

**Redlands Unified School District**

**Regulation 5145.71: Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures**

The District has adopted these grievance procedures that provide for the prompt and equitable resolution of complaints that students who are participating or attempting to participate in its education program or activity, were subjected to sex-based discrimination prohibited by Title IX or the Title IX regulations. [The complaint procedures described in this administrative regulation shall be used to address any complaint filed before August 1, 2024 or alleging conduct occurring between 8/14/2020 and July 31, 2024, governed by Title IX of the Education Amendments of 1972 alleging that a student, while in an education program or activity in which a district school exercises substantial control over the context and respondent, was subjected to one or more of the following forms of sexual harassment: \(34 CFR 106.30, 106.44\).](#)

~~The complaint procedures described in this administrative regulation shall be used to address any complaint governed by Title IX of the Education Amendments of 1972 alleging that a student, while in an education program or activity in which a District exercises substantial control over the context and respondent, was subjected to one or more of the following forms of sex-based discrimination: discrimination based on pregnancy or related conditions, sex-based harassment, disparate treatment based on sex, or retaliation prohibited by Title IX. (34 CFR §106.2, §106.8, §106.31, §106.40, §106.44, §106.45)~~

Disparate treatment based on sex means unless otherwise permitted by Title IX, a person, on the basis of sex, being excluded from participation in, being denied the benefits of, or otherwise being subjected to discrimination under any academic, extracurricular, research, occupational training, or other education program or activity operated by the District. (34 C.F.R. §106.31)

Retaliation means intimidation, threats, coercion, or discrimination against any person by the District, a student, or an employee or other person authorized by the District to provide aid, benefit, or service under the District's education program or activity, for the purpose of interfering with any right or privilege secured by Title IX, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing regarding the prohibitions of discrimination based on sex. (34 C.F.R. §106.2)

Discrimination based on parental, family, or marital status; pregnancy or related conditions is prohibited. The District must not adopt or implement any policy, practice, or procedure that discriminates against students based on parental, family, or marital status; or that discriminates based on pregnancy or related conditions. (34 C.F.R. §106.40)

Sex-based harassment is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity, that is:

1. Quid pro quo harassment. An employee, agent, or other person authorized by the recipient to provide an aid, benefit, or service under the recipient's education program or activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person'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 recipient's education program or activity (i.e., creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:
  - a. The degree to which the conduct affected the complainant's ability to access the recipient's education program or activity;
  - b. the type, frequency, and duration of the conduct;
  - c. The parties' ages, roles within the recipient's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
  - d. The location of the conduct and the context in which the conduct occurred; and
  - e. Other sex-based harassment in the recipient's education program or activity; or
3. Specific offenses.
  - a. Sexual assault meaning an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;
  - b. Dating violence meaning violence committed by a person:
    - i. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
    - ii. Where the existence of such a relationship shall be determined based on a consideration of the following factors:
      - a. The length of the relationship;
      - b. The type of relationship; and
      - c. The frequency of interaction between the persons involved in the relationship;

- c. Domestic violence meaning felony or misdemeanor crimes committed by a person who:
  - i. Is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction of the recipient, or a person similarly situated to a spouse of the victim;
  - ii. Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;
  - iii. iiShares a child in common with the victim; or
  - iv. Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction; or
- d. Stalking meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
  - i. Fear for the person's safety or the safety of others; or
  - ii. Suffer substantial emotional distress.

The following individuals have a right to make a complaint of sex discrimination, including complaints of sex-based harassment, requesting that the District investigate and make a determination about alleged discrimination under Title IX:

1. A "complainant," which includes:
  - a. a student or employee of the District who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX; or
  - b. a person other than a student or employee of the District who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX at a time when that individual was participating or attempting to participate in the District's education program or activity;
2. A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant; or
3. Title IX Coordinator.

The determination of whether allegations of sex discrimination fall within this policy will be made by the Title IX Coordinator. All other discrimination complaints or allegations brought by or on behalf of students shall be investigated and resolved in accordance with BP/AR 1312.3 - Uniform Complaint Procedures (UCP).

Because the complainant has a right to pursue a complaint under the UCP for any allegation that is dismissed or denied under this Administrative Regulation, the Title IX Coordinator shall ensure that all requirements and timelines for the UCP are concurrently met while implementing the Title IX complaint procedure.

The Superintendent shall serve as the decision-maker for all Title IX sex discrimination complaints or reports (the Title IX Decision-Maker), except in cases where there is a conflict of interest or bias. In such case, the Assistant Superintendent of Compliance shall serve as the Title IX Decision-Maker. The Superintendent shall be permitted, in his or her discretion, to designate the Assistant Superintendent of Compliance to serve as Title IX Decision-Maker, except in cases where there is a conflict of interest or bias.

(cf. 1312.3 – Uniform Complaint Procedures)

### **Law Enforcement or Child Protective Services reports**

During the pendency of any other entity's inquiry or investigation of alleged sex-based discrimination, the District will: (106.44(c))

- Offer and provide supportive measures for students who allegedly experienced sex based harassment.
- Take necessary actions to ensure student safety, including identifying and protecting other students possibly harmed by the alleged harassment.
- Ensure that the District's investigation and resolution, including all stages of the investigation process, comply with the timelines set forth in the Uniform Complaint Procedures - 1312.3.

The pendency of any other entity's inquiry or investigation does not relieve the District of its responsibilities under federal or state law and regulations.

The District will make reasonable efforts to obtain notice of the outcome of other entities' processes, including any findings and corrective actions, and ensure the District completes its own Title IX investigative process and takes appropriate corrective actions in compliance with law.

When relying on findings from another entity's report, the District will:

- Explain in its own report how the other entity's findings support the District's determinations regarding whether the student was subjected to sex-based discrimination and whether that conduct created a hostile environment.
- Document all corrective actions taken and maintain the other entity's report with District records in accordance with document-retention policies.

- Ensure that it makes a decision separate and apart and independent from any other law enforcement or child protective service entity's decision, as those entities rely on different standards and procedures for making their determinations, and the District's duty to respond promptly and effectively are independent from and separate and apart from such entities.

## **Reporting Allegations/Filing a Formal Complaint**

The alleged victim or their parent/guardian may submit a report of sex-based discrimination to the District's Title IX Coordinator or to any other available District employee, who shall forward the report to the Title IX Coordinator within one day of receiving the report. District employees are required to notify the Title IX Coordinator of conduct that reasonably may constitute sex discrimination. (106.44(c))

The District's Title IX Coordinator(s) is:

Rudy Wilson  
Assistant Superintendent of Compliance  
Redlands Unified School District  
20 W. Lugonia Avenue  
Redlands, CA 92374  
(909) 307-5300  
compliance@redlands.k12.ca.us

The Title IX Coordinator when notified of conduct that reasonably may constitute sex discrimination under Title IX must take actions to promptly and effectively end any sex discrimination, prevent its recurrence, and remedy its effects. The Title IX Coordinator shall: inform the complainant of these grievance procedures, including, if applicable, the informational resolution process, treat the complainant and respondent equitably, offer and coordinate supportive measures as described further below, and notify the complainant of the right to file a formal complaint, the process for filing a formal complaint, and the informal resolution process if appropriate. (34 C.F.R. §106.44(f) and §106.45(b)(1)) Once a complaint is filed, notify the respondent of the grievance procedures and, if applicable, the informal resolution process.

A complaint is an oral or written request to the District that objectively can be understood as a request for the District to investigate and make a determination about alleged sex-based discrimination. (34 C.F.R. §106.2). It may be filed with the Title IX Coordinator in person, by mail, by email, or by any other method authorized by the District.

Even if the alleged victim chooses not to file a formal complaint, the Title IX Coordinator may file a formal complaint in situations when the conduct as alleged presents an imminent and serious threat to the health or safety of the complainant or other person, or that the conduct as alleged prevents the District from ensuring equal access on the basis of sex to its education program or activity. (34 C.F.R. §106.44(f)(v)(B)).

In addition, the Title IX Coordinator may file a formal complaint in other situations as permitted under the Title IX regulations, including as part of the District's obligation to respond promptly and effectively to knowledge of sex-based discrimination. (34 C.F.R. §106.44(a)(1)). In such cases, the Title IX Coordinator shall provide the alleged victim notice as required by the Title IX regulations at specific points in the complaint process.

The Title IX Coordinator, investigator, decision-maker, 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. (34 C.F.R. §106.45(b)(2)) Such persons shall receive training related to their duties under Title IX promptly upon hiring or change of position that alters their duties under Title IX, and annually thereafter. (34 C.F.R. §106.8(d))

The District presumes that the respondent is not responsible for the alleged sex discrimination until a determination is made at the conclusion of its grievance procedures.

### **Supportive Measures**

Upon receiving notice of conduct that reasonably may constitute sex discrimination, the Title IX Coordinator shall promptly contact the complainant to discuss the availability of supportive measures and shall consider the complainant's wishes with respect to the supportive measures implemented. Supportive measures shall be offered as appropriate, as reasonably available, and without charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures shall be non-disciplinary, nonpunitive, and designed to restore or preserve equal access to the District's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the District's educational environment, deter sex-based harassment, or provide support during the recipient's grievance procedures and, if applicable, during the informal resolution process. Supportive measures may include, but are not limited to, counseling, course-related adjustments, extensions of deadlines, modifications of class and extracurricular schedules, restrictions on contact applied to one or more parties, increased security, monitoring of certain areas of the campus, leaves of absence, and training and education programs related to sex-based harassment. (34 C.F.R. §106.44(f))

The District shall maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the District's ability to provide the supportive measures. (34 CFR §106.44(g))

The District must provide the complainant or respondent with a timely opportunity to seek, from an appropriate and impartial employee, modification or reversal of the district's decision to provide, deny, modify, or terminate supportive measures applicable to them.

A recipient must not disclose information about any supportive measures to persons other than the person to whom they apply, including informing one party of a supportive measure provided to another party, unless necessary to provide the supportive measure or restore a party's access to the education program or activity.

## **Formal Complaints of Sex Discrimination**

If a formal sex discrimination complaint is filed, the Title IX Coordinator shall treat the complainant and respondent equitably (34 C.F.R. §106.45(b)(1)) and will presume that the respondent is not responsible until a determination of responsibility is made at the conclusion of the grievance process. (34 C.F.R. §106.45(b)(3)) The Title IX Coordinator will also provide the known parties with written notice of the following: (34 C.F.R. §106.45)

- The District's Title IX grievance procedures and any informal resolution process;
- The allegations including sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), the conduct alleged to constitute sex discrimination, and the date(s) and location(s) of the alleged incident(s);
- A statement that retaliation is prohibited; and
- 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 this evidence and if the District provides a description of the evidence, the parties may request and then must receive access to the relevant and not otherwise impermissible evidence. (106.4©)(2))

If, in the course of an investigation, the Title IX Coordinator decides to investigate additional allegations of sex discrimination by the respondent toward the complainant that are not included in the notice provided or that are included in a complaint that is consolidated, the Title IX Coordinator will notify the parties of the additional allegations.

In the event of a complaint involving a student with a disability, the Title IX Coordinator shall consult with that student's IEP team and/or Section 504 team throughout the process of investigating and resolving the complaint and ensure that the student with a disability is not discriminated against on the basis of disability, including with respect to requests for supportive measures and remedies.

Regardless of whether a complaint is initiated, take other appropriate prompt and effective steps, in addition to steps necessary to effectuate the remedies provided to an individual complainant, if any, to ensure that sex discrimination does not continue or recur within the recipient's education program or activity. (34 C.F.R. 106.44(f)(1)(vii))

## **Dismissal of Complaint**

The Title IX Coordinator may dismiss a complaint of sex discrimination if:

- The Title IX Coordinator is unable to identify the respondent after taking reasonable steps to do so;
- The respondent is not participating in the District's education program or activity and is not employed by the District;
- The complainant voluntarily withdraws any or all of the allegations in the complaint, the Title IX Coordinator declines to initiate a complaint, and the District determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination under Title IX even if proven; or
- The Title IX Coordinator determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination under Title IX. Before dismissing the complaint, the Title IX Coordinator will make reasonable efforts to clarify the allegations with the complainant.

Upon dismissal, the Title IX Coordinator will promptly notify the complainant of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, then the Title IX Coordinator will also notify the respondent of the dismissal and the basis for the dismissal promptly following notification to the complainant, or simultaneously if notification is in writing. (34 C.F.R. §106.45(d))

The Title IX Coordinator will notify the complainant that a dismissal may be appealed and will provide the complainant with an opportunity to appeal the dismissal of a complaint or any allegation in the complaint in accordance with the appeal procedures described in the section "Appeals" below. If the dismissal occurs after the respondent has been notified of the allegations, then the Title IX Coordinator will also notify the respondent that the dismissal may be appealed. (34 C.F.R. §106.45(d)) The Title IX Coordinator will take other prompt and effective steps, as appropriate, to ensure that sex discrimination does not continue or recur within the District's education program or activity.

If a complaint is dismissed, the conduct may still be addressed pursuant to BP/AR 1312.3 - Uniform Complaint Procedures as applicable.

### **Administrative Leave and Emergency Removal**

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

A student shall not be disciplined for alleged sex-based discrimination until the grievance process has been completed. However, the District may remove the respondent, including a student respondent, from the District's education program or activity on an emergency basis when, based on an individualized safety and risk analysis, the District determines an imminent and serious threat to the health or safety of a complainant or any students, employees, or other persons arising from the allegations of sex discrimination justifies removal. The District will provide 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 Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973. (34 CFR 106.44 (h))

### **Informal Resolution Process**

When a formal complaint of sex discrimination, including sex-based harassment, is filed, the District may offer an informal resolution process, such as mediation, at any time prior to reaching a determination regarding responsibility. However, the District may not offer to an informal resolution process when the allegations involve sexual assault, are that an employee engaged in sex-based harassment of a student, or there is a reasonable risk that a party would feel compelled to participate. (See also AR 1312.3) The District shall not require a party to participate in the informal resolution process or to waive the right to an investigation and adjudication of a formal complaint. (34 CFR 106.44 (k))

The District may facilitate an informal resolution process provided that the District:

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, potential terms that may be requested or offered (e.g., restriction on contacts, attendance at events, or other remedies that could be imposed as disciplinary sanctions at the conclusion of a grievance procedure), notice that an informal resolution process is binding only on the parties, and any consequences resulting from participating in the informal resolution process, including that records will be maintained or how such records could be shared and that conclusion of the informal resolution process precludes the parties from initiating or resuming grievance procedures arising from the same allegation.
2. Obtains the parties' voluntary, written consent to the informal resolution process
3. Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student, when the allegations involve sexual assault, or there is a reasonable risk that a party would feel compelled to participate
4. The facilitator is not the same person as the investigator or decisionmaker in the district's grievance procedures, has received training, and does not have a conflict of interest or bias.

### **Investigation Procedures**

The Title IX Coordinator when notified of conduct that reasonably may constitute sex discrimination under Title X must take actions to promptly and effectively end any sex discrimination, prevent its recurrence, and remedy its effects.

During the investigation process, the Title IX Coordinator shall treat the complainant and respondent equitably and conduct an adequate, reliable, and impartial investigation. The District presumes that the respondent is not responsible for the alleged sex discrimination until a

determination is made at the conclusion of its grievance process. Additionally, the Title IX Coordinator shall: (34 C.F.R. §106.45)

1. Ensure that the burden is on the District – not on the parties – to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred;
2. Provide notice of the allegations to the parties whose identifies are known. Such notice must include: the recipients grievance procedures and informal resolution process; sufficient information available at the time for the parties to respond (including identities of the parties involved, conduct alleged to constitute sex discrimination, and date(s) and location(s) of the alleged incident(s) to the extent known; a statement that retaliation is prohibited; a statement that the parties are entitled to an equal opportunity to access relevant and otherwise impermissible evidence and a statement of the evidence, along with an equal opportunity for the parties to access such evidence upon request; and notice if additional allegations of sex discrimination are identified during the court of an investigation.
3. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence, access evidence that is relevant and not otherwise impermissible, and respond to such evidence;
4. Offer and coordinate supportive measures for the complainant. And, if appropriate as described in the supportive measures section, offer and coordinate supportive measures for the respondent.
5. Not disclose personally identifiable information obtained unless prior written consent is received from a person with the legal right to consent, to carry out the purposes of this part, including taking action to address sex discrimination, or as required by other laws;
6. Take reasonable steps to protect the privacy of the parties and witnesses during the pendency of a recipient's grievance procedures and prevent unauthorized disclosure of information and evidence obtained solely through the grievance process, provided that the steps do not restrict the parties from consulting with family members, confidential resources or advisors, or otherwise preparing for or participating in the grievance process, or participating in administration proceedings or litigation related to the complaint of sex discrimination.
7. Objectively evaluate all relevant evidence, including both inculpatory and exculpatory evidence, and determine credibility in a manner that is not based on a person's status as a complainant, respondent, or witness;
8. Notify the parties in writing of the determination whether sex discrimination occurred under Title IX or this part including the rationale for such determination, and the procedures and permissible bases for the complainant and respondent to appeal, if applicable.

9. If there is a determination that sex discrimination occurred, as appropriate, coordinate the provision and implementation of remedies to a complainant and others identified as being subjected to sex-discrimination, coordinate the imposition of any disciplinary sanctions, and take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur.

In cases of alleged sex-based discrimination, including sexual abuse by a District employee against a student, prior to interviewing the complainant student, the District will provide telephonic notification to the parent or guardian. This will be followed up by written notification sent to the parent/guardian at the address on record with the District via certified mail, return receipt requested. This parental notification is required even in circumstances in which the District needs to cooperate with law enforcement or child protective services investigations and will not apply where law enforcement directs the District not to make these notifications.

Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence are offered to prove that someone other than the respondent committed the conduct alleged by the complainant or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. (34 C.F.R. §106.45(b)(7)(iii))

Privacy rights of all parties to the complaint shall be maintained in accordance with applicable state and federal laws.

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.

In the event that a law-enforcement agency is also investigating some or all of the allegations contained in a complaint, the District may delay initiating its own investigation by no longer than 30 days, provided that the District notifies the complainant of its intention to delay initiating its investigation and the complainant agrees. The District shall not, however, delay notice of complaint filing options or the immediate provision of interim and/or supportive measures to the complainant or alleged victim. Additionally, during the pendency of a parallel investigation, the Title IX Coordinator shall make and document in the centralized tracking and response system for complaints weekly inquiries with the relevant law enforcement agency as to whether the investigation in question has concluded. A law-enforcement agency's decision at the conclusion of an investigation not to recommend criminal charges does not excuse the District from any of its independent obligations under this administrative regulation, Board Policy 5145.7, or Administrative Regulation 5145.7.

Any participant in an investigation or appeal—including the Title IX Coordinator, Decision-Maker, or any investigator—shall recuse themselves and be substituted if they have, or would be perceived by a reasonable observer as having, a conflict of interest or bias.

#### **Written Notification of Determination Whether Sex Discrimination Occurred**

The Superintendent shall serve as the decision-maker for all Title IX sex discrimination complaints or reports (the Title IX Decision-Maker). The Superintendent shall be permitted, in his or her discretion, to designate the Assistant Superintendent of Compliance to serve as Title IX Decision-Maker, except in cases where there is a conflict of interest or bias.

The decision-maker shall issue, and simultaneously provide to both parties, a written decision as to whether the respondent is responsible for the alleged conduct. (34 C.F.R. §106.45(h)(2))

The written decision shall be issued within 60 calendar days of the receipt of the complaint.

The timeline may be temporarily extended for good cause with written notice to the complainant and respondent of the extension and the reasons for the action.

In making this determination, the decision-maker shall use the "preponderance of the evidence" standard for all formal complaints of sex-based discrimination. The same standard of evidence shall be used for formal complaints against students as for complaints against employees.

The written decision shall include the following: (34 CFR 106.45(h)(2))

1. Identification of the allegations potentially constituting sex discrimination as defined in 34 C.F.R. § 106.2 and/or § 106.10;
2. A description of the procedural steps taken from receipt of the formal complaint through the written decision, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held if the District includes hearings as part of the grievance process
3. Findings of fact supporting the determination
4. Conclusions regarding the application of the District's code of conduct or policies to the facts
5. A statement of, and rationale for, the result as to each allegation, including a decision regarding responsibility, any disciplinary sanctions the District imposes on the respondent, whether remedies designed to restore or preserve equal access to the District's educational program or activity will be provided by the District to the complainant, and any other appropriate prompt and effective steps to ensure sex discrimination does not continue or recur
6. The District's procedures and permissible bases for the complainant and respondent to appeal
7. That the Title IX Coordinator will coordinate the provision and implementation of remedies to a complainant and other persons the recipient identifies as having had equal access limited or denied by sex discrimination, coordinate the imposition of any disciplinary sanctions on a respondent

## Appeals

Either party may appeal the District's decision or dismissal of a complaint or any allegation in the complaint and a complainant or respondent may appeal a determination at the conclusion of the investigation process.

Dismissals or determinations may be appealed on the following bases:

- Procedural irregularity that would change the outcome;
- New evidence that would change the outcome and that was not reasonably available when the dismissal was made; and
- 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 an appeal is filed, the District shall: (34 C.F.R. §106.45(ii))

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 decision-maker(s) for the appeal did not take part in an investigation of the allegations or dismissal of the complaint;
4. Ensure that the decision-maker(s) 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; and
6. Notify the parties of the result of the appeal and the rationale for the result.

An appeal must be filed in writing within 10 calendar days of receiving the notice of the decision or dismissal, stating the grounds for the appeal and including any relevant documentation in support of the appeal. Appeals submitted after this deadline are not timely and shall not be considered.

A written decision shall be provided to the parties within 20 calendar days from the receipt of the appeal.

The District's decision may be appealed to the California Department of Education within 30 days of the written decision in accordance with BP/AR 1312.3.

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.

The Superintendent shall serve as the adjudicator of appeals for matters in which the Assistant Superintendent of Compliance is the decision-maker. The Board shall serve as the adjudicator of appeals for matters in which the Superintendent is the decision-maker.

## **Remedies**

When a determination of responsibility for sex discrimination has been made against the respondent, the District shall provide remedies to the complainant. Such remedies may include the same individualized services described above in the section "Supportive Measures," but need not be non-disciplinary or nonpunitive and need not avoid burdening the respondent. (34 C.F.R. §106.45)

## **Corrective/Disciplinary Actions**

The District 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)

For students in grades 4-12, discipline for sexual harassment may include suspension and/or expulsion. After the completion of the complaint procedure, if it is determined that a student at any grade level has committed sexual assault or sexual battery at school or at a school activity off school grounds, the principal or Superintendent shall immediately suspend the student and shall recommend expulsion. (Education Code 48900.2, 48915)

Other actions that may be taken with a student who is determined to be responsible for sexual harassment include, but are not limited to:

1. Transfer from a class or school as permitted by law
2. Parent/guardian conference
3. Education of the student regarding the impact of the conduct on others
4. Positive behavior support
5. Referral of the student to a student success team
6. Denial of participation in extracurricular or co-curricular activities or other privileges as permitted by law

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

### **Record-Keeping**

The Superintendent or designee shall maintain, for a period of ten years: (34 CFR 106.8(f)(1))

1. A record of all reported complaints of sex discrimination, any determinations of responsibility, any audio or audiovisual recording and transcript if applicable, any disciplinary sanctions imposed, any remedies provided to the complainant, and any appeal or informal resolution and the results therefrom;
2. A record of any actions, including supportive measures, taken in response to a report or formal complaint of sex discrimination, including the District's basis for its conclusion that its response was prompt and equitable, the measures taken that were designed to restore or preserve equal access to the education program or activity, and, if no supportive measures were provided to the complainant, the reasons that such a response was not unreasonable in light of the known circumstances; and
3. All materials used to train the Title IX Coordinator, investigator(s), decision-maker(s), and any person who facilitates an informal resolution process.