

**Exhibit 5145.71-E(1): Title IX Sexual Sex Discrimination and Sex-Based Harassment Complaint Procedures** Status: ADOPTED

Original Adopted Date: 10/01/2020 | Last Revised Date: 07/01/2024 | Last Reviewed Date: ~~10/01/2020~~2024

CSBA NOTE: 34 CFR 106.8, as amended by 89 Fed. Reg. 33474, requires the district to provide notice to students ~~and~~, parents/guardians ~~of its~~, or other authorized legal representatives of elementary and secondary school students, that the district does not discriminate on the basis of sex as required by Title IX; that inquiries about the application of Title IX may be referred to the district's Title IX Coordinator and/or the U.S. Department of Education, Office of Civil Rights; the Title IX Coordinator's contact information; how to locate the district's policy prohibiting sexual sex discrimination, including sex-based harassment and its; the district's grievance procedures that provide for the prompt and equitable resolution of sexual sex discrimination, including sex-based harassment complaints. ; how to report information about conduct that may constitute sex discrimination, including sex-based harassment; and how to make a complaint of sex discrimination, including sex-based harassment. The following exhibit presents a sample notification that meets these requirements ~~and may be modified to reflect district practice.~~ For a sample notice for employees, bargaining units, and applicants for employment, see E 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures.

Pursuant to 34 CFR 106.8, as amended by 89 Fed. Reg. 33474, the notice is required to be prominently included on the district's website, and in each handbook, catalog, announcement, bulletin, and application that it makes available to students, parents/guardians, or other authorized legal representative of students. If necessary due to the format or size of any publication specified above, the Superintendent or designee may include in the publication a statement that the district must prohibits sex discrimination in any education program or activity that it operates and that individuals may report concerns or questions to the district's Title IX Coordinator, and provide the Title IX Coordinator's contact information on its web site and in any handbook for students or parents/guardians. In addition website location of the notice of nondiscrimination.

Additionally, state law, (Education Code 231.5, 231.6, 234.6, and 48980), requires require distribution of the district's sexual harassment policy through the parental notification at the beginning of the school year, in any orientation program for new and continuing students, in any publication of rules of student conduct, and by posting the policy on the district's ~~web~~ website, displaying prominently in school offices, and in a poster displayed in locker rooms and bathrooms.

**NOTICE OF TITLE IX SEXUAL HARASSMENT POLICY NONDISCRIMINATION**

The Code of Federal Regulations, Title 34, Section 106.8 requires the district to issue the following notification to students at all grade levels, and their parents/guardians or other authorized legal representative:

The district does not discriminate on the basis of sex and prohibits sex discrimination, including sex-

based harassment, in any education program or activity that it operates. The prohibition against discrimination on the basis of sex is required by federal law (20 USC 1681-1688; 34 CFR Part 106) and extends to employment. The district also prohibits retaliation against any student for filing a complaint or exercising any right granted under Title IX.

Title IX requires a school. The district is required, as specified in Title IX, to take immediate prompt and appropriate equitable action to address any potential Title IX violations that are brought to its attention. Any inquiries about the application of Title IX, this notice, and who is protected by Title IX may be referred to the district's Title IX Coordinator, to the Assistant Secretary for Civil Rights of the U.S. Department of Education, or both.

CSBA NOTE: The district should enter the name/title and contact information of the district's Title IX Coordinator below. Such information should be consistent with the person/position identified in AR 5145.7 - ~~Sexual~~ Sex Discrimination and Sex-Based Harassment.

The district has designated and authorized the following employee(s) as the district's Title IX Coordinator to address concerns or inquiries regarding discrimination on the basis of sex, including ~~sexual harassment, sexual assault, dating violence, domestic violence, and stalking~~ sex-based harassment:

\_\_\_\_\_

(name and/or title/position)

\_\_\_\_\_

(address)

\_\_\_\_\_

(telephone number)

\_\_\_\_\_

(email address)

CSBA NOTE: The district may expand the following paragraph to include other means of contact or reporting methods available in the district, such as online submission forms or mobile applications.

Pursuant to 34 CFR 106.8, the district must provide notice to ~~employees, bargaining units, and job applicants~~ students, parents/guardians, or other authorized legal representatives of students, of the district's grievance procedures and process, including how to report ~~or file a formal complaint of~~ sexual conduct that may constitute sex discrimination ~~and/or, including sex-based~~ harassment, and how the district will respond or file a complaint of sex discrimination, including sex-based harassment.

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

To view an electronic copy of the district's policies and administrative regulations on ~~sexual~~ sex discrimination, including sex-based harassment, including the grievance process that complies with 34 CFR 106.45, please see ~~BP/AR~~ Board Policy/Administrative Regulation 5145.7 - ~~Sexual~~ Sex

Discrimination and Sex-Based Harassment and ARAdministrative Regulation 5145.71 - Title IX Sexual Sex Discrimination and Sex-Based Harassment Complaint Procedures on the district's website website at \_\_\_\_\_ (insert website link) \_\_\_\_\_.

To inspect or obtain a copy of the district's ~~sexual~~ sex discrimination and sex-based harassment policies and administrative regulations, please contact: \_\_\_\_\_ (insert location/phone/email of contact person) \_\_\_\_\_.

Materials used to train employees; the Title IX Coordinator; investigator(s), ~~decision-~~ maker decisionmaker(s), and other person(s) who are responsible for implementing the district's grievance procedures or have the authority to modify or terminate supportive measures; and any person(s) who facilitates an informal resolution process, are also publicly available on the district's website or at the district office upon request.

### Policy Reference UPDATE Service

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### Policy Reference Disclaimer:

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

<b>State</b>	<b>Description</b>
5 CCR 4600-4670	Uniform complaint procedures
5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
Civ. Code 1714.1	Liability of parent or guardian for act of willful misconduct by a minor
Civ. Code 51.9	Liability for sexual harassment; business, service and professional relationships
Ed. Code 200- <del>262.4</del> <u>270</u>	Prohibition of discrimination on the basis of sex
Ed. Code 200-262.4	Prohibition of discrimination
Ed. Code 48900	Grounds for suspension or expulsion
Ed. Code 48900.2	Additional grounds for suspension or expulsion; sexual harassment
Ed. Code 48985	Notices to parents in language other than English
Gov. Code 12950.1	Sexual harassment training
<b>Federal</b>	<b>Description</b>
20 USC 1092	Definition of sexual assault
20 USC 1221	Application of laws
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974

20 USC 1681-1688	Title IX of the Education Amendments of 1972; discrimination based on sex
34 CFR 106.1-106.82	Nondiscrimination on the basis of sex in education programs
34 CFR 99.1-99.67	Family Educational Rights and Privacy
34 USC 12291	Definition of dating violence, domestic violence, and stalking
42 USC 1983	Civil action for deprivation of rights
42 USC 2000d-2000d-7	Title VI, Civil Rights Act of 1964
42 USC 2000e-2000e-17	Title VII, Civil Rights Act of 1964, as amended

**Management Resources**

**Description**

Court Decision	Davis v. Monroe County Board of Education (1999) 526 U.S. 629
Court Decision	Doe v. Petaluma City School District (1995, 9th Cir.) 54 F.3d 1447
Court Decision	Gebser v. Lago Vista Independent School District (1998) 524 U.S. 274
Court Decision	Oona by Kate S. v. McCaffrey (1998, 9th Cir.) 143 F.3d 473
Court Decision	Reese v. Jefferson School District (2001, 9th Cir.) 208 F.3d 736
Court Decision	Donovan v. Poway Unified School District (2008) 167 Cal.App.4th 567
Court Decision	Flores v. Morgan Hill Unified School District (2003, 9th Cir.) 324 F.3d 1130
Federal Register	Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance <del>May 19, 2020, Vol. 85, No. 97, pages 30026-30579</del> <a href="#">April 29, 2024, Vol. 89, No. 83, pages 33474-33896</a>  <a href="https://www.federalregister.gov/documents/2024/04/29/2024-07915/nondiscrimination-on-the-basis-of-sex-in-education-programs-or-activities-receiving-federal">https://www.federalregister.gov/documents/2024/04/29/2024-07915/nondiscrimination-on-the-basis-of-sex-in-education-programs-or-activities-receiving-federal</a>
<a href="#">U.S. Department of Justice, Federal Bureau of Investigation Publication</a>	<a href="#">National Incident-Based Reporting System</a> <a href="https://ucr.fbi.gov/nibrs/2018/resource-pages/nibrs_offense_definitions-2018.pdf">https://ucr.fbi.gov/nibrs/2018/resource-pages/nibrs_offense_definitions-2018.pdf</a>
CSBA Publication	Providing a Safe, Nondiscriminatory School Environment for Transgender and Gender-Nonconforming Students, Policy Brief, February 2014 <a href="https://www.csba.org/~media/E68E16A652D34EADA2BFD9668B1C8F.ashx">https://www.csba.org/~media/E68E16A652D34EADA2BFD9668B1C8F.ashx</a>

CSBA Publication	Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011 <a href="https://www.csba.org/GovernanceAndPolicyResources/ConditionsOfChildren/~/~~/media/722EF232A117447F9711112F75FBC212.ashx">https://www.csba.org/GovernanceAndPolicyResources/ConditionsOfChildren/~/~~/media/722EF232A117447F9711112F75FBC212.ashx</a>
U.S. DOE, Office for Civil Rights	Sexual Harassment: It's Not Academic, September 2008 <a href="https://www2.ed.gov/about/offices/list/ocr/docs/ocrshpam.html">https://www2.ed.gov/about/offices/list/ocr/docs/ocrshpam.html</a>
U.S. DOE, Office for Civil Rights Publication	Q&A on Campus Sexual Misconduct, September 2017
U.S. DOE, Office for Civil Rights Publication	Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, January 2001 <a href="https://www2.ed.gov/about/offices/list/ocr/docs/shguide.pdf">https://www2.ed.gov/about/offices/list/ocr/docs/shguide.pdf</a>
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Title IX Coordinators, April 2015
U.S. DOE, Office for Civil Rights Publication	Examples of Policies and Emerging Practices for Supporting Transgender Students, May 2016 <a href="https://www2.ed.gov/about/offices/list/oese/oshs/emergingpractices.pdf">https://www2.ed.gov/about/offices/list/oese/oshs/emergingpractices.pdf</a>
Website	CSBA District and County Office of Education Legal Services
Website	California Department of Education
Website	CSBA
Website	U.S. Department of Education, Office for Civil Rights
<a href="#">Website</a>	<a href="https://www.justice.gov/doj/federal-bureau-investigation">U.S. Department of Justice, Federal Bureau of Investigation</a> <a href="https://www.justice.gov/doj/federal-bureau-investigation">https://www.justice.gov/doj/federal-bureau-investigation</a>

## Cross References

Code	Description
0410	Nondiscrimination In District Programs And Activities
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1313	Civility
3552	Summer Meal Program
3552	Summer Meal Program

3580	District Records
3580	District Records
<u>4030</u>	<u>Nondiscrimination in Employment</u>
4117.7	Employment Status Reports
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4119.11	Sexual Harassment
4119.11	Sexual Harassment
4131	Staff Development
4218	Dismissal/Suspension/Disciplinary Action
4218	Dismissal/Suspension/Disciplinary Action
4219.11	Sexual Harassment
4219.11	Sexual Harassment
4317.7	Employment Status Reports
4319.11	Sexual Harassment
4319.11	Sexual Harassment
5030	Student Wellness
5141.4	Child Abuse Prevention And Reporting
5141.4	Child Abuse Prevention And Reporting
5141.52	Suicide Prevention
5141.52	Suicide Prevention
5144	Discipline
5144	Discipline
5144.1	Suspension And Expulsion/Due Process
5144.1	Suspension And Expulsion/Due Process
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
5145.7	Sexual Harassment
5145.7	Sexual Harassment
5145.9	Hate-Motivated Behavior
6145	Extracurricular And Cocurricular Activities

6145	Extracurricular And Cocurricular Activities
6159	Individualized Education Program
6159	Individualized Education Program
6164.5	Student Success Teams
6164.5	Student Success Teams
6164.6	Identification And Education Under Section 504
6164.6	Identification And Education Under Section 504