

San Bernardino County Superintendent of Schools
Exhibit 5145.71 – E(2)

Title IX Sexual Harassment Complaint Procedure

NOTICE OF TITLE IX SEXUAL HARASSMENT POLICY

The San Bernardino County Superintendent of Schools (SBCSS) shall not discriminate on the basis of sex in any program or activity that it operates. The prohibition against discrimination on the basis of sex is required by federal law (20 USC 1681-1688; 34 CFR Part 106) and extends to admission and employment. The SBCSS also prohibits retaliation against any individual for filing a complaint or exercising any right granted under Title IX.

The SBCSS shall take prompt and equitable action to address any potential Title IX violations that are brought to its attention. This Notice applies to sex discrimination and sexual harassment in programs and activities where SBCSS exercises substantial control over the context and the respondent, per Title IX regulations.

For purposes of Title IX, prohibited sexual harassment is defined as conduct occurring in an activity where the SBCSS has substantial control over the Respondent where the following occurs:

1. A district employee conditions the provision of a district aid, benefit, or service on the student's participation in unwelcome sexual conduct
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a student equal access to the district's education program or activity
3. Sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 or 34 USC 12291

The term "sexual assault" incorporates the FBI Uniform Crime Reporting/NIBRS offense categories referenced by the Clery Act (20 U.S.C. § 1092(f)(6)(A)(v)). Effective June 23, 2025, these categories include rape, statutory rape, incest, and criminal sexual contact (formerly "fondling"), as provided in the FBI NIBRS 2025 User Manual. "Criminal sexual contact" includes intentional touching of clothed or unclothed body parts without consent for the purpose of sexual gratification, sexual degradation, or sexual humiliation; forced touching by the victim of the actor's body parts; and circumstances where the victim is incapable of consent due to age, temporary or permanent mental or physical impairment, or intoxication.

SBCSS applies the updated FBI NIBRS 2025 sexual-assault offense definitions to Title IX complaints received on or after June 25, 2025. Complaints received before this date may be evaluated under the definitions then in effect, consistent with applicable law and advice of legal counsel.

Any inquiries about the application of Title IX, this notice, and who is protected by Title IX may be referred to the SBCSS's Title IX Coordinator, to the Assistant Secretary for Civil Rights of the U.S. Department of Education, or both. The following employee serves as the SBCSS's Title IX Coordinator and is responsible for addressing concerns or inquiries regarding discrimination on the basis of sex, including sexual harassment:

Assistant Superintendent, Human Resources
760 E. Brier Drive, San Bernardino, CA 92408
(909) 386-9576
Suzanne.Hernandez@sbcss.net

Reports of sex discrimination, including sexual harassment, may be submitted at any time by mail, phone, or email; in-person reports may be made during business hours.

Any individual may report sex discrimination, including sexual harassment, to the Title IX Coordinator or any other school employee at any time, including during non-business hours, by mail, phone, or email. During SBCSS business hours, reports may also be made in person. Upon receiving an allegation of sexual harassment, the Title IX Coordinator shall promptly notify the parties, in writing, of the applicable SBCSS complaint procedure.

To view an electronic copy of the SBCSS's policies and administrative regulations on sexual harassment, including the grievance process that complies with 34 CFR 106.45, please see the SBCSS's website at <https://www.sbcss.net/>.

Materials used to train the Title IX Coordinator, investigator(s), decision-maker(s), and any person(s) who facilitates an informal resolution process, are also publicly available on the SBCSS's website or at the SBCSS office upon request.

To inspect or obtain a copy of the SBCSS's sex discrimination and sexual harassment policies and administrative regulations, please contact:

Assistant Superintendent, Human Resources
760 E. Brier Drive, San Bernardino, CA 92408
(909) 386-957
Suzanne.Hernandez@sbcss.net

Policy Reference Disclaimer:

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

State	Description
5 CCR 4600-4670	Uniform complaint procedures
5 CCR 4900-4965	Nondiscrimination in elementary and secondary education programs
Civ. Code 1714.1	Liability of parent or guardian for act of willful misconduct by a minor
Civ. Code 51.9	Liability for sexual harassment; business, service and professional relationships
Ed. Code 200-262.1	Educational equity; prohibition of discrimination on the basis of sex
Ed. Code 48900	Grounds for suspension and/or expulsion
Ed. Code 48900.2	Additional grounds for suspension or expulsion; sexual harassment
Ed. Code 48985	Notices to parents in language other than English
Gov. Code 12950.1	Sexual harassment training
Federal	Description
20 USC 1092	Definition of sexual assault
20 USC 1221	Application of laws
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
34 CFR 106.1-106.82	Nondiscrimination on the basis of sex in education programs
34 CFR 99.1-99.67	Family Educational Rights and Privacy
34 USC 12291	Definition of dating violence, domestic violence, and stalking

42 USC 1983	Civil action for deprivation of rights
42 USC 2000d-2000d-7	Title VI, Civil Rights Act of 1964
42 USC 2000e-2000e-17	Title VII, Civil Rights Act of 1964, as amended
Management Resources	Description
Court Decision	Tennessee v. Cardona (2024) 737 F.Supp.3d 510
Court Decision	Reese v. Jefferson School District, (2001, 9th Cir.) 208 F.3d 736
Court Decision	Oona by Kate S. v. McCaffrey, (1998, 9th Cir.) 143 F.3d 473
Court Decision	Gebser v. Lago Vista Independent School District, (1998) 524 U.S. 274
Court Decision	Flores v. Morgan Hill Unified School District (2003) 324 F.3d 1130
Court Decision	Donovan v. Poway Unified School District (2008) 167 Cal.App.4th 567
Court Decision	Doe v. Petaluma City School District, (1995, 9th Cir.) 54 F.3d 1447
Court Decision	Davis v. Monroe County Board of Education, (1999) 526 U.S. 629
Federal Register	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.S. DOJ Publication	Dear Colleague Letter: Enforcement of Title IX under the provisions of the 2020 Title IX Rule, February 4, 2025
U.S. DOJ, FBI Publication	National Incident-Based Reporting System
FBI Publication	National Incident-Based Reporting System (NIBRS) User Manual, 2025.0 (June 23, 2025) — includes updated sexual-offense definitions replacing “fondling” with “criminal sexual contact,” which are incorporated into Title IX sexual assault determinations through the Clery Act cross-reference.

Website	U.S. Department of Justice, Federal Bureau of Investigation
Website	CSBA District and County Office of Education Legal Services
Website	U.S. Department of Education, Office for Civil Rights
Website	CSBA
Website	California Department of Education

Cross References

Code	Description
0410	Nondiscrimination In County Office Programs And Activities
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1312.3-E(3)	Uniform Complaint Procedures
3550	Food Service/Child Nutrition Program
3550	Food Service/Child Nutrition Program
3553	Free And Reduced Price Meals
3553	Free And Reduced Price Meals
5141.52	Suicide Prevention
5141.52	Suicide Prevention
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
5145.7	Sexual Harassment
5145.7-E(1)	Sexual Harassment

Approved: April 1, 2026