

CSBA Sample Policies for COEs

4119.12-E(1) : Title IX Sexual Harassment Complaint Proce...

Go to this Policy

Exhibit 4119.12-E(1): Title IX Sexual Harassment Complaint Procedures

Original Adopted Date: 10/01/2020 | Last Revised Date: 06/15/2025 | Last Reviewed Date: 06/15/2025 Status: ADOPTED

INSTRUCTIONS FOR USE: THE FOLLOWING DOCUMENT WAS DRAFTED FOR USE BY SCHOOL DISTRICTS. THIS DOCUMENT MAY OR MAY NOT INCLUDE GLOBAL CHANGES FOR THE CONVENIENCE OF COUNTY OFFICES OF EDUCATION WISHING TO USE THESE POLICIES (e.g., CHANGING "SCHOOL DISTRICT" TO "COUNTY OFFICE OF EDUCATION" AND "SCHOOL BOARD" TO "COUNTY SCHOOL BOARD"; "SUPERINTENDENT" TO "COUNTY SUPERINTENDENT", ETC.). ALSO, THE DOCUMENT HAS NOT BEEN REVISED TO REFLECT UNIQUE ROLES OF THE COUNTY BOARD OF EDUCATION, THE COUNTY SUPERINTENDENT AND THEIR SHARED RESPONSIBILITY FOR GOVERNANCE OF THE COUNTY OFFICE OF EDUCATION. COUNTY OFFICES OF EDUCATION SHOULD CAREFULLY REVIEW AND REVISE THIS DOCUMENT AS APPROPRIATE FOR THEIR PARTICULAR USE. THERE ARE VARIOUS DOCUMENT TYPE DESIGNATIONS AVAILABLE FOR COUNTY OFFICES OF EDUCATION FOR THEIR SPECIFIC USE (e.g., BOARD POLICY, SUPERINTENDENT POLICY, REGULATION, EXHIBIT, ETC.). DOCUMENT TYPES MAY BE CHANGED TO REFLECT LOCAL PRACTICE PRIOR TO ADOPTION.

CSBA NOTE: Title IX of the Education Amendments of 1972 (20 USC 1681-1688) prohibits discrimination based on sex in district programs and activities. Although the Title IX regulations were amended by 89 Fed.Reg. 33474, effective August 1, 2024, these amendments were vacated nationwide by the United States District Court in Tennessee v. Cardona on January 9, 2025. Following this decision, the U.S. Department of Education's Office for Civil Rights (OCR) February 4, 2025 Dear Colleague Letter clarified that OCR will enforce Title IX based on the regulations as they existed prior to August 1, 2024. Therefore, references in this exhibit to Title IX and its implementing regulations are to the Title IX regulations as they existed prior to August 1, 2024.

34 CFR 106.8 requires the district to provide notice to students, parents/guardians, employees, bargaining units, and applicants for admission and employment, which includes (1) that the district does not discriminate on the basis of sex, which extends to admission and employment, (2) that inquiries about the application of Title IX may be referred to the district's Title IX Coordinator and/or to the U.S. Department of Education's Office for Civil Rights Assistant Secretary, (3) the Title IX Coordinator's contact information, (4) the district's policy prohibiting sexual harassment, (5) the district's grievance procedures that provide for the prompt and equitable resolution of sexual harassment complaints, and (6) how to report or file a complaint of sex discrimination and/or sexual harassment, and how the district will respond. The following exhibit presents a sample notification that meets these requirements and may be modified to reflect district practice. For a sample notice for students and parents/guardians, see E(1) 5145.71 - Title IX Sexual Harassment Complaint Procedures. Pursuant to 34 CFR 106.8, the district is also required to provide the Title IX Coordinator's contact information and the accompanying policy on its website and in any handbook, for employees, bargaining units, and job applicants.

Additionally, Education Code 231.5 requires that the district's sexual harassment policy be provided to employees at the beginning of the school year and when newly hired, prominently displayed in district and school offices, and included in any publication that sets forth standards of employee conduct.

NOTICE OF TITLE IX SEXUAL HARASSMENT POLICY

The district shall not discriminate on the basis of sex 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 admission and employment. The district also prohibits retaliation against any employee for filing a complaint or exercising any right granted under Title IX.

The district shall take prompt and 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 4119.11/4219.11/4319.11 - Sexual Harassment.

It is recommended that the Title IX Coordinator be the same person(s) designated to serve as the coordinator for nondiscrimination in employment specified in AR 4030 - Nondiscrimination in Employment, as the responsible employee(s) to handle complaints alleging unlawful discrimination. However, if the district wishes to separate these responsibilities, it is recommended that one individual be responsible for oversight of the complaint process for the district.

The following employee serves as the district's Title IX Coordinator and is responsible for addressing concerns or inquiries regarding discrimination on the basis of sex, including sexual 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 is required to provide notice to students, parents/guardians, employees, bargaining units, and applicants for admission and employment of the district's grievance procedures, and process, including how to report or file a formal complaint of sex discrimination and/or sexual harassment, and how the district will respond.

Any individual may report sex discrimination, including sexual 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 harassment, the Title IX Coordinator shall 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 harassment, including the grievance process that complies with 34 CFR 106.45, please see Board Policy/Administrative Regulation 4119.11/4219.11/4319.11 - Sexual Harassment, and Administrative Regulation 4119.12/4219.12/4319.12 - Title IX Sexual Harassment Complaint Procedures, on the district's website at (insert website link)_____.

To inspect or obtain a copy of the district's sexual harassment policies and administrative regulations, please contact: (insert location/phone/email of contact person) _____.

Materials used to train the Title IX Coordinator, investigator(s), decisionmaker(s), 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.