

Redlands Unified School District
Administrative Regulation 4112.5 – Criminal Record Check

The Superintendent shall designate an employee as record custodian of all confidential fingerprint and criminal record history who shall be responsible for the administration of the information. Any questions regarding Criminal Offender Record Information shall be resolved by the record custodian.

Criminal Offender Record Information shall be accessible only to the record custodian and others as designated by him/her and shall be kept in a locked location. These records shall be used only for the purpose for which requested and shall not be reproduced for dissemination.

The record custodian, and any other individuals with access to the information, shall be fingerprinted and processed through the California Department of Justice. These employees shall be fingerprinted and processed through the California Department of Justice. These employees shall sign an Employee Statement Form, acknowledging an understanding of the laws regarding Criminal Offender Record Information.

Violation of this administrative regulation may result in suspension, dismissal and/or criminal or civil prosecution.

Criminal Record Check

Before issuing a temporary certificate of clearance to an applicant whose credential is being processed, the Superintendent or designee shall obtain a criminal record summary from the Department of Justice. The Superintendent or designee shall not issue a temporary certificate of clearance if the applicant has been convicted of a violent or serious felony as defined in Penal Code 667.5(c) or 1192.7(c), a controlled substance offense as defined in Education Code 44011, or a sex offense as defined in Education Code 44010~~of a violent or serious felony~~, unless the applicant has obtained a certificate of rehabilitation and pardon.

The Superintendent or designee shall ensure that all applicants for employment, including applicants for temporary and substitute positions, submit a fingerprint identification card for purposes of the Department of Justice investigation.

No applicant who has been convicted of a violent or serious felony shall be employed or retained in employment by the district, unless that individual has obtained a certificate of rehabilitation and pardon.

No applicant who has been convicted of any "sex offense" as defined in section 44010 of the California Education Code shall be employed or retained in employment by the district.

No applicant who has been convicted of any "controlled substance offense" as defined in section 44011 of the California Education Code shall be employed or retained in employment by the district.

Notwithstanding subdivision (b), the governing board of a school district may employ a person convicted of a controlled substance offense in a position requiring certification qualifications if that person holds an appropriate credential issued by the Commission on Teacher Credentialing.

Non-Employee and Contractor Criminal Record Check

All individuals, except parent and guardian volunteers, including individuals contracted with for services, employed by other entities or organizations, or volunteering on campuses must have a criminal record

check on file with the district prior to being cleared to work or volunteer in the district. The Superintendent or designee shall verify the criminal record check and maintain it on file.

Redlands Unified School District
Administrative Regulation 4119.12 - Sex Based Discrimination

The District has adopted these grievance procedures that provide for the prompt and equitable resolution of complaints that employees 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 governed by Title IX of the Education Amendments of 1972 alleging that a district employee, while in an education program or activity in which the District or a District school exercises substantial control over the context and respondent, was subjected to one or more of the following forms of sex-based discrimination: sex-based harassment, sexual harassment by a non-student, disparate treatment based on sex, discrimination based on parent, family, or marital status, pregnancy or related conditions, or retaliation prohibited by Title IX. ~~34 C.F.R. §106.2, §106.8, §106.31, §106.44, §106.45, §106.57) (34 CFR 106.30, 106.44)~~

- ~~1. A district employee conditioning the provision of a district aid, benefit, or service on a person'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 person 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~~

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)

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; or

4.

3. *Specific offenses*, such as sexual assault, dating violence, domestic violence, and stalking. (34 C.F.R. §106.2)

Discrimination based on parental, family, or marital status; pregnancy or related conditions means that the District must not adopt or implement any policy, practice, or procedure or take any employment action that discriminates on these bases.

This policy shall not be used to resolve complaints of sex-based discrimination including sexual harassment brought by, on behalf of, or against students.

All complaints of sex-based discrimination brought by, on behalf of, or against students, including discrimination based on pregnancy or related conditions, ~~sexual harassment~~ sex-based harassment, disparate treatment based on sex, and retaliation under Title IX set forth at 34 C.F.R. §106.2 and §106.10, brought by, on behalf of, or against students that meet the definition of “sexual harassment” set forth in 34 C.F.R. § 106.1030 shall be investigated and resolved under BP/AR 5145.71.

~~All complaints of sex-based harassment brought by, on behalf of, or against students that do not meet the definition of “sex-based harassment” set forth in 34 C.F.R. § 106.10 shall be investigated and resolved under BP/AR 1312.3.~~

(cf. 4119.11/4219.11/4319.11 — Sexual Harassment)

Complaints from District employees against a non-student alleging sex-based discrimination, including sexual harassment, that are not subject to Title IX. All other sexual harassment complaints or allegations shall be investigated and resolved in accordance with the grievance procedures set forth in AR 4030 — Nondiscrimination in Employment. The determination of whether the allegations meet the definition of sex-based ~~sexual harassment~~ discrimination, including sex-based harassment under Title IX shall be made by the district’s Title IX Coordinator.

(cf. 4030 — Nondiscrimination in Employment)

Because the employee complainant has a right to pursue a complaint under AR 4030 for any allegation that is dismissed or denied under the Title IX complaint procedure, the Title IX Coordinator shall ensure that all requirements and timelines for AR 4030 are concurrently met while implementing the Title IX procedure.

Notwithstanding the above, neither this Administrative Regulation nor BP/AR 4030 shall, under any circumstances, be used to resolve complaints brought by, on behalf of, or against students. All complaints brought by, on behalf of, or against students that allege “sexual harassment” as that term is defined in the federal regulations implementing Title IX of the Education Amendments of 1972 (see 34 C.F.R. § 106, et seq.) shall be investigated and resolved under BP/AR 5145.71. All complaints brought by, on behalf of, or against students that do not meet the definition of “sexual harassment” as that term is defined in the Title IX implementing regulations shall be investigated and resolved under BP/AR 1312.3.

Reporting Sex-Based Discrimination – Title IX Allegations/Filing a Formal Title IX Complaint

An employee who is the alleged victim of sexual harassment-based discrimination, including sex-based harassment, may make an oral or written request submit a report of sexual harassment to the District's Title IX Coordinator using the contact information listed in AR

4119.11/4219.11/4319.11– Sexual Harassment or to the employee's direct supervisor or other district administrator, who shall forward the report to the Title IX Coordinator within one day of receiving the report. (34 C.F.R. §106.2)

Upon receiving such a report, the Title IX Coordinator shall inform the complainant of the right to file a formal complaint and the process for filing a formal complaint.

The District's Title IX Coordinator is:

Mark BlineDr. Rudy Wilson

Director III, Title IX & ComplianceAssistant Superintendent of Compliance

Redlands Unified School District

20 W. Lugonia Avenue

Redlands, CA 92374

(909) 307-5300 ext. 20214

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Upon receiving notice of conduct that reasonably may constitute sex discrimination under Title IX, such a report, the Title IX Coordinator shall: inform the complainant of these grievance procedures, 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, and the process for filing a formal complaint, and the informal resolution process if appropriate. (34 C.F.R. §106.44(f), §106.45(b)(1))

A formal 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, with the complainant's physical or digital signature, may be filed with the Title IX Coordinator in person, by mail, by email, or by any other method authorized by the District. (34 CFR 106.30)

Even if the alleged victim chooses not to file a formal complaint, the Title IX Coordinator may ~~shall~~ 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 ~~a safety threat exists.~~ (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 ~~District's~~ obligation to respond promptly and effectively to knowledge of sex-based discrimination ~~harassment.~~ (34 C.F.R. §106.44(a)(1)) ~~not be deliberately indifferent to known allegations of sexual harassment.~~ In such cases, the Title IX Coordinator shall provide the alleged victim with notices as required by the Title IX regulations at specific points in the complaint process.

The Superintendent shall serve as the decision-maker for all Title IX complaints (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 a student of the District is alleged to be the victim of sexual harassment, assault, or abuse.

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. in accordance with (34 C.F.R. §-106.8(d))45. (34 CFR 106.45)

District's Commitment Under Title IX:

The District will continue to fulfill its obligations under Title IX by responding to reports and formal complaints of sexual harassment in compliance with Title IX regulations.

During the pendency of any other entity's inquiry or investigation of alleged sexual harassment by a District employee, the District will:

- Offer and provide supportive measures for students who allegedly experienced sexual harassment.
- Take necessary actions to ensure student safety, including identifying and protecting other students possibly harmed by the employee's alleged harassment.

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.

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 conclusions about whether the employee engaged in sexual harassment and if it 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.

The Superintendent shall serve as the decision-maker for all Title IX complaints (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 a student of the District is alleged to be the victim of sexual harassment, assault, or abuse.

Supportive Measures

Upon receiving notice of conduct that reasonably may constitute sex discrimination, receipt of a report of Title IX sexual harassment, 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 nondisciplinary, nonpunitive, and not unreasonably burden the other party, including measures designed to protect the safety of all parties or the District's educational environment or to deter sex-based harassment. Supportive measures may include, but are not limited to, counseling, extensions of deadlines, modifications of work schedules, mutual restrictions on contact, changes in work locations, leaves of absence, increased security, and monitoring of certain areas of the campus. (34 C.F.R. §106.30, 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 C.F.R. §106.44(f)(g)(30))

Emergency Removal

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

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.~~

~~If the respondent is a student, the district may, on an emergency basis, remove the student from the district's education program or activity, provided that the district conducts an individualized safety and risk analysis, determines that removal is justified due to an immediate threat to the physical health or safety of any student or other individual arising from the allegations, and provides the student 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)~~

Dismissal of Complaint

~~The Title IX Coordinator shall dismiss a formal complaint if the alleged conduct would not constitute sexual harassment as defined in 34 CFR 106.30 even if proved. The Title IX~~

Coordinator shall also dismiss any complaint in which the alleged conduct did not occur in the district's education program or activity or did not occur against a person in the United States, and may dismiss a formal complaint if the complainant notifies the district in writing that the complainant would like to withdraw the complaint or any allegations in the complaint, the respondent is no longer employed by the district, or sufficient circumstances prevent the district from gathering evidence sufficient to reach a determination with regard to the complaint. (34 CFR 106.45)

Upon dismissal, the Title IX Coordinator shall promptly send written notice of the dismissal and the reasons for the dismissal simultaneously to the parties and shall inform them of their right to appeal the dismissal of a formal complaint or any allegation in the complaint in accordance with the appeal procedures described in the section "Appeals" below. (34 CFR 106.45)

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 t

When a complaint is dismissed, the District will, at a minimum:

Offer supportive measures to the complainant as appropriate;

If the respondent has been notified of the allegations, offer supportive measures to the respondent as appropriate; and

Take other prompt and effective steps, as appropriate, through the Title IX Coordinator 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 AR 4030--
Nondiscrimination in Employment as applicable.

Administrative Leave and Emergency Removal

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

The District may remove the 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 that 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. (34 C.F.R. 106.44(h))

Informal Resolution Process

When a formal complaint of sex-based discrimination including sex-based dual ~~ual~~ harassment is filed, the ~~D~~istrict may offer an informal resolution process, such as mediation, at any time prior to reaching a determination regarding responsibility. The ~~D~~istrict 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 C.F.R. 106.44~~(f)(k)~~~~5~~)

The district may facilitate an informal resolution process provided that the ~~D~~istrict:
(34 CFR 106.44~~(k)~~)

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, and any consequences resulting from participating in the informal resolution process, including that records will be maintained or could be shared.
2. Obtains the parties' voluntary, written consent to the informal resolution process

Formal Complaints

- ~~1. The district's complaint process, including any informal resolution process~~
- ~~2. The allegations potentially constituting sexual harassment with sufficient details known at the time, including the identity of parties involved in the incident if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident if known. 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 shall provide notice of the additional allegations to the parties.

3. ~~A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the complaint process~~

4. ~~The opportunity for the parties to have an advisor of their choice who may be, but is not required to be, an attorney, and the ability to inspect and review evidence~~

5. ~~The prohibition against knowingly making false statements or knowingly submitting false information during the complaint process~~

~~The above notice shall also include the name of the investigator, facilitator of an informal process, and decision-maker 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.~~

Investigation Procedures

During the investigation process, the ~~district's designated investigator~~ Title IX Coordinator shall treat the complainant and respondent equitably. 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. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence;
2. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence;
3. Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney;
4. Not limit the choice or presence of an advisor for either the complainant or respondent in any meeting or grievance proceeding, although the District may establish restrictions regarding the extent to which the advisor may participate in the proceedings as long as the restrictions apply equally to both parties;
5. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all investigative interviews or other meetings, with sufficient time for the party to prepare to participate;
6. Send in an electronic format or hard copy to both parties and their advisors, if any, the relevant and not otherwise impermissible evidence obtained as part of the investigation that is directly related to the allegations raised in the complaint, and provide the parties at least 10 days to submit a written response for the investigator to consider prior to the completion of the investigative report;
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. Create an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to the determination of responsibility, send to the parties and their advisors, if any, the investigative report in an electronic format or a hard copy, for their review and written response;

9. Provide that the District may delay initiating an investigation by no longer than 30 days in the event of a parallel investigation by a third party, provided that the District notifies the complainant of its intention to delay initiating its investigation and the complainant agrees:

10. Specify that, in the event of a parallel investigation by a third party, the District shall not delay notice of complaint filing options or the immediate provision of interim and/or supportive measures to the complainant or alleged victim, or respondent as appropriate:

11. Require the Title IX Coordinator to, in the event of a parallel investigation by a third party, make and document in the Centralized System weekly inquiries with the relevant agency as to whether the third party's investigation has concluded:

12. Provide that a third party (including law enforcement or child protective services) entity's determination does not excuse the District from any of its independent obligations under Title IX:

13. Require the recusal and substitution of the Title IX Decision-Maker, investigator, and any other participant from any investigation in which they have, or would be perceived by a reasonable observer as having, a conflict of interest:

14) Provide that the Superintendent shall serve as the adjudicator of appeals for matters in which the Assistant Superintendent of Compliance is the decision-maker, and the Board shall serve as the adjudicator of appeals for matters in which the Superintendent is the decision-maker; and

~~15. Require the Title IX Coordinator, in the event of a complaint involving a student with a disability, to 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.~~

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.

~~Written Decision~~ Written Notification of Determination Whether Sex Discrimination Occurred

The Superintendent ~~or his designee~~ shall ~~serve designate an employee~~ as the decision-maker to determine responsibility for the alleged conduct, who shall not be the Title IX Coordinator or a person involved in the investigation of the matter. ~~(34 CFR 106.45)~~

After the investigative report has been sent to the parties but before reaching a determination regarding responsibility, the decision-maker shall afford each party the opportunity to submit written, relevant questions that the party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party.

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. (34 CFR 106.45)

In making this determination, the decision-maker shall use the "preponderance of the evidence" standard for all formal complaints of sex-based discrimination ~~and harassment~~. (34 CFR 106.45)

The written decision shall include the following: (34 C.F.R. § 106.45(h)(2))

1. Identification of the allegations potentially constituting sex-based discrimination ~~and harassment~~ as defined in 34 C.F.R. § 106.230 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, and 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;
6. The District's procedures and permissible bases for the complainant and respondent to appeal.

Appeals

Either party may appeal the District's decision or dismissal of a formal complaint or any allegation in the complaint, ~~if the party believes that a procedural irregularity affected the outcome, new evidence is available that could affect the outcome, or a conflict of interest or bias by the Title IX Coordinator, investigator(s), or decision-maker(s) affected the outcome.~~ Dismissals 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(i))

~~1. — Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties~~

~~2. — Ensure that the decision-maker(s) for the appeal is trained in accordance with 34 CFR 106.45 and is not the same decision-maker(s) who reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator~~

~~3. — Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome~~

~~4. — Issue a written decision describing the result of the appeal and the rationale for the result~~

~~5. — Provide the written decision simultaneously to both parties~~

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.

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.

Remedies

When a determination of responsibility for sex ~~-based discrimination~~ ual harassment has been made

against the respondent, the ~~D~~istrict shall provide remedies to the complainant. Such remedies may include the same individualized services described above in the ~~section~~section "Supportive Measures~~Measures~~," but need not be nondisciplinary or nonpunitive and need not avoid burdening the respondent. (34 C.F.R. §106.45)

Disciplinary Actions

The ~~D~~istrict 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)

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

(cf. 4117.7/43~~17.7~~ - Employment Status Report)
(cf. ~~4118~~ - Dismissal/Suspension/Disciplinary Action)
(cf. 4119.11/4219.11/43~~19.11~~ - Sexual Harassment)
(cf. ~~4218~~ - Dismissal/Suspension/Disciplinary Action)

Title IX Complaints and Law Enforcement or Child Protective Services reports

- ~~• Offer and provide supportive measures for students who allegedly experienced sexual harassment.~~
- ~~• Take necessary actions to ensure student safety, including identifying and protecting other students possibly harmed by the alleged harassment.~~

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.

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-employee~~ 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.

Record-Keeping

The Superintendent or designee shall maintain, for a period of seven years: (34 C.F.R. 106.~~8(f)(1)~~45)

1. A record of all reported ~~complaints~~ ~~ases and Title IX investigations~~ of sex ~~discrimination~~ ~~ual harassment~~, 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 sexual harassment discrimination, including the District's basis for its conclusion that its response was prompt and equitable not deliberately indifferent, 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. The District shall make such training materials publicly available on its web site, or if the district does not maintain a web site, available upon request by members of the public.

(cf. 1113 - District and School Web Sites)
(cf. 3580 - District Records)

~~The Title IX Coordinator(s) may be contacted at:~~

~~Director III, Title IX & Compliance
Mark Bline
Redlands Unified School District
20 W. Lugonia Avenue
Redlands, CA 92374
(909) 307-5300 ext. 20214
Mark.Bline@redlands.k12.ca.us~~

Board Policy Manual
Redlands Unified School District
Policy 4219.11: Sex Discrimination and Sex-Based Harassment

The Governing Board is committed to providing a safe work environment that is free of harassment and intimidation. The Board prohibits sexual harassment against district employees by anyone, in any manner, and prohibits retaliatory action or behavior against any persons who complains, testifies, or otherwise participates in the complaint process established pursuant to this policy and accompanying administrative regulation. This policy shall apply to all district employees, interns, volunteers, contractors, job applicants, and other persons with an employment relationship with the district.

(cf. 0410 - Nondiscrimination in District Programs and Activities) (cf. 4030 - Nondiscrimination in Employment)

Sexual harassment includes, but is not limited to, harassment that is based on the sex, gender, gender identity, gender expression, or sexual orientation of the victim and harassment based on pregnancy, childbirth, or related medical conditions.

The Superintendent or designee shall take all actions necessary to ensure the prevention, investigation, and correction of sexual harassment, including but not limited to:

1. Providing training to all staff in accordance with law and administrative regulation.
2. Publicizing and disseminating the district's sexual harassment policy to staff.
3. Ensuring prompt, thorough, equitable, and fair investigation of complaints
4. Taking timely and appropriate corrective/remedial actions which may require interim separation of the complainant and the alleged harasser and subsequent monitoring of developments.

The Superintendent or designee 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 the harassment policy, complaint procedures, or training.

Sexual Harassment Reports and Complaints

Any district employee who feels that he/she has been sexually harassed in the performance of their district responsibilities or who has knowledge of any incident of sexual harassment by or against another employee shall immediately report the incident to his/her supervisor, the principal, other district administrator, or the district's Title IX Coordinator. However, an employee may bypass his/her supervisor in filing a complaint if the supervisor is the subject of the complaint. A supervisor, principal, or district administrator who receives a harassment complaint shall promptly notify the Title IX Coordinator.

Once notified, the Title IX Coordinator shall ensure the complaint or allegation is addressed through AR 4119.12/4219.12/4319.12 – Title IX Sexual Harassment Complaint Procedures or AR 4030- Nondiscrimination in Employment, as applicable. Because a complaint or allegation that is dismissed or denied under the Title IX complaint procedure may still be subject to consideration under state law, the

Title IX Coordinator shall ensure that any implementation of AR 4119.12/4219.12/4319.12 concurrently meets the requirements of AR 4030.

Notwithstanding the above, BP/AR 4119.12/4219.12/4319.12 and 4030 shall under no circumstances be used to resolve complaints brought by, on behalf of, or against students. All complaints brought by, on behalf of, or against students that allege "sexual harassment" as that term is defined in the federal regulations implementing Title IX of the Education Amendments of 1972 (see 34 C.F.R. § 106, et seq.) shall be investigated and resolved under BP/AR 5145.71. All complaints brought by, on behalf of, or against students that do not allege meet the definition of "sexual harassment" as that term is defined set forth in the Title IX implementing regulations shall be investigated and resolved under BP/AR 1312.3.

(cf. 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaints)

The Title IX Coordinator shall offer supportive measures to the complainant and respondent, as deemed appropriate under the circumstances.

Upon investigation of a sexual harassment complaint, any district employee who engages, or participates in sexual harassment, or who aids, abets, incites, compels, or coerces another to commit sexual harassment in violation of this policy is subject to disciplinary action, up to and including dismissal, in accordance with law and the applicable collective bargaining agreement.

(cf. 4117.7/4317.7 - Employment Status Reports) (cf. 4118 - Dismissal/Suspension/Disciplinary Action)
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

Redlands Unified School District
Administrative Regulation 4219.12 - Sex Based Discrimination

The District has adopted these grievance procedures that provide for the prompt and equitable resolution of complaints that employees 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 governed by Title IX of the Education Amendments of 1972 alleging that a district employee, while in an education program or activity in which the District or a District school exercises substantial control over the context and respondent, was subjected to one or more of the following forms of sex-based discrimination: sex-based harassment, sexual harassment by a non-student, disparate treatment based on sex, discrimination based on parent, family, or marital status, pregnancy or related conditions, or retaliation prohibited by Title IX. ~~=(34 C.F.R. §106.2, §106.8, §106.31, §106.44, §106.45, §106.57) (34 CFR 106.30, 106.44)~~

- ~~1. — A district employee conditioning the provision of a district aid, benefit, or service on a person'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 person 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~~

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)

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; or

4.—

3. Specific offenses, such as sexual assault, dating violence, domestic violence, and stalking. (34 C.F.R. §106.2)

Discrimination based on parental, family, or marital status; pregnancy or related conditions means that the District must not adopt or implement any policy, practice, or procedure or take any employment action that discriminates on these bases.

This policy shall not be used to resolve complaints of sex-based discrimination including sexual harassment brought by, on behalf of, or against students. —

All complaints of sex-based discrimination brought by, on behalf of, or against students, including discrimination based on pregnancy or related conditions, ~~ual harassment~~ sex-based harassment, disparate treatment based on sex, and retaliation under Title IX set forth at 34 C.F.R. §106.2 and §106.10, brought by, on behalf of, or against students that meet the definition of “sexual harassment” set forth in 34 C.F.R. § 106.1030 shall be investigated and resolved under BP/AR 5145.71.

All complaints of sex-based harassment brought by, on behalf of, or against students that do not meet the definition of “sex-based harassment” set forth in 34 C.F.R. § 106.10 shall be investigated and resolved under BP/AR 1312.3.

(cf. 4119.11/4219.11/4319.11 — Sexual Harassment)

Complaints from District employees against a non-student alleging sex-based discrimination, including sexual harassment, that are not subject to Title IX. All other sexual harassment complaints or allegations shall be investigated and resolved in accordance with the grievance procedures set for in AR 4030 — Nondiscrimination in Employment. The determination of whether ~~an~~the allegations meets the definition of sex-based ~~ual~~ discrimination, including sex-based harassment under Title IX shall be made by the district’s Title IX Coordinator.

(cf. 4030 — Nondiscrimination in Employment)

Because the employee complainant has a right to pursue a complaint under AR 4030 for any allegation that is dismissed or denied under the Title IX complaint procedure, the Title IX Coordinator shall ensure that all requirements and timelines for AR 4030 are concurrently met while implementing the Title IX procedure.

Notwithstanding the above, neither this Administrative Regulation nor BP/AR 4030 shall, under any circumstances, be used to resolve complaints brought by, on behalf of, or against students. All complaints brought by, on behalf of, or against students that allege “sexual harassment” as that term is defined in the federal regulations implementing Title IX of the Education Amendments of 1972 (see 34 C.F.R. § 106, et seq.) shall be investigated and resolved under BP/AR 5145.71. All complaints brought by, on behalf of, or against students that do not meet the definition of “sexual harassment” as that term is defined in the Title IX implementing regulations shall be investigated and resolved under BP/AR 1312.3.

Reporting Sex-Based Discrimination – Title IX Allegations/Filing a Formal Title IX Complaint

An employee who is the alleged victim of sexual harassment-based discrimination, including sex-based harassment, may make an oral or written request submit a report of sexual harassment to the District's Title IX Coordinator using the contact information listed in AR 4119.11/4219.11/4319.11 – Sexual Harassment or to the employee's direct supervisor or other district administrator, who shall forward the report to the Title IX Coordinator within one day of receiving the report. (34 C.F.R. §106.2)

~~Upon receiving such a report, the Title IX Coordinator shall inform the complainant of the right to file a formal complaint and the process for filing a formal complaint.~~

The District's Title IX Coordinator is:

Mark Bline~~Dr. Rudy Wilson~~

Director III, Title IX & Compliance~~Assistant Superintendent of Compliance~~

Redlands Unified School District

20 W. Lugonia Avenue

Redlands, CA 92374

(909) 307-5300 ext. 20214

Mark Bline@compliance@redlands.k12.ca.us

Upon receiving notice of conduct that reasonably may constitute sex discrimination under Title IX, such a report, the Title IX Coordinator shall: ~~inform the complainant of these grievance procedures, 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, and the process for filing a formal complaint, and the informal resolution process if appropriate.~~ (34 C.F.R. §106.44(f), §106.45(b)(1))

A ~~formal~~ 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, with the complainant's physical or digital signature, may be filed with the Title IX Coordinator in person, by mail, by email, or by any other method authorized by the District.~~ (34 CFR 106.30)

Even if the alleged victim chooses not to file a formal complaint, the Title IX Coordinator ~~may~~ shall 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~~ a safety threat exists. (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/harassment. (34 C.F.R. §106.44(a)(1)) ~~not be deliberately indifferent to known allegations of sexual harassment.~~ In such cases, the Title IX Coordinator shall provide the alleged victim with notices as required by the Title IX regulations at specific points in the complaint process.

The Superintendent shall serve as the decision-maker for all Title IX complaints (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 a student of the District is alleged to be the victim of sexual harassment, assault, or abuse.

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, in accordance with (34 C.F.R. §-106.8(d))45. (34 CFR 106.45)

District's Commitment Under Title IX:

The District will continue to fulfill its obligations under Title IX by responding to reports and formal complaints of sexual harassment in compliance with Title IX regulations.

During the pendency of any other entity's inquiry or investigation of alleged sexual harassment by a District employee, the District will:

- Offer and provide supportive measures for students who allegedly experienced sexual harassment.
- Take necessary actions to ensure student safety, including identifying and protecting other students possibly harmed by the employee's alleged harassment.

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.

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 conclusions about whether the employee engaged in sexual harassment and if it 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.

The Superintendent shall serve as the decision-maker for all Title IX complaints (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 a student of the District is alleged to be the victim of sexual harassment, assault, or abuse.

Supportive Measures

Upon receiving notice of conduct that reasonably may constitute sex discrimination, receipt of a report of Title IX sexual harassment, 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 nondisciplinary, nonpunitive, and not unreasonably burden the other party, including measures designed to protect the safety of all parties or the District's educational environment or to deter sex-based harassment. Supportive measures may include, but are not limited to, counseling, extensions of deadlines, modifications of work schedules, mutual restrictions on contact, changes in work locations, leaves of absence, increased security, and monitoring of certain areas of the campus. (34 C.F.R. §106.30, 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 C.F.R. §106.44(f)(g)(30))

Emergency Removal

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

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. (106.45)(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.

~~If the respondent is a student, the district may, on an emergency basis, remove the student from the district's education program or activity, provided that the district conducts an individualized safety and risk analysis, determines that removal is justified due to an immediate threat to the physical health or safety of any student or other individual arising from the allegations, and provides the student 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)~~

Dismissal of Complaint

~~The Title IX Coordinator shall dismiss a formal complaint if the alleged conduct would not constitute sexual harassment as defined in 34 CFR 106.30 even if proved. The Title IX~~

~~Coordinator shall also dismiss any complaint in which the alleged conduct did not occur in the district's education program or activity or did not occur against a person in the United States, and may dismiss a formal complaint if the complainant notifies the district in writing that the complainant would like to withdraw the complaint or any allegations in the complaint, the respondent is no longer employed by the district, or sufficient circumstances prevent the district from gathering evidence sufficient to reach a determination with regard to the complaint. (34 CFR 106.45)~~

~~Upon dismissal, the Title IX Coordinator shall promptly send written notice of the dismissal and the reasons for the dismissal simultaneously to the parties and shall inform them of their right to appeal the dismissal of a formal complaint or any allegation in the complaint in accordance with the appeal procedures described in the section "Appeals" below. (34 CFR 106.45)~~

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 t

When a complaint is dismissed, the District will, at a minimum:

Offer supportive measures to the complainant as appropriate;

If the respondent has been notified of the allegations, offer supportive measures to the respondent as appropriate; and

Take other prompt and effective steps, as appropriate, through the Title IX Coordinator 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 AR 4030—
Nondiscrimination in Employment as applicable.

Administrative Leave and Emergency Removal

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

The District may remove the 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 that 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. (34 C.F.R. 106.44(h))

Informal Resolution Process

When a formal complaint of ~~sex-based discrimination including sex-based~~ ~~sexual~~ harassment is filed, the ~~D~~istrict may offer an informal resolution process, such as mediation, at any time prior to reaching a determination regarding responsibility. The ~~D~~istrict 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 C.F.R. 106.44(~~fk~~)~~5~~)

The district may facilitate an informal resolution process provided that the ~~D~~istrict:
(~~34 CFR 106.44(k)~~)

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, and any consequences resulting from participating in the informal resolution process, including that records will be maintained or could be shared.
2. Obtains the parties' voluntary, written consent to the informal resolution process

Formal Complaints

~~1. — The district's complaint process, including any informal resolution process~~

~~2. — The allegations potentially constituting sexual harassment with sufficient details known at the time, including the identity of parties involved in the incident if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident if known. 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 shall provide notice of the additional allegations to the parties.

3. ~~_____ A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the complaint process~~

4. ~~_____ The opportunity for the parties to have an advisor of their choice who may be, but is not required to be, an attorney, and the ability to inspect and review evidence~~

5. ~~_____ The prohibition against knowingly making false statements or knowingly submitting false information during the complaint process~~

~~The above notice shall also include the name of the investigator, facilitator of an informal process, and decision maker 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.~~

Investigation Procedures

During the investigation process, the ~~district's designated investigator~~ Title IX Coordinator shall treat the complainant and respondent equitably. 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. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence;
2. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence;
3. Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney;
4. Not limit the choice or presence of an advisor for either the complainant or respondent in any meeting or grievance proceeding, although the District may establish restrictions regarding the extent to which the advisor may participate in the proceedings as long as the restrictions apply equally to both parties;
5. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all investigative interviews or other meetings, with sufficient time for the party to prepare to participate;
6. Send in an electronic format or hard copy to both parties and their advisors, if any, the relevant and not otherwise impermissible evidence obtained as part of the investigation that is directly related to the allegations raised in the complaint, and provide the parties at least 10 days to submit a written response for the investigator to consider prior to the completion of the investigative report;
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. Create an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to the determination of responsibility, send to the parties and their advisors, if any, the investigative report in an electronic format or a hard copy, for their review and written response;

9. Provide that the District may delay initiating an investigation by no longer than 30 days in the event of a parallel investigation by a third party, provided that the District notifies the complainant of its intention to delay initiating its investigation and the complainant agrees;

10. Specify that, in the event of a parallel investigation by a third party, the District shall not delay notice of complaint filing options or the immediate provision of interim and/or supportive measures to the complainant or alleged victim, or respondent as appropriate;

11. Require the Title IX Coordinator to, in the event of a parallel investigation by a third party, make and document in the Centralized System weekly inquiries with the relevant agency as to whether the third party's investigation has concluded;

12. Provide that a third party (including law enforcement or child protective services) entity's determination does not excuse the District from any of its independent obligations under Title IX;

13. Require the recusal and substitution of the Title IX Decision-Maker, investigator, and any other participant from any investigation in which they have, or would be perceived by a reasonable observer as having, a conflict of interest;

14) Provide that the Superintendent shall serve as the adjudicator of appeals for matters in which the Assistant Superintendent of Compliance is the decision-maker, and the Board shall serve as the adjudicator of appeals for matters in which the Superintendent is the decision-maker; and

15. ~~Require the Title IX Coordinator, in the event of a complaint involving a student with a disability, to 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.~~

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.

Written Decision Written Notification of Determination Whether Sex Discrimination Occurred

The Superintendent ~~or his designee~~ shall ~~serve designate an employee~~ as the decision-maker to determine responsibility for the alleged conduct, who shall not be the Title IX Coordinator or a person involved in the investigation of the matter. ~~(34 CFR 106.45)~~

After the investigative report has been sent to the parties but before reaching a determination regarding responsibility, the decision-maker shall afford each party the opportunity to submit written, relevant questions that the party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party.

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. (34 CFR 106.45)

In making this determination, the decision-maker shall use the "preponderance of the evidence" standard for all formal complaints of sex-based discrimination ~~and harassment~~. (34 CFR 106.45)

The written decision shall include the following: (34 C.F.R. § 106.45(h)(2))

1. Identification of the allegations potentially constituting sex-based discrimination ~~and harassment~~ as defined in 34 C.F.R. § 106.230 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, and 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;
6. The District's procedures and permissible bases for the complainant and respondent to appeal.

Appeals

Either party may appeal the District's decision or dismissal of a formal complaint or any allegation in the complaint, ~~if the party believes that a procedural irregularity affected the outcome, new evidence is available that could affect the outcome, or a conflict of interest or bias by the Title IX Coordinator, investigator(s), or decision-maker(s) affected the outcome.~~ Dismissals 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(i))

~~1. Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties~~

~~2. Ensure that the decision-maker(s) for the appeal is trained in accordance with 34 CFR 106.45 and is not the same decision-maker(s) who reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator~~

~~3. Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome~~

~~4. Issue a written decision describing the result of the appeal and the rationale for the result~~

~~5. Provide the written decision simultaneously to both parties~~

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.

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.

Remedies

When a determination of responsibility for sex-based discrimination~~ual harassment~~ has been made

against the respondent, the ~~D~~istrict shall provide remedies to the complainant. Such remedies may include the same individualized services described above in the ~~section~~section "Supportive Measures~~Measures~~," but need not be nondisciplinary or nonpunitive and need not avoid burdening the respondent. (34 C.F.R. §106.45)

Disciplinary Actions

The ~~D~~istrict 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)

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

(cf. 4117.7/43-17.7 - Employment Status Report)
(cf. ~~4118~~ - Dismissal/Suspension/Disciplinary Action)
(cf. 4119.11/4219.11/43-9.11 - Sexual Harassment)
(cf. ~~4218~~ - Dismissal/Suspension/Disciplinary Action)

Title IX Complaints and Law Enforcement or Child Protective Services reports

- ~~• Offer and provide supportive measures for students who allegedly experienced sexual harassment.~~
- ~~• Take necessary actions to ensure student safety, including identifying and protecting other students possibly harmed by the alleged harassment.~~

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.

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-employee 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.

Record-Keeping

The Superintendent or designee shall maintain, for a period of seven years: (34 C.F.R. 106.8(f)(1)~~45~~)

1. A record of all reported ~~complaints~~ ~~ases and Title IX investigations~~ of sex discrimination~~ual harassment~~, 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 sexual harassment discrimination, including the District's basis for its conclusion that its response was prompt and equitable not deliberately indifferent, 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. The District shall make such training materials publicly available on its web site, or if the district does not maintain a web site, available upon request by members of the public.

(cf. 1113 - District and School Web Sites)

(cf. 3580 - District Records)

The Title IX Coordinator(s) may be contacted at:

Director III, Title IX & Compliance

Mark Bline

Redlands Unified School District

20 W. Lugonia Avenue

Redlands, CA 92374

(909) 307-5300 ext. 20214

Mark.Bline@redlands.k12.ca.us

Redlands Unified School District
Administrative Regulation 4312.5 – Criminal Record Check

The Superintendent shall designate an employee as record custodian of all confidential fingerprint and criminal record history who shall be responsible for the administration of the information. Any questions regarding Criminal Offender Record Information shall be resolved by the record custodian.

Criminal Offender Record Information shall be accessible only to the record custodian and others as designated by him/her and shall be kept in a locked location. These records shall be used only for the purpose for which requested and shall not be reproduced for dissemination.

The record custodian, and any other individuals with access to the information, shall be fingerprinted and processed through the California Department of Justice. These employees shall be fingerprinted and processed through the California Department of Justice. These employees shall sign an Employee Statement Form, acknowledging an understanding of the laws regarding Criminal Offender Record Information.

Violation of this administrative regulation may result in suspension, dismissal and/or criminal or civil prosecution.

Criminal Record Check

Before issuing a temporary certificate of clearance to an applicant whose credential is being processed, the Superintendent or designee shall obtain a criminal record summary from the Department of Justice. The Superintendent or designee shall not issue a temporary certificate of clearance if the applicant has been convicted of a violent or serious felony as defined in Penal Code 667.5(c) or 1192.7(c), a controlled substance offense as defined in Education Code 44011, or a sex offense as defined in Education Code 44010 ~~of a violent or serious felony~~, unless the applicant has obtained a certificate of rehabilitation and pardon.

The Superintendent or designee shall ensure that all applicants for employment, including applicants for temporary and substitute positions, submit a fingerprint identification card for purposes of the Department of Justice investigation.

No applicant who has been convicted of a violent or serious felony shall be employed or retained in employment by the district, unless that individual has obtained a certificate of rehabilitation and pardon.

No applicant who has been convicted of any "sex offense" as defined in section 44010 of the California Education Code shall be employed or retained in employment by the district.

No applicant who has been convicted of any "controlled substance offense" as defined in section 44011 of the California Education Code shall be employed or retained in employment by the district.

Notwithstanding subdivision (b), the governing board of a school district may employ a person convicted of a controlled substance offense in a position requiring certification qualifications if that person holds an appropriate credential issued by the Commission on Teacher Credentialing.

Non-Employee and Contractor Criminal Record Check

All individuals, except parent and guardian volunteers, including individuals contracted with for services, employed by other entities or organizations, or volunteering on campuses must have a criminal record check on file with the district prior to being cleared to work or volunteer in the district. The Superintendent or designee shall verify the criminal record check and maintain it on file.

Board Policy Manual

Redlands Unified School District Regulation 4319.11: Sexual Discrimination and Sex-Based Harassment

This administrative regulation shall apply to all allegations of sexual harassment involving employees, interns, volunteers, and job applicants, but shall not be used to resolve any complaint **brought by, on behalf of,** or against a student.

Definitions

Sexual harassment includes, but is not limited to, unwelcome sexual advances, unwanted requests for sexual favors, or other unwanted verbal, visual, or physical conduct of a sexual nature, regardless of whether or not 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. 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 district.
4. 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.

(cf. 4030 - Nondiscrimination in Employment)

For purposes of applying the complaint procedures specified in Title IX of the Education Amendments of 1972, sexual harassment is defined as any of the following forms of conduct that occurs in an education program or activity in which a district school exercises substantial control over the context and respondent: (34 CFR 106.30, 106.44)

1. A district employee conditioning the provision of a district aid, benefit, or service on the person's participation in unwelcome sexual conduct
2. Unwelcome conduct determined by a reasonable person to be subjectively and objectively offensive and so severe or pervasive that it effectively denies a person 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 (cf. 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaints)

Examples of Sexual Harassment

Examples of actions that might constitute sexual harassment under state 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 sexual flirtations or propositions; graphic comments about an individual's body; overly personal conversations or pressure for sexual activity; sexual jokes or stories; unwelcome sexual slurs, epithets, threats, innuendoes, derogatory comments, sexually degrading descriptions, or the spreading of sexual rumors.
2. Unwelcome visual conduct such as drawings, pictures, graffiti, or gestures; sexually explicit emails; 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; cornering, blocking, leaning over, or impeding normal movements.

Title IX Coordinator/~~Compliance Officer~~

The district designates the following individual(s) as the responsible employee(s) to coordinate its efforts to comply with Title IX of the Education Amendments of 1972 in accordance with AR 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures, as well as to oversee, investigate, and resolve sexual harassment complaints processed under AR 4030 - Nondiscrimination in Employment. The Title IX Coordinator(s) may be contacted at:

~~Director III, Title IX & Compliance Mark Blinn~~ **Dr. 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

Training

Every two years, the Superintendent 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. All such newly hired or promoted employees to a supervisory position shall receive training within six months of their assumption of the new position. (Government Code 12950.1)

A supervisory employee is any employee having the authority, in the interest of the district, to hire, transfer, suspend, lay off, promote, discharge, assign, reward, or discipline other employees, or the responsibility to direct them, adjust their grievances, or effectively recommend such action, when the exercise of the authority is not of a merely routine or clerical nature, but requires the use of independent judgment. (Government Code 12926)

(cf. 4300 - Administrative and Supervisory Personnel)

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 district'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, the remedies available to sexual harassment victims in civil actions, and potential district and/or individual exposure or liability.
 2. The types of conduct that constitute sexual harassment and practical examples which 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.
 3. A supervisor's obligation to report sexual harassment, discrimination, and retaliation of which he/she becomes aware and what to do if the supervisor himself/herself is personally accused of harassment.
 4. Strategies to prevent harassment in the workplace.
 5. The essential elements of the district's anti-harassment policy, including the limited confidentiality of the complaint process and resources for victims of unlawful sexual harassment, such as to whom they should report any alleged harassment, and how to use the policy if a harassment complaint is filed.
- Employees shall receive a copy of the district's sexual harassment policy and administrative regulation, which they shall read and acknowledge in writing that he/she has received.
6. Steps necessary to take appropriate remedial measures to correct harassing behavior, which includes the district's obligation to conduct an effective workplace investigation of a harassment complaint
 7. What to do if the supervisor is personally accused of harassment
 8. Information, including practical examples, of harassment based on gender identity, gender expression, and sexual orientation
 9. 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

The Superintendent 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, date of the training, the type of training, and the name of the training provider. (2 CCR 11024)

Notifications

The Superintendent or designee shall notify employees that the district does not discriminate on the basis of sex as required by Title IX, that the Title IX nondiscrimination requirement extends to employment, and that inquiries about the application of Title IX to the district may be referred to the district's Title IX Coordinator and/or to the Assistant Secretary for Civil Rights, U.S. Department of Education. (34 CFR 106.8)

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)

The district shall notify employees, bargaining units, and applicants for employment of the name or title, office address, email address, and telephone number of the district's Title IX Coordinator. (34 CFR 106.8)

A copy of the Board policy and this administrative regulation shall:

1. Be displayed in a prominent location in the main administrative building, district office, or other area of the school where notices of district rules, regulations, procedures and standards of conduct are posted. (Education Code 231.5)
2. Be provided to every district employee at the beginning of the first quarter or semester of the school year, or whenever a new employee is hired. (Education Code 231.5)
3. Appear in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures, and standards of conduct. (Education Code 231.5)
4. Be posted, along with the name or title and contact information of the Title IX Coordinator, in a prominent location on the district's web site (34 CFR 106.8)
5. Be included, along with the name or title and contact information of the Title IX Coordinator, in any handbook provided to employees or employee organizations (34 CFR 106.8)

All employees shall receive a copy of an information sheet prepared by the California Department of Fair Employment and Housing (DFEH) or the district that contains, at a minimum, components on:
(Government Code 12950)

1. The illegality of sexual harassment.
2. The definition of sexual harassment under applicable state and federal law.
3. A description of sexual harassment, with examples.
4. The district's complaint process available to the employee.
5. The legal remedies and complaint process available through DFEH and the Equal Employment Opportunity Commission (EEOC).
6. Directions on how to contact DFEH 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 DFEH and the EEOC

In addition, the district shall post, in a prominent and accessible location, the DFEH poster on discrimination in employment and the illegality of sexual harassment and the DFEH poster regarding transgender rights. (Government Code 12950)

Complaint Procedures

All complaints and allegations of sexual harassment by and against employees shall be investigated and resolved in accordance with law and district procedures. The Title IX Coordinator shall review the allegations to determine the applicable procedure for responding to the complaint. All complaints by employees and not against students that meet the definition of sexual harassment under Title IX shall be investigated and resolved in accordance with AR 4119.12/4219.12/4319.12 - Title IX Sexual Harassment

Complaint Procedures. Other sexual harassment complaints by employees and not against students shall be investigated and resolved pursuant to AR 4030 - Nondiscrimination in Employment.

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

Notwithstanding the above, BP/AR 4119.12/4219.12/4319.12 and 4030 shall under no circumstances be used to resolve complaints brought by, on behalf of, or against students, including any such complaints brought against any employee. All complaints brought by, on behalf of, or against students that allege "sexual harassment" as that term is defined in the federal regulations implementing Title IX of the Education Amendments of 1972 (see 34 C.F.R. § 106, et seq.) shall be investigated and resolved under BP/AR 5145.71. All complaints brought by, on behalf of, or against students that do not meet the definition of "sexual harassment" as that term is defined in the Title IX implementing regulations shall be investigated and resolved under BP/AR 1312.3.

Board Policy Manual
Redlands Unified School District
Policy 4319.11: Sex Discrimination and Sex-Based Harassment

The Governing Board is committed to providing a safe work environment that is free of harassment and intimidation. The Board prohibits sexual harassment against district employees by anyone, in any manner, and prohibits retaliatory action or behavior against any persons who complains, testifies, or otherwise participates in the complaint process established pursuant to this policy and accompanying administrative regulation. This policy shall apply to all district employees, interns, volunteers, contractors, job applicants, and other persons with an employment relationship with the district.

(cf. 0410 - Nondiscrimination in District Programs and Activities) (cf. 4030 - Nondiscrimination in Employment)

Sexual harassment includes, but is not limited to, harassment that is based on the sex, gender, gender identity, gender expression, or sexual orientation of the victim and harassment based on pregnancy, childbirth, or related medical conditions.

The Superintendent or designee shall take all actions necessary to ensure the prevention, investigation, and correction of sexual harassment, including but not limited to:

1. Providing training to all staff in accordance with law and administrative regulation.
2. Publicizing and disseminating the district's sexual harassment policy to staff.
3. Ensuring prompt, thorough, equitable, and fair investigation of complaints
4. Taking timely and appropriate corrective/remedial actions which may require interim separation of the complainant and the alleged harasser and subsequent monitoring of developments.

The Superintendent or designee 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 the harassment policy, complaint procedures, or training.

Sexual Harassment Reports and Complaints

Any district employee who feels that he/she has been sexually harassed in the performance of their district responsibilities or who has knowledge of any incident of sexual harassment by or against another employee shall immediately report the incident to his/her supervisor, the principal, other district administrator, or the district's Title IX Coordinator. However, an employee may bypass his/her supervisor in filing a complaint if the supervisor is the subject of the complaint. A supervisor, principal, or district administrator who receives a harassment complaint shall promptly notify the Title IX Coordinator.

Once notified, the Title IX Coordinator shall ensure the complaint or allegation is addressed through AR 4119.12/4219.12/4319.12 – Title IX Sexual Harassment Complaint Procedures or AR 4030- Nondiscrimination in Employment, as applicable. Because a complaint or allegation that is dismissed or denied under the Title IX complaint procedure may still be subject to consideration under state law, the

Title IX Coordinator shall ensure that any implementation of AR 4119.12/4219.12/4319.12 concurrently meets the requirements of AR 4030.

Notwithstanding the above, BP/AR 4119.12/4219.12/4319.12 and 4030 shall under no circumstances be used to resolve complaints brought by, on behalf of, or against students. All complaints brought by, on behalf of, or against students that allege "sexual harassment" as that term is defined in the federal regulations implementing Title IX of the Education Amendments of 1972 (see 34 C.F.R. § 106, et seq.) shall be investigated and resolved under BP/AR 5145.71. All complaints brought by, on behalf of, or against students that do not allege meet the definition of "sexual harassment" as that term is defined set forth in the Title IX implementing regulations shall be investigated and resolved under BP/AR 1312.3.

(cf. 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaints)

The Title IX Coordinator shall offer supportive measures to the complainant and respondent, as deemed appropriate under the circumstances.

Upon investigation of a sexual harassment complaint, any district employee who engages, or participates in sexual harassment, or who aids, abets, incites, compels, or coerces another to commit sexual harassment in violation of this policy is subject to disciplinary action, up to and including dismissal, in accordance with law and the applicable collective bargaining agreement.

(cf. 4117.7/4317.7 - Employment Status Reports) (cf. 4118 - Dismissal/Suspension/Disciplinary Action)
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

Redlands Unified School District
Administrative Regulation 4319.12 - Sex Based Discrimination

The District has adopted these grievance procedures that provide for the prompt and equitable resolution of complaints that employees 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 governed by Title IX of the Education Amendments of 1972 alleging that a district employee, while in an education program or activity in which the District or a District school exercises substantial control over the context and respondent, was subjected to one or more of the following forms of sex-based discrimination: sex-based harassment, sexual harassment by a non-student, disparate treatment based on sex, discrimination based on parent, family, or marital status, pregnancy or related conditions, or retaliation prohibited by Title IX. (34 C.F.R. §106.2, §106.8, §106.31, §106.44, §106.45, §106.57) (34 CFR 106.30, 106.44)

1. A district employee conditioning the provision of a district aid, benefit, or service on a person'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 person 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

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)

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; or

4.—

3. Specific offenses, such as sexual assault, dating violence, domestic violence, and stalking. (34 C.F.R. §106.2)

Discrimination based on parental, family, or marital status; pregnancy or related conditions means that the District must not adopt or implement any policy, practice, or procedure or take any employment action that discriminates on these bases.

This policy shall not be used to resolve complaints of sex-based discrimination ~~including sexual harassment~~ brought by, on behalf of, or against students. :

All complaints of sex-based discrimination brought by, on behalf of, or against students, including discrimination based on pregnancy or related conditions, ~~sexual harassment~~ sex-based harassment, disparate treatment based on sex, and retaliation under Title IX set forth at 34 C.F.R. §106.2 and §106.10, brought by, on behalf of, or against students that meet the definition of “sexual harassment” set forth in 34 C.F.R. § 106.1030 shall be investigated and resolved under BP/AR 5145.71.

~~All complaints of sex-based harassment brought by, on behalf of, or against students that do not meet the definition of “sex-based harassment” set forth in 34 C.F.R. § 106.10 shall be investigated and resolved under BP/AR 1312.3.~~

(cf. 4119.11/4219.11/4319.11 — Sexual Harassment)

Complaints from District employees against a non-student alleging sex-based discrimination; ~~including sexual harassment~~, that are not subject to Title IX. All other sexual harassment complaints or allegations shall be investigated and resolved in accordance with the grievance procedures set for in AR 4030 — Nondiscrimination in Employment. The determination of whether ~~an~~the allegations meets the definition of sex-based ~~sexual harassment~~ discrimination, including sex-based harassment under Title IX shall be made by the district’s Title IX Coordinator.

(cf. 4030 — Nondiscrimination in Employment)

Because the employee complainant has a right to pursue a complaint under AR 4030 for any allegation that is dismissed or denied under the Title IX complaint procedure, the Title IX Coordinator shall ensure that all requirements and timelines for AR 4030 are concurrently met while implementing the Title IX procedure.

Notwithstanding the above, neither this Administrative Regulation nor BP/AR 4030 shall, under any circumstances, be used to resolve complaints brought by, on behalf of, or against students. All complaints brought by, on behalf of, or against students that allege “sexual harassment” as that term is defined in the federal regulations implementing Title IX of the Education Amendments of 1972 (see 34 C.F.R. § 106, et seq.) shall be investigated and resolved under BP/AR 5145.71. All complaints brought by, on behalf of, or against students that do not meet the definition of “sexual harassment” as that term is defined in the Title IX implementing regulations shall be investigated and resolved under BP/AR 1312.3.

Reporting Sex-Based Discrimination – Title IX Allegations/Filing a Formal Title IX Complaint

An employee who is the alleged victim of sexual harassment-based discrimination, including sex-based harassment, may make an oral or written request submit a report of sexual harassment to the District's Title IX Coordinator using the contact information listed in AR 4119.11/4219.11/4319.11 – Sexual Harassment or to the employee's direct supervisor or other district administrator, who shall forward the report to the Title IX Coordinator within one day of receiving the report. (34 C.F.R. §106.2)

~~Upon receiving such a report, the Title IX Coordinator shall inform the complainant of the right to file a formal complaint and the process for filing a formal complaint.~~

The District's Title IX Coordinator is:

Mark Bline~~Dr. Rudy Wilson~~

Director III, Title IX & Compliance~~Assistant Superintendent of Compliance~~

Redlands Unified School District

20 W. Lugonia Avenue

Redlands, CA 92374

(909) 307-5300 ext. 20214

Mark Bline@compliance@redlands.k12.ca.us

~~Upon receiving notice of conduct that reasonably may constitute sex discrimination under Title IX, such a report, the Title IX Coordinator shall:~~ inform the complainant of these grievance procedures, 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, and the process for filing a formal complaint, and the informal resolution process if appropriate. (34 C.F.R. §106.445(f), §106.45(b)(1))

A ~~formal~~ 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, with the complainant's physical or digital signature, may be filed with the Title IX Coordinator in person, by mail, by email, or by any other method authorized by the District.~~ (34 CFR 106.30)

Even if the alleged victim chooses not to file a formal complaint, the Title IX Coordinator ~~may~~ shall 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 ~~a safety threat exists.~~ (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/harassment. (34 C.F.R. §106.44(a)(1)) ~~not be deliberately indifferent to known allegations of sexual harassment.~~ In such cases, the Title IX Coordinator shall provide the alleged victim with notices as required by the Title IX regulations at specific points in the complaint process.

The Superintendent shall serve as the decision-maker for all Title IX complaints (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 a student of the District is alleged to be the victim of sexual harassment, assault, or abuse.

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, in accordance with (34 C.F.R. §106.8(d))45. (34 CFR 106.45)

District's Commitment Under Title IX:

The District will continue to fulfill its obligations under Title IX by responding to reports and formal complaints of sexual harassment in compliance with Title IX regulations.

During the pendency of any other entity's inquiry or investigation of alleged sexual harassment by a District employee, the District will:

- Offer and provide supportive measures for students who allegedly experienced sexual harassment.
- Take necessary actions to ensure student safety, including identifying and protecting other students possibly harmed by the employee's alleged harassment.

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.

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 conclusions about whether the employee engaged in sexual harassment and if it 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.

The Superintendent shall serve as the decision-maker for all Title IX complaints (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 a student of the District is alleged to be the victim of sexual harassment, assault, or abuse.

Supportive Measures

Upon receiving notice of conduct that reasonably may constitute sex discrimination, receipt of a report of Title IX sexual harassment, 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 nondisciplinary, nonpunitive, and not unreasonably burden the other party, including measures designed to protect the safety of all parties or the District's educational environment or to deter sex-based harassment. Supportive measures may include, but are not limited to, counseling, extensions of deadlines, modifications of work schedules, mutual restrictions on contact, changes in work locations, leaves of absence, increased security, and monitoring of certain areas of the campus. (34 C.F.R. §106.30, 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 C.F.R. §106.44(f)(g)(30))

Emergency Removal

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

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.

~~If the respondent is a student, the district may, on an emergency basis, remove the student from the district's education program or activity, provided that the district conducts an individualized safety and risk analysis, determines that removal is justified due to an immediate threat to the physical health or safety of any student or other individual arising from the allegations, and provides the student 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)~~

Dismissal of Complaint

~~The Title IX Coordinator shall dismiss a formal complaint if the alleged conduct would not constitute sexual harassment as defined in 34 CFR 106.30 even if proved. The Title IX~~

~~Coordinator shall also dismiss any complaint in which the alleged conduct did not occur in the district's education program or activity or did not occur against a person in the United States, and may dismiss a formal complaint if the complainant notifies the district in writing that the complainant would like to withdraw the complaint or any allegations in the complaint, the respondent is no longer employed by the district, or sufficient circumstances prevent the district from gathering evidence sufficient to reach a determination with regard to the complaint. (34 CFR 106.45)~~

~~Upon dismissal, the Title IX Coordinator shall promptly send written notice of the dismissal and the reasons for the dismissal simultaneously to the parties and shall inform them of their right to appeal the dismissal of a formal complaint or any allegation in the complaint in accordance with the appeal procedures described in the section "Appeals" below. (34 CFR 106.45)~~

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 t

~~When a complaint is dismissed, the District will, at a minimum:~~

~~Offer supportive measures to the complainant as appropriate;~~

~~If the respondent has been notified of the allegations, offer supportive measures to the respondent as appropriate; and~~

Take other prompt and effective steps, as appropriate, through the Title IX Coordinator 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 AR 4030---
Nondiscrimination in Employment as applicable.

Administrative Leave and Emergency Removal

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

The District may remove the 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 that 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. (34 C.F.R. 106.44(h))

Informal Resolution Process

When a formal complaint of sex-based discrimination including sex-based dual dual harassment is filed, the District may offer an informal resolution process, such as mediation, at any time prior to reaching a determination regarding responsibility. 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 C.F.R. 106.44(~~fk~~)5)

The district may facilitate an informal resolution process provided that the District:
(34 CFR 106.44(k))

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, and any consequences resulting from participating in the informal resolution process, including that records will be maintained or could be shared.
2. Obtains the parties' voluntary, written consent to the informal resolution process

Formal Complaints

~~1. The district's complaint process, including any informal resolution process~~

~~2. The allegations potentially constituting sexual harassment with sufficient details known at the time, including the identity of parties involved in the incident if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident if known. 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 shall provide notice of the additional allegations to the parties.~~

~~3. — A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the complaint process~~

~~4. — The opportunity for the parties to have an advisor of their choice who may be, but is not required to be, an attorney, and the ability to inspect and review evidence~~

~~5. — The prohibition against knowingly making false statements or knowingly submitting false information during the complaint process~~

~~The above notice shall also include the name of the investigator, facilitator of an informal process, and decision-maker 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.~~

Investigation Procedures

During the investigation process, the ~~district's designated investigator~~ Title IX Coordinator shall treat the complainant and respondent equitably. 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. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence;
2. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence;
3. Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney;
4. Not limit the choice or presence of an advisor for either the complainant or respondent in any meeting or grievance proceeding, although the District may establish restrictions regarding the extent to which the advisor may participate in the proceedings as long as the restrictions apply equally to both parties;
5. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all investigative interviews or other meetings, with sufficient time for the party to prepare to participate;
6. Send in an electronic format or hard copy to both parties and their advisors, if any, the relevant and not otherwise impermissible evidence obtained as part of the investigation that is directly related to the allegations raised in the complaint, and provide the parties at least 10 days to submit a written response for the investigator to consider prior to the completion of the investigative report;
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. Create an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to the determination of responsibility, send to the parties and their advisors, if any, the investigative report in an electronic format or a hard copy, for their review and written response;

9. Provide that the District may delay initiating an investigation by no longer than 30 days in the event of a parallel investigation by a third party, provided that the District notifies the complainant of its intention to delay initiating its investigation and the complainant agrees;

10. Specify that, in the event of a parallel investigation by a third party, the District shall not delay notice of complaint filing options or the immediate provision of interim and/or supportive measures to the complainant or alleged victim, ~~or respondent as appropriate;~~

11. Require the Title IX Coordinator to, in the event of a parallel investigation by a third party, make and document in the Centralized System weekly inquiries with the relevant agency as to whether the third party's investigation has concluded;

12. Provide that a third party (including law enforcement or child protective services) entity's determination does not excuse the District from any of its independent obligations under Title IX;

13. Require the recusal and substitution of the Title IX Decision-Maker, investigator, and any other participant from any investigation in which they have, or would be perceived by a reasonable observer as having, a conflict of interest;

14) Provide that the Superintendent shall serve as the adjudicator of appeals for matters in which the Assistant Superintendent of Compliance is the decision-maker, and the Board shall serve as the adjudicator of appeals for matters in which the Superintendent is the decision-maker; and

~~15. Require the Title IX Coordinator, in the event of a complaint involving a student with a disability, to 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.~~

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.

~~Written Decision~~ Written Notification of Determination Whether Sex Discrimination Occurred

The Superintendent ~~or his designee~~ shall ~~serve designate an employee~~ as the decision-maker to determine responsibility for the alleged conduct, who shall not be the Title IX Coordinator or a person involved in the investigation of the matter. (34 CFR 106.45)

After the investigative report has been sent to the parties but before reaching a determination regarding responsibility, the decision-maker shall afford each party the opportunity to submit written, relevant questions that the party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party.

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. (34 CFR 106.45)

In making this determination, the decision-maker shall use the "preponderance of the evidence" standard for all formal complaints of sex-based discrimination ~~and harassment~~. (34 CFR 106.45)

The written decision shall include the following: (34 C.F.R. § 106.45(h)(2))

1. Identification of the allegations potentially constituting sex-based discrimination ~~and harassment~~ as defined in 34 C.F.R. § 106.230 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, and 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;
6. The District's procedures and permissible bases for the complainant and respondent to appeal.

Appeals

Either party may appeal the District's decision or dismissal of a formal complaint or any allegation in the complaint, ~~if the party believes that a procedural irregularity affected the outcome, new evidence is available that could affect the outcome, or a conflict of interest or bias by the Title IX Coordinator, investigator(s), or decision-maker(s) affected the outcome.~~ Dismissals 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(i))

~~1. Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties~~

~~2. Ensure that the decision-maker(s) for the appeal is trained in accordance with 34 CFR 106.45 and is not the same decision-maker(s) who reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator~~

~~3. Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome~~

~~4. Issue a written decision describing the result of the appeal and the rationale for the result~~

~~5. Provide the written decision simultaneously to both parties~~

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.

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.

Remedies

When a determination of responsibility for sex-based discrimination ~~ual harassment~~ has been made

against the respondent, the ~~D~~istrict shall provide remedies to the complainant. Such remedies may include the same individualized services described above in the ~~section~~section "Supportive Measures~~Measures~~," but need not be nondisciplinary or nonpunitive and need not avoid burdening the respondent. (34 C.F.R. §106.45)

Disciplinary Actions

The ~~D~~istrict 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)

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

(cf. 4117.7/43-17.7 - Employment Status Report)
(cf. ~~4~~118 - Dismissal/Suspension/Disciplinary Action)
(cf. 4119.11/4219.11/43-9.11 - Sexual Harassment)
(cf. ~~4~~218 - Dismissal/Suspension/Disciplinary Action)

Title IX Complaints and Law Enforcement or Child Protective Services reports

- ~~• Offer and provide supportive measures for students who allegedly experienced sexual harassment.~~
- ~~• Take necessary actions to ensure student safety, including identifying and protecting other students possibly harmed by the alleged harassment.~~

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.

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-employee~~ 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.

Record-Keeping

The Superintendent or designee shall maintain, for a period of seven years: (34 C.F.R. 106.~~8(1)~~45)

1. A record of all reported ~~complaints~~ ~~ases and Title IX investigations~~ of sex ~~discrimination~~ ~~ual harassment~~, 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 sexual harassment discrimination, including the District's basis for its conclusion that its response was prompt and equitable not deliberately indifferent, 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. The District shall make such training materials publicly available on its web site, or if the district does not maintain a web site, available upon request by members of the public.

(cf. 1113 - District and School Web Sites)
(cf. 3580 - District Records)

~~The Title IX Coordinator(s) may be contacted at:~~

~~Director III, Title IX & Compliance
Mark Bline
Redlands Unified School District
20 W. Lugonia Avenue
Redlands, CA 92374
(909) 307-5300 ext. 20244
Mark.Bline@redlands.k12.ca.us~~

Redlands Unified School District
Administrative Regulation – 5145.3 – Nondiscrimination/Harassment

The district designates the ~~individual(s) identified below~~ Assistant Superintendent of Compliance as the employee(s) responsible for coordinating the district's efforts to comply with applicable state and federal civil rights laws, and to answer inquiries regarding the district's nondiscrimination policies. The ~~individual(s)~~ Assistant Superintendent of Compliance shall also serve as the compliance officer(s) specified in AR 1312.3 - Uniform Complaint Procedures as the responsible employee to handle complaints alleging unlawful discrimination targeting a student, including discriminatory harassment, intimidation, or bullying, based on the student's actual or perceived race, color, ancestry, nationality, national origin, immigration status, ethnic group identification, ethnicity, age, religion, marital status, pregnancy, parental status, physical or mental disability, medical condition, sex, sexual orientation, gender, gender identity, gender expression, genetic information, or any other legally protected status or association with a person or group with one or more of these actual or perceived characteristics. ~~The coordinator/compliance officer(s) and any complaints of retaliation for reporting, complaining, or participating in the grievance process related such allegations. The Assistant Superintendent of Compliance~~ may be contacted at: (Education Code 234.1; 5 CCR 4621)

~~POSITION/TITLE ADDRESS: PHONE:~~

~~Asst. Supt., Educational Services 20 W. Lugonia Avenue (909) 307-5300 Director, Student Services~~

~~Director, Elementary Education Director, Secondary Education Executive Director, Special Services~~

~~Director, Accountability, Staff Development, & School Improvement Director, Instructional Technology & Accountability~~

~~Director, English Learners & Parent Engagement~~

Rudy Wilson

Assistant Superintendent of Compliance

[contact info- address, phone, email]

(cf. 1312.1 - Complaints Concerning District Employees) (cf. 1312.3 - Uniform Complaint Procedures)

(cf. 5145.7 - Sexual Harassment)

(cf. 5145.71 - Title IX Sexual Harassment Complaint Procedures)

Measures to Prevent Discrimination

To prevent unlawful discrimination, including discriminating harassment, intimidation, retaliation and bullying of students at district schools or in school activities and to ensure equal access of all students to the educational program, the Superintendent or designee shall implement the following measures:

1. Publicize the district's nondiscrimination policy and related complaint procedures, including the coordinator/compliance officer's contact information, to students, parents/guardians, employees, volunteers, and the general public by posting them in prominent locations and providing easy access to them through district-supported communications.

2. Post the district's policies and procedures prohibiting discrimination, harassment, student sexual harassment, intimidation, bullying, and cyberbullying, including a section on social media bullying that includes all of the references described in Education Code 234.6 as possible forums for social media, in a prominent location on the district's web site in a manner that is easily accessible to parents/guardians and students (Education Code 234.6)

(cf. 0410 - Nondiscrimination in District Programs and Activities) (cf. 1113 - District and School Web Sites)

(cf. 1114 - District-Sponsored Social Media) (cf. 5131.2 - Bullying)

(cf. 5145.9 - Hate-Motivated Behavior)

3. Post the definition of sex discrimination and harassment as described in Education Code 230, including the rights set forth in Education Code 221.8, in a prominent location on the district's web site in a manner that is easily accessible to parents/guardians and students (Education Code 234.6)

4. Post in a prominent location on the district web site, in a manner that is easily accessible to parents/guardians and students, information regarding Title IX prohibitions against discrimination based on a student's sex, gender, gender identity, pregnancy, and parental status, including the following: (Education Code 221.6, 221.61, 234.6)

a. The name and contact information of the district's Title IX coordinator, including the phone number and email address

b. The rights of students and the public and the responsibilities of the district under Title IX, including a list of rights as specified in Education Code 221.8 and web links to information about those rights and responsibilities located on the web sites of the Office for Equal Opportunity and the U.S. Department of Education's Office for Civil Rights (OCR)

c. A description of how to file a complaint of noncompliance under Title IX, which shall include:

(1) An explanation of the statute of limitations within which a complaint must be filed after an alleged incident of discrimination has occurred and how a complaint may be filed beyond the statute of limitations

(2) An explanation of how the complaint will be investigated and how the complainant may further pursue the complaint, including web links to this information on the OCR's web site

(3) A web link to the OCR complaints form and the contact information for the office, including the phone number and email address for the office

d. A link to the Title IX information included on the California Department of Education's (CDE) web site

5. Post a link to statewide CDE-compiled resources, including community-based organizations, that provide support to youth who have been subjected to school-based discrimination, harassment, intimidation, or bullying and to their families. Such resources shall be posted in a prominent location on the district's web site in a manner that is easily accessible to parents/guardians and students. (Education Code 234.5, 234.6)

6. Provide to students a handbook that contains age-appropriate information that clearly describes the district's nondiscrimination policy, procedures for filing a complaint, and resources available to students who feel that they have been the victim of any such behavior.

7. Annually notify all students and parents/guardians of the district's nondiscrimination policy, including its responsibility to provide a safe, nondiscriminatory school environment for all students, including transgender and gender-nonconforming students. The notice shall inform students and parents/guardians that they may request to meet with the ~~compliance officer~~ Assistant Superintendent of Compliance to determine how best to accommodate or resolve concerns that may arise from the district's implementation of its nondiscrimination policies. The notice shall also inform all students and parents/guardians that, to the extent possible, the district will address any individual student's interests and concerns in private.

(cf. 5145.6 - Parental Notifications)

8. Ensure that students and parents/guardians, including those with limited English proficiency, are notified of how to access the relevant information provided in the district's nondiscrimination policy and related complaint procedures, notices, and forms in a language they can understand.

If 15 percent or more of students enrolled in a particular district school speak a single primary language other than English, the district's policy, regulation, forms, and notices concerning nondiscrimination shall be translated into that language in accordance with Education Code 234.1 and 48985. In all other instances, the district shall ensure meaningful access to all relevant information for parents/guardians with limited English proficiency.

9. Provide to students, employees, volunteers, and parents/guardians age-appropriate training and/or information regarding the district's nondiscrimination policy; what constitutes prohibited discrimination, including discriminatory harassment, intimidation, retaliation, or bullying; how and to whom a report of an incident should be made; and how to guard against segregating or stereotyping students when providing instruction, guidance, supervision, or other services to them. Such training and information shall include details of guidelines the district may use to provide a discrimination-free environment for all district students, including transgender and gender-nonconforming students.

(cf. 1240 - Volunteer Assistance)

(cf. 4131/4231/4331 - Staff Development)

10. At the beginning of each school year, inform school employees that any employee who witnesses any act of

unlawful discrimination, including discriminatory harassment, intimidation, or bullying, against a student is required to intervene if it is safe to do so. (Education Code 234.1)

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)

11. At the beginning of each school year, inform each principal or designee of the district's responsibility to provide appropriate assistance or resources to protect students from threatened or potentially discriminatory behavior and ensure their privacy rights.

Enforcement of District Policy

The Superintendent or designee shall take appropriate actions to reinforce BP 5145.3 - Nondiscrimination/Harassment. As needed, these actions may include any of the following:

1. Removing vulgar or offending graffiti (cf. 5131.5 - Vandalism and Graffiti)
2. Providing training to students, staff, and parents/guardians about how to recognize unlawful discrimination, how to report it or file a complaint, and how to respond
3. Disseminating and/or summarizing the district's policy and regulation regarding unlawful discrimination
4. Consistent with laws regarding the confidentiality of student and personnel records, communicating to students, parents/guardians, and the community the school's response plan to unlawful discrimination or harassment

(cf. 4112.6/4212.6/4312.6 - Personnel Files)

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information) (cf. 5125 - Student Records)

5. Taking appropriate disciplinary action against students, employees, and anyone determined to have engaged in wrongdoing in violation of district policy, including any student who is found to have filed a complaint of discrimination that he/she knew was not true

(cf. 4118/4218 - Dismissal/Suspension/Disciplinary Action) (cf. 5144 - Discipline)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities)) (cf. 6159.4 - Behavioral Interventions for Special Education Students)

Process for Initiating and Responding to Complaints

Any student who feels that he/she has been subjected to unlawful discrimination described above or in district policy is strongly encouraged to immediately contact the Assistant Superintendent of Compliance Officer, the principal, or any other staff member. In addition, any student who observes any such incident is strongly encouraged to report the incident to the Assistant Superintendent of Compliance Officer or principal, whether or not the alleged victim files a complaint.

Any school employee who observes an incident of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, or to whom such an incident is reported, shall report the incident to the Assistant Superintendent of Compliance Officer ~~and the~~ principal, within one school day, whether or not the alleged victim files a complaint.

Any school employee who witnesses an incident of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, shall immediately intervene to stop the incident when it is safe to do so. (Education Code 234.1)

When a report of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, is made to or received by the principal or ~~compliance officer~~ Assistant Superintendent of Compliance, the principal or ~~compliance officer~~ Assistant Superintendent of Compliance shall notify the student or parent/guardian of the right to file a formal complaint in accordance with AR 1312.3 - Uniform Complaint Procedures, or, for complaints of sexual harassment that meet the federal Title IX definition,

AR 5145.71 - Title IX Sexual Harassment Complaint Procedures. Once notified verbally or in writing, the ~~principal or compliance officer~~ Assistant Superintendent of Compliance shall begin the investigation and shall implement immediate measures necessary to stop the discrimination and

ensure that all students have access to the educational program and a safe school environment. Any interim measures adopted to address unlawful discrimination shall, to the extent possible, not disadvantage the complainant or a student who is the victim of the alleged unlawful discrimination.

Any report or complaint alleging unlawful discrimination by the principal, ~~compliance officer~~ Assistant Superintendent of Compliance, or any other person to whom a report would ordinarily be made or complaint filed shall instead be made to or filed with the Superintendent or designee who shall determine how the complaint will be investigated.

(cf. 5141.4 - Child Abuse Prevention and Reporting) Transgender and Gender-Nonconforming Students

Gender identity of a student means the student's gender-related identity, appearance, or behavior, as determined from the student's internal sense whether or not that gender-related identity, appearance, or behavior is different from that traditionally associated with the student's physiology or assigned sex at birth.

Gender expression means a student's gender-related appearance and behavior, whether or not stereotypically associated with the student's assigned sex at birth. (Education Code 210.7)

Gender transition refers to the process in which a student changes from living and identifying as the sex assigned to the student at birth to living and identifying as the sex that corresponds to the student's gender identity.

Transgender student means a student whose gender identity is different from the gender assigned at birth.

Gender-nonconforming student means a student whose gender expression differs from stereotypical expectations.

The district prohibits acts of verbal, nonverbal, or physical aggression, intimidation, or hostility that are based on sex, gender identity, or gender expression, or that have the purpose or effect of producing a negative impact on the student's academic performance or of creating an intimidating, hostile, or offensive educational environment regardless of whether the acts are sexual in nature. Examples of the types of conduct which are prohibited in the district and which may constitute gender-based harassment include, but are not limited to:

1. Refusing to address a student by a name and the pronouns consistent with the student's gender identity
2. Disciplining or disparaging a student or excluding the student from participating in activities for behavior or appearance that is consistent with the student's gender identity or that does not conform to stereotypical notions of masculinity or femininity, as applicable
3. Blocking a student's entry to the restroom that corresponds to the student's gender identity
4. Taunting a student because the student participates in an athletic activity more typically favored by a student of the other sex

5. Revealing a student's transgender status to individuals who do not have a legitimate need for the information, without the student's consent or when doing so would place the student at risk of physical, emotional, or psychological harm
6. Using gender-specific slurs
7. Physically assaulting a student motivated by hostility toward the student because of the student's gender, gender identity, or gender expression

The district's uniform complaint procedures (AR 1312.3), or Title IX sexual harassment procedures (AR 5145.71), as applicable, shall be used to report and resolve complaints alleging discrimination against transgender and gender-nonconforming students.

Examples of bases for complaints include, but are not limited to, the above list, as well as improper rejection by the district of a student's asserted gender identity, denial of access to facilities that correspond with a student's gender identity, improper disclosure of a student's transgender status, discriminatory enforcement of a dress code, and other instances of gender-based harassment.

To ensure that transgender and gender-nonconforming students are afforded the same rights, benefits, and

protections provided to all students by law and Board policy, the district shall address each situation on a case-by-case basis, in accordance with the following guidelines:

1. Right to privacy: A student's transgender or gender-nonconforming status is the student's private information and the district will only disclose the information to others with the student's prior written consent, except when the disclosure is otherwise required by law or when the district has compelling evidence that disclosure is necessary to preserve the student's physical or mental well-being. In any case, the district shall only allow disclosure of a student's personally identifiable information to employees with a legitimate educational interest as determined by the district pursuant to 34 CFR 99.31. Any district employee to whom a student's transgender or gender-nonconforming status is disclosed shall keep the student's information confidential. When disclosure of a student's gender identity is made to a district employee by a student, the employee shall seek the student's permission to notify the ~~compliance officer~~ Assistant Superintendent of Compliance. If the student refuses to give permission, the employee shall keep the student's information confidential, unless he/she is required to disclose or report the student's information pursuant to this administrative regulation, and shall inform the student that honoring the student's request may limit the district's ability to meet the student's needs related to the student's status as a transgender or gender-nonconforming

student. If the student permits the employee to notify the Assistant Superintendent of Compliance ~~Officer~~, the employee shall do so within three school days.

As appropriate, given the student's need for support, the ~~compliance officer~~ Assistant Superintendent of Compliance may discuss with the student any need to disclose the student's transgender or gender-nonconformity status or gender identity or gender expression to the student's parents/guardians and/or others, including other students, teacher(s), or other adults on campus.

The district shall offer support services, such as counseling, to students who wish to inform their parents/guardians of their status and desire assistance in doing so.

(cf. 1340 - Access to District Records) (cf. 3580 - District Records)

2. Determining a Student's Gender Identity: The Assistant Superintendent of Compliance-Officer shall accept the student's assertion of gender identity and begin to treat the student consistent with that gender identity unless district personnel present a credible and supportable basis for believing that the student's assertion is for an improper purpose

3. Addressing a Student's Transition Needs: The Assistant Superintendent of Compliance-Officer shall arrange a meeting with the student and, if appropriate, the student's parents/guardians to identify and develop strategies for ensuring that the student's access to educational programs and activities is maintained. The meeting shall discuss the transgender or gender- nonconforming student's rights and how those rights may affect and be affected by the rights of other students and shall address specific subjects related to the student's access to facilities and to academic or educational support programs, services, or activities, including, but not limited to, sports and other competitive endeavors. In addition, the Assistant Superintendent of Compliance-Officer shall identify specific school site employee(s) to whom the student may report any problem related to the student's status as a transgender or gender-nonconforming individual, so that prompt action can be taken to address it. Alternatively, if appropriate and desired by the student, the school may form a support team for the student that will meet periodically to assess whether the arrangements for the student are meeting his/her educational needs and providing equal access to programs and activities, educate appropriate staff about the student's transition, and serve as a resource to the student to better protect the student from gender-based discrimination.

4. Accessibility to Sex-segregated Facilities, Programs, and Activities: When the district maintains sex- segregated facilities, such as restrooms and locker rooms, or offers sex-segregated programs and activities, such as physical education classes, intramural sports, and interscholastic athletic programs, students shall be permitted to access facilities and participate in programs and activities consistent with their gender identity. To address any student's privacy concerns in using sex-segregated facilities, the district shall offer available options such as a gender-neutral or single-use restroom or changing area, a bathroom stall with a door, an area in the locker room separated by a curtain or screen, or use of the locker room before or after the other students. However, the district shall not require a student to utilize these options because the student is transgender or gender-nonconforming. In addition, a student shall be permitted to participate in accordance with the student's gender identity in other circumstances where students are separated by gender, such as for class discussions, yearbook pictures, and field trips. A student's right to participate in a sex-segregated activity in accordance with the student's gender identity shall not render invalid or inapplicable any other eligibility rule established for participation in the activity.

(cf. 6145 - Extracurricular and Co-curricular Activities) (cf. 6145.2 - Athletic Competition)

(cf. 6153 - School-Sponsored Trips)

(cf. 7110 - Facilities Master Plan)

5. Student Records: A student's legal name or gender as entered on the mandatory student record required pursuant to 5 CCR 432 shall only be changed with proper documentation. When a student presents government- issued documentation of a name and/or gender change or submits a request for a name and/or gender change through the process specified in Education Code 49070, the district shall update the student's records. (Education Code 49062.5, 49070)

(cf. 5125 - Student Records)

(cf. 5125.1 - Release of Directory Information) (cf. 5125.3 - Challenging Student Records)

6. Names and Pronouns: If a student so chooses, district personnel shall be required to address the student by a name and the pronouns consistent with the student's gender identity, without the necessity of a court order or a change to the student's official district record. However, inadvertent slips or honest mistakes by district personnel in the use of the student's name and/or consistent pronouns will, in general, not constitute a violation of this administrative regulation or the accompanying district policy.

7. Uniforms/Dress Code: A student has the right to dress in a manner consistent with the student's gender identity, subject to any dress code adopted on a school site.

(cf. 5132 – Student Dress Guidelines)

Redlands Unified School District
Board Policy 5145.3 – Nondiscrimination/Harassment

The Governing Board desires to provide a safe school environment that allows all students equal access to and opportunities in the district's academic, extracurricular, and other educational support programs, services, and activities. ~~The Board prohibits, at any district school or school activity, unlawful discrimination, including~~The Board prohibits unlawful discrimination in any education program or activity, at or on the way to and from any district school or school activity, related to school activity or school attendance occurring within a district school, and which occurs off campus or outside of school-related or school-sponsored activities, but which may have an impact or create a hostile environment at school. Unlaw discrimination includes discriminatory harassment, intimidation, and bullying targeted at any student, by anyone, based on the student's actual or perceived race, color, ancestry, nationality, national origin, immigration status, ethnic group identification, ethnicity, age, religion, marital or parental status, pregnancy, physical or mental disability, medical condition, sex, sexual orientation, gender, gender identity, gender expression or genetic information; or association with a person or group with one or more of these actual or perceived characteristics.

Title IX of the Education Amendments of 1972 is a source of the obligation not to discriminate on the basis of sex, including gender, pregnancy and related conditions, sex stereotypes, gender identity, transgender status, sexual orientation, and parental status. Complaints alleging unlawful discrimination on the basis of race, color, national origin, sex, age, or disability or for retaliation for the purpose of interfering with any right or privilege protected by the laws enforced by the Office for Civil Rights can be filed directly with the Assistant Secretary for the Office for Civil Rights at OCR@ed.gov or <https://ocrcas.ed.gov>.

(cf. 0410 - Nondiscrimination in District Programs and Activities) (cf. 5131 - Conduct)

(cf. 5131.2 - Bullying)

(cf. 5137 - Positive School Climate) (cf. 5145.7 - Sexual Harassment)

(cf. 5145.9 - Hate-Motivated Behavior)

(cf. 5146 - Married/Pregnant/Parenting Students)

(cf. 6164.6 - Identification and Education Under Section 504)

This policy shall apply to all acts constituting unlawful discrimination or harassment related to school activity or to school attendance occurring within a district school, and to acts which occur off campus or outside of school-related or school-sponsored activities, but which may have an impact or create a hostile environment at school.

Unlawful discrimination, including discriminatory harassment, intimidation, or bullying, may result from physical, verbal, nonverbal, or written conduct based on one of the categories listed above. Unlawful discrimination also occurs when prohibited conduct is so severe, persistent, or pervasive that it affects a student's ability to participate in or benefit from an educational program or activity; creates an intimidating, threatening, hostile, or offensive educational environment; has the effect or purpose of substantially or unreasonably interfering with a student's academic performance; or otherwise adversely or negatively affects a student's educational opportunities, or academic performance.

Unlawful discrimination also includes disparate treatment of students based on one of the categories above with respect to the provision of opportunities to participate in school programs or activities or the provision or receipt of educational benefits or services.

The Board also prohibits any form of retaliation against any individual who reports or participates in the reporting of unlawful discrimination, files or participates in the filing of a complaint, or investigates or participates in the investigation of a complaint or report alleging unlawful discrimination. Retaliation complaints shall be investigated and resolved in the same manner as a discrimination complaint.

The Superintendent or designee shall facilitate students' access to the educational program by publicizing the district's nondiscrimination policy and related complaint procedures to students, parents/guardians, and employees. In addition, the Superintendent or designee shall post the district's policies prohibiting discrimination, harassment, intimidation, and bullying and other required information on the district's web site in a manner that is easily accessible to parents/guardians and students, in accordance with law and the accompanying administrative regulation.

The Superintendent or designee shall provide training and/or information on the scope and use of the policy and complaint procedures and take other measures designed to increase the school community's understanding of the requirements of law related to discrimination. The Superintendent or designee shall regularly review the implementation of the district's nondiscrimination policies and practices and, as necessary, shall take action to remove any identified barrier to student access to or participation in the district's educational program. The Superintendent or designee shall report the findings and recommendations to the Board after each review.

(cf. 1312.3 - Uniform Complaint Procedures) (cf. 1330 - Use of Facilities)

(cf. 4131/4231/4331 - Staff Development)

(cf. 6145 - Extracurricular and Cocurricular Activities)

(cf. 6145.2 - Athletic Competition)

(cf. 6164.2 - Guidance/Counseling Services)

Regardless of whether a complainant complies with the writing, timeline, and/or other formal filing requirements, all complaints alleging unlawful discrimination, including discriminatory harassment, intimidation, or bullying, shall be investigated and prompt action taken to stop the discrimination, prevent recurrence, and address any continuing effect on students.

Students who engage in unlawful discrimination, including discriminatory harassment, intimidation, bullying, or retaliation, in violation of law, Board policy, or administrative regulation, shall be subject to appropriate consequence or discipline, which may include suspension or expulsion when the behavior is severe or pervasive as defined in Education Code 48900.4. School personnel shall take immediate steps to intervene, when safe to do so, whenever site personnel witness an act of discrimination, harassment, intimidation, or bullying. Any employee who permits or engages in prohibited discrimination, including discriminatory harassment, intimidation, bullying, or retaliation, shall be subject to disciplinary action, up to and including dismissal.

(cf. 4118 - Suspension/Disciplinary Action)

(cf. 4119.21/4219.21/4319.21 - Professional Standards) (cf. 4218 - Dismissal/Suspension/Disciplinary Action) (cf. 5144 - Discipline)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities)) (cf. 5145.2 - Freedom of Speech/Expression)

Record-Keeping

The Superintendent or designee shall maintain a record of all reported cases of unlawful discrimination, including discriminatory harassment, intimidation, or bullying, to enable the district to monitor, address, and prevent repetitive prohibited behavior in district schools. The record shall be maintained for a minimum of ten years.

The record shall be maintained in a centralized, electronic tracking and response system (centralized system) for all oral and written complaints of sex discrimination, and sexual harassment, assault, intimidation, bullying or abuse, and any retaliation related to the submission of such reports and complaints, including those submitted anonymously. The centralized system shall contain all documents provided or generated during an investigation, resolution, or appeal.

(cf. 3580 - District Records)

Board Policy Manual
Redlands Unified School District
Regulation 5145.71: Title IX Sex Discrimination Grievance 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 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:
 1. The length of the relationship;
 2. The type of relationship; and
 3. 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. Shares 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 people/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 serves 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 for cases in which the

complainant(s) and respondent(s) are students, 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))
(cf. 5145.7 - Sexual Harassment)

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

Director III, Title IX & Rudy Wilson

Assistant Superintendent of Compliance
Mark Bline

Redlands Unified School District
20 W. Lugonia Avenue
Redlands, CA 92374
(909) 307-5300
compliance@redlands.k12.ca.us
(909) 307-5300 ext. 20214
Mark_Bline@redlands.k12.ca.us

Upon receiving notice

The Title IX Coordinator when notified of conduct that reasonably may constitute sex discrimination under Title IX, the 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~~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~~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 or to 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, mutual restrictions on contact applied to one or more parties, increased security, and 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 could be shared, 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

Investigation Procedures

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 course 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;

2. — Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence;

3. — Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney;

4. — Not limit the choice or presence of an advisor for either the complainant or respondent in any meeting or grievance proceeding, although the District may establish restrictions regarding the extent to which the advisor may participate in the proceedings as long as the restrictions apply equally to both parties;

5. — Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all investigative interviews or other meetings, with sufficient time for the party to prepare to participate;

6. — Send in an electronic format or hard copy to both parties and their advisors, if any, the relevant and not otherwise impermissible evidence obtained as part of the investigation that is directly related to the allegations raised in the complaint, and provide the parties at least 10 days to submit a written response for the investigator to consider prior to the completion of the investigative report;

7. — , 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. — Create an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to the determination of responsibility, send to the parties and their advisors, if any, the investigative report in an electronic format or a hard copy, for their review and written response; 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. — Provide that the District may delay initiating an investigation by no longer than 30 days in the event of a parallel investigation by a third party, provided that the District notifies the complainant of its intention to delay initiating its investigation and the complainant agrees;

10. — Specify that, in the event of a parallel investigation by a third party, the District shall not delay notice of complaint filing options or the immediate provision of interim and/or supportive measures to the complainant or alleged victim, or respondent as appropriate;

11. — Require the Title IX Coordinator to, in the event of a parallel investigation by a third party, make and document in the Centralized System weekly inquiries with the relevant agency as to whether the third party's investigation has concluded;

12. — Provide that a third party (including law enforcement or child protective services) entity's determination does not excuse the District from any of its independent obligations under Title IX;

13. — Require the recusal and substitution of the Title IX Decision-Maker, investigator, and any other participant from any investigation in which they have, or would be perceived by a reasonable observer as having, a conflict of interest;

14) — Provide that the Superintendent shall serve as the adjudicator of appeals for matters in which the Assistant Superintendent of Compliance is the decision-maker, and the Board shall serve as the adjudicator of appeals for matters in which the Superintendent is the decision-maker; and

15. — Require the Title IX Coordinator, in the event of a complaint involving a student with a disability, to 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;

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-discriminator, 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 designate an employee as the decision-maker to determine responsibility for the alleged conduct, who shall not be the Title IX Coordinator or a person involved in the investigation of the matter.~~

~~After the investigative report has been sent to the parties but before reaching a determination regarding responsibility, the decision-maker shall afford each party the opportunity to submit written, relevant questions that the party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party 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 for cases in which the complainant(s) and respondent(s) are students, except in cases where there is a conflict of interest or bias.~~

(cf. 1312.3 – Uniform Complaint Procedures)

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, and 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 may 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(i))

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 or an outside independent decisions-maker, who is trained as a Title IX decisionmaker, 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)

(cf. 5144 - Discipline)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

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

(cf. 6164.5 - Student Success Teams)

6. Denial of participation in extracurricular or co-curricular activities or other privileges as permitted by law

(cf. 6145 - Extracurricular and Co-curricular Activities)

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.

(cf. 4117.7/4317.7 - Employment Status Report)
(cf. 4118 - Dismissal/Suspension/Disciplinary Action)
(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

Record-Keeping

The Superintendent or designee shall maintain, for a period of seventeen 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.

(cf. 1113 - District and School Websites)
(cf. 3580 - District Records)