

Title IX Sexual Harassment Complaint Procedures
(including Sex Discrimination Complaints)
BP: 4119.12 Adopted: 02/25/21 Revised: 6/11/26 v6

Clarksville Charter School (“School”) is committed to maintaining a workplace and School environment free from sex discrimination, sex-based harassment, sexual harassment, intimidation, retaliation, and other conduct prohibited by state or federal law.

This policy shall be interpreted consistently with BP 4030 – Nondiscrimination in Employment and other applicable personnel policies and procedures.

This policy applies to employees, applicants for employment, interns, volunteers, contractors, and other individuals participating in the School’s employment-related programs and activities. This policy also applies to prohibited conduct by third parties, including students, parents/guardians, vendors, contractors, visitors, or others interacting with employees in School-related settings. This policy applies to conduct occurring in School workplaces, remote work environments, virtual meetings, online platforms, electronic communications, independent study settings, School-sponsored activities, and other employment-related contexts. Nothing in this policy relieves employees of mandatory reporting obligations under the Child Abuse and Neglect Reporting Act (CANRA).

The School prohibits discrimination based on sex in any employment-related program, activity, work environment, or employment practice it operates and shall comply with Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 et seq.); its implementing regulations, including the Title IX regulations codified at 34 C.F.R. Part 106, as amended from time to time; California Education Code sections 200, 201, 220, 221.61, and 234 et seq.; the California Fair Employment and Housing Act (“FEHA”) (Gov. Code § 12940 et seq.); applicable provisions of the California Labor Code, including anti-retaliation protections; and all other applicable state and federal laws and regulations prohibiting discrimination, harassment, intimidation, retaliation, and sex-based misconduct in employment-related programs, activities, and work environments. Relevant electronic communications, including emails, text messages, messaging applications, social media communications, and virtual meeting records, may be reviewed as part of an investigation to the extent permitted by law.

Protected characteristics shall include those identified in BP 4030 and applicable federal and state law.

The School additionally prohibits unlawful harassment, discrimination, and retaliation in violation of California employment law. Sexual harassment under California law includes unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature when such conduct creates a hostile work environment or constitutes quid pro quo harassment. A single incident may constitute harassment under

FEHA. Conduct that does not meet the jurisdictional or definitional requirements of Title IX may nevertheless violate the California Fair Employment and Housing Act (FEHA), California Labor Code protections, workplace conduct standards, collective bargaining obligations, employee handbook provisions, or other applicable School policies and procedures.

The School is committed to providing a work and educational environment free from unlawful discrimination, harassment, retaliation, intimidation, and bullying.

The School prohibits discrimination and harassment on the basis of actual or perceived protected characteristics, including: race; color; ancestry; nationality; national origin; immigration status; citizenship or immigration-related status protected by law; ethnicity; ethnic group identification; religion; religious creed; religious belief, observance, dress, or grooming practices; marital, parental, or family status; pregnancy; childbirth; termination of pregnancy; lactation; breastfeeding; related medical conditions and recovery; reproductive health decision-making; sex; sex stereotypes; sex characteristics; sexual orientation; gender; gender identity; gender expression; transgender status; age; physical disability; mental disability; medical condition; genetic information; genetic characteristics; traits historically associated with race, including hair texture and protective hairstyles; military or veteran status; association with a person or group with one or more actual or perceived protected characteristics; or any other characteristic protected under federal or California law.

The School does not discriminate on the basis of sex in any education program or activity that it operates and complies with Title IX of the Education Amendments of 1972, Title VII of the Civil Rights Act, the California Fair Employment and Housing Act ("FEHA"), and applicable federal and state law.

The School prohibits sex discrimination, sex-based harassment, sexual harassment, sexual violence, dating violence, domestic violence, stalking, and retaliation. The School also prohibits retaliation against any individual who reports, opposes, or participates in the investigation of a complaint of discrimination or harassment.

Inquiries about the application of Title IX and its implementing regulations to the School may be referred to the School's Title IX Coordinator, the U.S. Department of Education Office for Civil Rights, or both.

For purposes of this Title IX Employee Sexual Harassment Complaint Procedure, the procedures below apply specifically to allegations of sex-based harassment as defined by Title IX and applicable federal regulations.

Questions, concerns, or complaints regarding discrimination, harassment, retaliation, or Title IX matters may be directed to the School's designated Title IX Coordinator or other designated compliance officer.

The School shall not discriminate against or exclude any employee from participation in, deny

any employee the benefits of, or otherwise subject any employee to discrimination or retaliation based on current, potential, or past pregnancy or related conditions, as defined by applicable law. The School shall provide reasonable accommodations, reasonable modifications, lactation accommodations, and other protections required by state and federal law.

Unlawful harassment or discrimination prohibited by California law may exist even when the alleged conduct does not satisfy the definitions, jurisdictional requirements, or procedural standards applicable to Title IX. Conduct that does not meet Title IX requirements may nevertheless violate California law, workplace conduct standards, employee policies, or other applicable School policies and procedures.

The School shall respond promptly and equitably to reports or complaints of sex discrimination and sexual harassment in accordance with applicable state and federal law and accompanying administrative regulations. The School shall take immediate and appropriate corrective action when it determines that unlawful harassment, discrimination, or retaliation has occurred.

The School prohibits retaliation against any individual who reports, files a complaint regarding, participates in, assists with, supports another individual in reporting, opposes conduct reasonably believed to be prohibited by law, refuses to participate in, or is perceived to have engaged in protected activity related to conduct prohibited by this policy. Retaliation includes, but is not limited to, adverse employment actions, schedule changes, negative evaluations, threats, intimidation, coercion, or any conduct that would deter a reasonable person from reporting or participating in a complaint process.

The Executive Director or designee shall ensure that employees and other affected individuals are notified of the School's complaint procedures, including the name, title, and contact information of the School's Title IX Coordinator. The School Board delegates to the Executive Director responsibility for the implementation and administration of this policy. The Board shall periodically review this policy and related administrative regulations to ensure ongoing compliance with applicable state and federal law. The following employee serves as the School's Title IX Coordinator:

Deanna Moreno

3101 Zinfandel Dr., Suite 350, Rancho Cordova, CA 95670

Phone: 916-957-5709

Email: deanna.moreno@sequoiagrove.org

Individuals serving as investigator, decision-maker, appeal decision-maker, or informal resolution facilitator shall, where required by law, serve in separate roles and receive appropriate training.

Any individual may report sex discrimination or sexual harassment to the Title IX Coordinator or any School employee at any time, including during non-business hours, by mail, phone, email, or any other method authorized by the School. The School shall maintain administrative regulations setting forth procedures for the prompt and equitable resolution of complaints alleging sex discrimination or sexual harassment. Such procedures shall be interpreted and applied consistently with applicable state and federal law as amended from time to time.

The School shall prominently post on its website all notices, policies, procedures, training materials, nondiscrimination statements, and Title IX Coordinator contact information required by applicable federal and state law, in a manner that is easily accessible to the public. The School shall provide sexual harassment prevention training in accordance with California Government Code section 12950.1.

Employees also have the right to file complaints with external agencies, including the

California Civil Rights Department (CRD), the U.S. Equal Employment Opportunity Commission (EEOC), and the U.S. Department of Education Office for Civil Rights (OCR).
<https://www.ed.gov/about/offices/list/ocr/complaintintro.html>.

If any provision of the accompanying administrative regulation conflicts with applicable law, the law shall control.

ADMINISTRATIVE REGULATION (AR 4119.12)

Purpose and Scope

The School shall respond promptly and equitably to complaints and reports of sex discrimination, sex-based harassment, and sexual harassment in accordance with applicable federal and state law. The School reserves the right to determine and apply the appropriate complaint process or combination of processes based on the allegations, parties involved, applicable law, and jurisdictional requirements.

For purposes of this policy, School programs and activities may include independent study settings, home-based instruction conducted under School supervision, online instructional platforms, learning centers, vendor-operated instructional settings, field trips, work-based learning environments, and other School-sponsored or School-supervised activities.

These procedures apply to conduct occurring within the School's employment practices, workplace conduct, educational programs or activities, or other circumstances governed by applicable law. "Education program or activity" shall be interpreted consistent with applicable federal law and may include locations, events, or circumstances over which the School exercises substantial control over both the respondent and the context in which the conduct occurred, including School-sponsored activities, online environments, transportation, and other settings as permitted or required by law.

The School may address off-campus conduct to the extent permitted or required by applicable law when such conduct may materially affect the workplace, School operations, employee participation, or access to educational or employment opportunities.

Because complaints involving employees may implicate overlapping legal obligations under Title IX, California employment law, workplace conduct standards, collective bargaining agreements, and other applicable laws or policies, the School reserves the right to adapt investigative and resolution procedures as necessary to ensure compliance with applicable law, due process requirements, employee rights, and the circumstances of the matter.

Relationship to Other Policies and Laws

Where allegations fall within the scope of Title IX and applicable federal regulations, the School shall apply procedures consistent with applicable federal law. Allegations outside Title IX jurisdiction or definitions may nevertheless be investigated and resolved under California law, workplace investigation procedures, employee complaint procedures, or other applicable School policies.

Complaints involving School employees may also implicate BP 1312.1: Complaints Concerning School Employees, personnel conduct policies, workplace investigation procedures, or other applicable School policies. The School reserves the right to determine the appropriate procedure for addressing complaints consistent with applicable law.

These procedures shall be interpreted consistently with applicable federal and state law and may be adjusted as necessary to comply with changes in statutes, regulations, judicial decisions, or agency guidance.

A dismissal or determination that allegations fall outside Title IX jurisdiction does not preclude the School from addressing the conduct under California law, personnel policies, workplace conduct standards, or other applicable procedures.

This policy shall be interpreted consistently with the School's employee handbook, personnel policies, and applicable employment agreements.

Nothing in this policy shall be interpreted to limit employee rights protected under the California Labor Code or other applicable whistleblower or anti-retaliation laws.

If any provision of this regulation conflicts with applicable law, the law shall control.

DEFINITIONS

Complainant

An individual is alleged to have experienced conduct that could constitute sex discrimination or sexual harassment.

Respondent

An individual is alleged to have engaged in conduct that could constitute sex discrimination or sexual harassment.

Sexual Harassment Under Title IX

Conduct prohibited under Title IX shall be interpreted consistent with applicable federal law and regulations in effect at the time the matter is reviewed or investigated.

Sexual Harassment Under California Law (FEHA)

Sexual harassment under FEHA includes unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature when such conduct creates a hostile work environment or constitutes quid pro quo harassment. A single incident may constitute harassment.

Supportive Measures

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to either party before, during, or after the resolution of a report or complaint, regardless of whether a complaint is formally submitted.

Advisor

Each party may have an advisor of their choice, who may be, but is not required to be, an attorney.

Reporting and Notice

Any employee who receives a report or otherwise becomes aware of conduct that may constitute sex discrimination, sexual harassment, or retaliation shall promptly notify the Title IX Coordinator or other designated administrator unless otherwise prohibited by law.

The School shall provide reasonable accommodations, language assistance, disability-related accommodations, and accessible complaint procedures as required by applicable law. The School shall administer this regulation consistent with the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act, and applicable California disability discrimination laws. The School shall take reasonable steps to ensure that individuals with disabilities are able to participate fully in complaint procedures. The School shall take reasonable steps to provide language assistance, translated materials, and accessible communications as required by law.

Any supervisor, manager, or employee designated to receive complaints who observes, receives notice of, or otherwise becomes aware of conduct that may constitute harassment, discrimination, sex discrimination, sexual harassment, or retaliation shall promptly notify the Title IX Coordinator or other designated administrator unless otherwise prohibited by law.

Employees designated as mandatory reporters under School policy or applicable law shall comply with all required reporting obligations.

Employees are expected to cooperate truthfully and fully in School investigations to the extent required by law and policy.

Notice to a School employee may trigger the School's obligation to respond promptly and appropriately under applicable law and School policy.

The School may provide employees with information regarding confidential or privileged resources that may be available through employee assistance programs, licensed counselors, union representatives, attorneys, medical providers, or community-based organizations, consistent with applicable law.

The School shall promptly review reports or complaints to determine the appropriate response process under applicable law and School policy. Depending on the nature of the allegations, the matter may be addressed through Title IX procedures, employment investigation procedures, workplace conduct procedures, or other appropriate School processes consistent with applicable law. The School shall respect the privacy of all individuals involved and maintain confidentiality to the extent permitted by law. The School cannot guarantee absolute confidentiality because it must investigate and respond appropriately, consistent with applicable law.

The School shall provide information regarding:

- the availability of supportive measures;
- the right to file a complaint;
- applicable procedures;
- confidentiality protections to the extent permitted by law;
- the right to file with external agencies (CRD, EEOC, OCR);
- retaliation protections.

The School shall make good-faith efforts to complete investigations within approximately sixty (60) calendar days absent good cause for extension. Where additional time is necessary due to the complexity of the allegations, witness availability, School breaks, law enforcement activity, or other good cause, the School shall provide written notice regarding the reason for the extension.

Investigation Procedures

The School shall conduct prompt, impartial, and thorough investigations of complaints covered by this regulation. Investigations shall be conducted by trained individuals who are free from conflicts of interest or bias for or against any party. Any individual designated by the School as the Title IX Coordinator, investigator, decision-maker, or facilitator of an informal resolution process shall be free from conflicts of interest or bias for or against complainants or respondents generally or any individual party. The procedures established under this

regulation shall provide for the prompt, equitable, and impartial resolution of complaints consistent with applicable law and workplace investigation standards.

Both parties shall have an equal opportunity to present witnesses, evidence, and other relevant information. The parties shall have an equal opportunity to review relevant evidence gathered during the investigation and to respond before a determination is made, consistent with applicable law.

The School shall not unreasonably restrict either party's ability to discuss the allegations, gather evidence, or obtain witnesses, provided the School may implement reasonable measures to protect the integrity of the process and prevent retaliation, intimidation, or destruction of evidence.

The School shall evaluate all relevant evidence objectively and shall not make credibility determinations based solely on a person's status as a complainant, respondent, or witness.

The School may direct parties to preserve potentially relevant evidence, including electronic communications, electronically stored information, social media records, photographs, recordings, or other materials relevant to the allegations. The respondent shall be presumed not responsible for the alleged conduct unless and until findings are made following the applicable investigation and resolution process.

The School shall use the preponderance of the evidence standard in making factual determinations unless otherwise required by applicable law.

The School may consolidate complaints arising out of the same or substantially related facts and circumstances where appropriate and consistent with applicable law.

The School shall provide written notice to parties whose participation is invited or expected regarding investigative interviews, meetings, or other proceedings, with sufficient time to prepare to participate. If, during the investigation, additional allegations are identified, the School shall provide updated written notice to the parties as appropriate.

Written notice of allegations shall include sufficient detail known at the time to permit the parties to respond, including the identities of the parties involved (if known), the conduct allegedly constituting prohibited conduct, and the date and location of the alleged incident(s), if known.

Each party may be accompanied by an advisor of the party's choice during meetings or proceedings consistent with applicable law and School procedures.

The School may implement reasonable rules governing participation during investigative proceedings, provided such rules apply equally to all parties. The School shall not impose disciplinary sanctions against a respondent for conduct prohibited by Title IX unless the applicable grievance process has been completed.

Reports may be made anonymously. While anonymous reports may affect the School's ability to fully investigate or respond, the School shall assess the information available and take reasonable responsive steps consistent with the information provided, the School's legal obligations, and its ability to investigate the allegations

Interim Measures and Administrative Leave

The School may implement interim measures or supportive measures during the pendency of an investigation as reasonably necessary to protect the safety of the parties, maintain access to educational or employment opportunities, or prevent retaliation.

Such measures may include, but are not limited to, schedule modifications, no-contact directives, temporary reassignment, administrative leave consistent with applicable law, employment agreements, and personnel policies, workplace adjustments, increased supervision, or other measures deemed appropriate under the circumstances and consistent with applicable law.

Nothing in this regulation shall preclude the School from removing an employee or other individual from the workplace, program, or activity on an emergency basis when the School determines that an immediate threat to the physical health or safety of any individual arising from the allegations justifies such removal, consistent with applicable law and due process requirements.

Informal Resolution

Where appropriate and permitted by law, the School may offer an informal resolution process to resolve complaints under this regulation. Participation in an informal resolution process shall be voluntary and may not be required as a condition of continued employment or participation in any School program or activity.

Either party may withdraw from the informal resolution process at any time before the final resolution of the matter and resume the applicable complaint or investigation process. Informal resolution shall not be used to resolve allegations that an employee sexually harassed a student.

The School shall not require or facilitate informal resolution where prohibited by law.

Written Determination and Corrective Action

At the conclusion of the investigation, the School shall provide written notice regarding the outcome of the matter to the parties to the extent permitted by applicable law, privacy requirements, and personnel confidentiality obligations.

When the School determines that prohibited conduct has occurred, it shall take prompt and appropriate corrective action reasonably calculated to stop the conduct, prevent recurrence, and remedy its effects.

Corrective action may include counseling, training, monitoring, reassignment, discipline, termination of employment, policy modification, educational measures, or other appropriate remedial actions consistent with applicable law and School policy.

Appeals

Either party may appeal a determination or procedural dismissal under this regulation within ten (10) business days of written notice of the outcome.

Appeals may be based on one or more of the following grounds:

- procedural irregularity that affected the outcome;
- new evidence that was not reasonably available at the time of the determination;
- conflict of interest or bias that affected the outcome; or
- other grounds permitted or required by applicable law.

Appeals shall be decided by an individual who was not involved in the original investigation or determination and who is free from conflicts of interest or bias.

The School shall provide written notice of the appeal outcome within a reasonably prompt timeframe, absent good cause for extension, taking into account the complexity of the matter, witness availability, School breaks, and other relevant circumstances. The School reserves the right to modify appeal procedures as necessary to comply with applicable law, employee rights, and the circumstances of the matter.

Retaliation

The School prohibits retaliation against any individual who reports, files a complaint regarding, participates in, assists with, supports another individual in reporting, opposes conduct reasonably believed to be prohibited by law, refuses to participate in, or otherwise exercises rights protected by law related to conduct prohibited by this policy.

Reports of retaliation shall be investigated and addressed promptly and equitably in accordance with applicable law and School policy.

A complaint made in good faith shall not constitute a false complaint merely because the allegations were not substantiated. However, knowingly making materially false statements in bad faith may result in appropriate corrective action consistent with applicable law. A finding that allegations were unsubstantiated, standing alone, is insufficient to conclude that a complaint was knowingly false or made in bad faith.

Title IX Coordinator Responsibilities

The Title IX Coordinator shall be responsible for coordinating the School's compliance with applicable sex discrimination laws and regulations, including:

- receiving and responding to reports and complaints;
- coordinating supportive measures;

- overseeing complaint procedures and investigations;
- monitoring implementation of corrective actions and remedies;
- maintaining required records;
- coordinating training and required notices; and
- ensuring compliance with applicable state and federal law.

Training

The School shall provide training as required by applicable law to employees, supervisors, investigators, decision-makers, Title IX personnel, and other individuals involved in implementing this regulation. The School shall provide sexual harassment prevention training to supervisory and nonsupervisory employees at the frequency and in the manner required by California law.

Training shall include, as applicable, prevention of sexual harassment, discrimination, retaliation, reporting obligations, impartial investigation practices, confidentiality requirements, and applicable state and federal legal standards.

The School shall provide sexual harassment prevention training to supervisory and nonsupervisory employees in accordance with Government Code section 12950.1 and applicable regulations.

All training materials shall not rely on sex stereotypes and shall promote impartial investigations and adjudications. The School shall maintain and make available training materials to the extent required by law.

Recordkeeping

For each response to a report or complaint required by this policy, the School shall create and maintain records of actions taken, including supportive measures, investigative steps, findings, remedies, corrective actions, appeals, informal resolutions, and other actions taken pursuant to this regulation, in accordance with applicable law and the School's record retention requirements.

Records maintained pursuant to this regulation shall be retained for at least seven (7) years or longer if required by applicable law or litigation hold requirements.

The School shall maintain documentation sufficient to demonstrate that its response was prompt, equitable, and consistent with applicable law and School policy and that it took measures reasonably designed to restore or preserve access to the School's education programs, activities, or employment opportunities, as applicable. Records shall be maintained consistent with applicable personnel confidentiality laws, employee privacy rights, and record-keeping requirements.

If supportive measures are not implemented or are modified, the School shall document the reasons for the decision based on the information available at the time and consistent with applicable law.

The School may supplement documentation as additional information becomes available or circumstances change.

Relationship to Other Policies and Procedures

Complaints or reports arising under this policy may also implicate other School policies, procedures, administrative regulations, collective bargaining obligations, employment standards, workplace conduct expectations, or legal requirements, including but not limited to BP/AR 4030 (Nondiscrimination in Employment), BP/AR 1312.1 (Complaints Concerning School Employees), Uniform Complaint Procedures where applicable, employee handbook provisions, workplace investigation procedures, and applicable state or federal law. The School reserves the right to determine the appropriate process or combination of processes for addressing complaints consistent with applicable law and the circumstances of the matter.