

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

1.—

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 dual 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

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~~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-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 Ddistrict. -(34 CFR 106.30)

Even if the alleged victim chooses not to file a formal complaint, the Title IX Coordinator mayshall 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 activitya 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 Ddistrict's obligation to respond promptly and effectively to knowledge of sex-based discriminationharassment. (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)(3))

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 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(k))

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 District 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 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)

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. 4119.11/4219.11/43-9.11 - 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~~

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