procedures |
| 1313 | Civility |
| 3530 | Risk Management/Insurance |
| 3530 | Risk Management/Insurance |
| 3600 | Consultants |
| 4030 | Nondiscrimination In Employment |

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| 4030 | Nondiscrimination In Employment |
| 4033 | Lactation Accommodation |
| 4040 | Employee Use Of Technology |
| 4040 | Employee Use Of Technology |
| 4112.9 | Employee Notifications |
| 4112.9 | Employee Notifications |
| 4117.7 | Employment Status Reports |
| 4118 | Dismissal/Suspension/Disciplinary Action |
| 4118 | Dismissal/Suspension/Disciplinary Action |
| 4119.12 | Title IX Sexual Harassment Complaint Procedures |
| 4119.12 | Title IX Sexual Harassment Complaint Procedures |
| 4119.21 | Professional Standards |
| 4119.21 | Professional Standards |
| 4119.22 | Dress And Grooming |
| 4131 | Staff Development |
| 4144 | Complaints |
| 4144 | Complaints |
| 4212.9 | Employee Notifications |
| 4212.9 | Employee Notifications |
| 4218.1 | Dismissal/Suspension/Disciplinary Action (Merit System) |
| 4219.12 | Title IX Sexual Harassment Complaint Procedures |
| 4219.12 | Title IX Sexual Harassment Complaint Procedures |
| 4219.21 | Professional Standards |
| 4219.21 | Professional Standards |
| 4219.22 | Dress And Grooming |
| 4231 | Staff Development |
| 4244 | Complaints |
| 4244 | Complaints |
| 4300 | Administrative And Supervisory Personnel |
| 4300 | Administrative And Supervisory Personnel |

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| 4312.9 | Employee Notifications |
| 4312.9 | Employee Notifications |
| 4317.7 | Employment Status Reports |
| 4319.12 | Title IX Sexual Harassment Complaint Procedures |
| 4319.12 | Title IX Sexual Harassment Complaint Procedures |
| 4319.21 | Professional Standards |
| 4319.21 | Professional Standards |
| 4319.22 | Dress And Grooming |
| 4344 | Complaints |
| 4344 | Complaints |
| 5145.3 | Nondiscrimination/Harassment |
| 5145.3 | Nondiscrimination/Harassment |
| 5145.7 | Sexual Harassment |
| 5145.7 | Sexual Harassment |
| 5145.71 | Title IX Sexual Harassment Complaint Procedures |
| 5145.71 | Title IX Sexual Harassment Complaint Procedures |

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