

For sexual harassment under Title IX, complainants must proceed under Board Policy 3433 Prohibition of Sexual Harassment under Title IX, Administrative Procedure 3433 Prohibition of Sexual Harassment under Title IX, and Administrative Procedure 3434 Responding to Harassment Based on Sex under Title IX. For other forms of sexual harassment or gender-based harassment, complainants should use this procedure.

Complaints

The law prohibits coworkers, students, or other individuals from making a written or oral complaint of sexual harassment, discrimination, or retaliation. A complaint is defined as (1) an unwritten allegation of harassment, discrimination, or retaliation; (2) a written complaint; or (3) a written complaint from an individual who expressly indicates an intent to file a complaint.

course of action. This may include efforts to informally resolve the matter or a fact-finding investigation.

Investigation of an informal complaint will be appropriate if the director of labor relations/Title IX coordinator determines that the allegation(s), if proven true, would constitute a violation of the district policy prohibiting harassment, discrimination, or retaliation.

If the formal complaint does not meet the requirements set forth above, the complaint that the director of labor relations/Title IX coordinator will promptly return it to the complainant and specify the defect. If the sole defect is that the formal complaint was filed outside the applicable proscribed timeline, the director of labor relations/Title IX

Any district employee who receives a harassment or discrimination complaint shall notify the director of labor relations/Title IX coordinator immediately.

Filing a Timely Complaint

Since failure to report harassment and discrimination impedes the district's ability to stop the behavior, the district strongly encourages anyone who believes they are being harassed or discriminated against to file a complaint. The district also strongly encourages the filing of such complaints within thirty days of the alleged incident. While all complaints are taken seriously and will be investigated promptly, delay in filing impedes the district's ability to investigate and remediate.

All supervisors and managers have a mandatory duty to report incidents of harassment and discrimination; the existence of a hostile, offensive or intimidating work environment; and acts of retaliation.

The district will investigate complaints involving acts that occur off campus if they are related to an academic or work activity, or if the harassing conduct interferes with or limits a student's or employee's ability to participate in or benefit from the school's programs or activities.

Communicating that the Conduct is Unwelcome

The district further encourages students and staff to let the offending person know immediately and firmly that the conduct or behavior is unwelcome, offensive, in poor taste, or inappropriate.

Intake and Processing of the Complaint

Upon receiving notification of a harassment or discrimination complaint, the director of labor relations/Title IX coordinator shall:

information is maintained by the district as an “education record” under the Family Educational Rights and Privacy Act (FERPA), 20 U.S. Code Section 1232g; 34 Code Federal Regulations Part 99.15. The district will inform the complainant if it cannot maintain confidentiality.

Investigation Steps

The district will fairly and objectively investigate harassment and discrimination complaints. Employees designated to serve as investigators under this policy shall have adequate training on what constitutes sexual harassment, including sexual violence, and that they understand how the district’s grievance procedures operate. The investigator may not have any real or perceived conflicts of interest and must be able to investigate the allegations impartially.

Investigators will use the following steps: interviewing the complainant(s); interviewing the respondent(s); identifying and interviewing witnesses and evidence identified by each party; identifying and interviewing any other witnesses, if needed; reminding all individuals interviewed of the district’s no-retaliation policy; considering whether any involved person should be removed from the campus pending completion of the investigation; reviewing personnel/academic files of all involved parties; reach a conclusion as to the allegations and any appropriate disciplinary and remedial action; and see that all recommended action is carried out in a timely fashion. When the district evaluates the complaint, it shall do so using a preponderance of evidence standard. Thus, after considering all the evidence it has gathered, the district will decide whether it is more likely than not that discrimination or harassment has occurred.

Timeline for Completion

The district will undertake its investigation as promptly and swiftly as possible. To that end, the investigator shall complete the above steps, and prepare a written report within ninety days of the district receiving the complaint.

Cooperation Encouraged

All employees are expected to cooperate with a district investigation into allegations of harassment or discrimination. Lack of cooperation impedes the ability of the district to investigate thoroughly and respond effectively; however, lack of cooperation by a complainant or witnesses does not relieve the district of its obligation to investigate. The district will conduct an investigation if it is discovered that harassment is, or may be occurring, with or without the cooperation of the alleged victim(s) and regardless of whether a complaint is filed. No employee will be retaliated against as a result of lodging a complaint or participating in any workplace investigation.

Written Report

The results of the investigation of a complaint shall be set forth in a written report that will include at least all of the following information:

- x A description of the circumstances giving rise to the formal complaint;

- x A description of the procedural steps taken during the investigation, including all individuals contacted and interviewed;

- x A summary of the testimony provided by each witness the investigator interviewed;
- x An analysis of relevant evidenc

- o A description of actions taken, if any, to prevent similar problems from occurring in the future.
- o The proposed resolution of the complaint.
- o The complainant's right to appeal to the district board of trustees and to file a complaint with Department of Fair Employment and Housing or the U.S. Equal Employment Opportunity Commission.

Discipline and Corrective Action

If harassment, discrimination, or retaliation occurred in violation of the policy or procedure, the district shall take disciplinary action against the accused and any other remedial action it determines to be appropriate, consistent with state and federal law. The action will be prompt, effective, and commensurate with the severity of the offense. Remedies for the complainant might include, but are not limited to:

- x Providing an escort to ensure that the complainant can move safely between classes and activities.
- x Ensuring the complainant and respondent do not attend the same classes or work in the same work area.
- x Preventing offending third parties from entering campus.
- x Providing counseling services or a referral to counseling services.
- x Providing medical services or a referral to medical services.
- x Providing academic support services, such as tutoring.
- x Arranging for a student complainant to retake a course or withdraw from a class without penalty, including ensuring that any changes do not adversely affect the complainant's academic record.
- x Reviewing any disciplinary actions taken against the complainant to see if there is a causal connection between the harassment and the misconduct that may have resulted in the complainant being disciplined.

If the district imposes discipline, the nature of the discipline will not be communicated to the complainant; however, the district may disclose information about the sanction imposed on an individual who was found to have engaged in harassment when the sanction directly relates to the complainant. For example, the district may inform the complainant that the harasser must stay away from the complainant.

Disciplinary actions against faculty, staff, and students will conform to all relevant statutes, regulations, personnel policies and procedures, including the provisions of any applicable collective bargaining agreement.

The district shall also take reasonable steps to protect the complainant from further harassment or discrimination, and to protect the complainant and witnesses from retaliation as a result of communicating the complaint or assisting in the investigation.

The district will ensure that complainants and witnesses know how to report any subsequent problems and should follow up with complainants to determine whether any retaliation or new incidents of harassment have occurred. The district shall take reasonable steps to ensure the confidentiality of the investigation and to protect the privacy of all parties to the extent possible without impeding the district's ability to investigate and respond effectively to the complaint.

If the district cannot take disciplinary action against the accused individual because the complainant refuses to participate in the investigation, it should pursue other steps to limit the effects of the alleged harassment and prevent its recurrence.

Appeals

If the district imposes discipline against a student or employee as a result of the findings in its investigation, the student or employee may appeal the decision using the procedure for appealing a disciplinary decision.

If the complainant is not satisfied with the results of the administrative determination, they may, within fifteen days, submit a written appeal to the board of trustees. The board shall review the original complaint, the investigative report, the administrative decision, and the appeal. The board shall issue a final district decision in the matter within forty-five (45) days after receiving the appeal. A copy of the decision rendered by the board shall be forwarded to the complainant and to the State Chancellor's Office. The complainant shall also be notified of their right to appeal this decision.

If the board of trustees does not act within forty-five (45) days, the administrative determination shall be deemed approved and shall become the final decision of the district in the matter.

In any case not involving workplace discrimination, harassment, or retaliation, the complainant shall have the right to file a written appeal with the State Chancellor's Office within thirty days after the board issued the final district decision or permitted the administrative decision to become final. Such appeals shall be processed pursuant to the provision of Title 5 section 59350.

In any case involving employment discrimination, including workplace harassment, the complainant may at any time before or after the issuance of the final decision of the district, file a complaint with the Department of Fair Employment and Housing.

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comply with the 150-day deadline for submission of materials, it may file a written request for an extension of time no later than ten (10) days prior to the expiration of the deadline.

File Retention

The district will retain on file for a period of at least three years after closing the case copies of:

- x Original complaint;
- x Investigatory report;
- x Summary of the report if one is prepared;
- x Notice provided to the complainant of the district's administrative determination and their right to appeal;
- x Any appeal; and
- x The district's final decision.

The district will make such documents available to the State Chancellor upon request.

Dissemination of Policy and Procedures

District policy and procedures related to harassment will include information that specifically addresses sexual violence. District policy and procedures will be provided to all students, faculty members, members of the administrative staff and members of the support staff, and will be posted on campus and on the district's website.

When hired, employees are required to sign that they have received the policy and procedures, and the signed acknowledgment of receipt is placed in each employee's

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include practical examples aimed at instructing supervisors in the prevention of harassment, discrimination, and retaliation, and shall be presented by trainers or educators with knowledge and expertise in the prevention of harassment, discrimination, and retaliation. Supervisor's harassment training must also address potential exposure and liability for employers and individuals, supervisor's obligation to report sexual harassment, discrimination, and retaliation when they become aware of it, appropriate remedial measures to correct harassing behavior, and a review of "abusive conduct."

The district will maintain appropriate records of the training provided, including the names of the supervisory employees trained, the date of training, sign-in sheets, copies of all certificates of attendance or completion issued, the type of training provided, a copy of all written or recorded training materials, and the name of the training provider. The district will retain these records for at least two years.

Training of all staff will be conducted. This includes counselors, faculty, health personnel, law enforcement officers, coaches, and all staff who regularly interact with students. Training for academic staff should emphasize