

REGULATION 4119.11, 4219.11, 4319.11: ~~SEXUAL~~ SEX DISCRIMINATION AND SEX-BASED HARASSMENT

Comparison Matrix

Section: Personnel

SUMMARY OF UPDATE

Summary of Update: Regulation updated to include material related to sex discrimination, in addition to sex-based harassment. Additionally, regulation updated to emphasize that the district does not discriminate on the basis of sex in any of its programs or activities, prohibits such conduct, and complies with Title IX. In addition, regulation updated to include definitions of sex discrimination and sex-based harassment, and reflect **NEW FEDERAL REGULATIONS (89 Fed. Reg. 33474)** which (1) clarify that discrimination on the basis of sex, including sex-based harassment, for the purpose of Title IX includes sex stereotypes; sex characteristics; gender identity; sexual orientation; pregnancy, childbirth, termination of pregnancy, or lactation, including related medical conditions or recovery; and parental, marital, and family status, (2) require specified training related to sex discrimination for all district employees, as well as additional training for investigators, decisionmakers, and other persons who are responsible for implementing the district's grievance procedures or have the authority to modify or terminate supportive measures; facilitators of an informal resolution process; and the Title IX Coordinator(s) and designees, (3) require the district to retain for at least seven years the materials used to provide training required by Title IX and make the materials available to members of the public upon request, (4) require districts to provide a notice of nondiscrimination on the basis of sex, (5) require districts to take specified actions to prevent sex discrimination and sex-based harassment, and (6) require a district with knowledge of alleged conduct, which occurs in a district program or activity on or after August 1, 2024, that reasonably may constitute sex discrimination under Title IX, including sex-based harassment, to follow Title IX grievance procedures when investigating and resolving a complaint based on the alleged conduct.

CSBA NOTE: The following administrative regulation is mandated pursuant to Education Code 231.5 and includes reasonable steps for preventing the occurrence of discrimination and harassment as required pursuant to Government Code 12940 (California Fair Employment and Housing Act). The focus of this administrative regulation is on sex discrimination and sex-based harassment by and of employees. Pursuant to Government Code 12940 and 2 CCR 11009, interns, volunteers, and job applicants are entitled to the same protection against sex-based harassment as applicable to employees.

For information regarding steps the district is required to take to prevent sex discrimination related to lactation, see BP 4033 - Lactation Accommodation.

For information related to sex discrimination and sex-based harassment involving students, see BP/AR 5145.7 - Sex Discrimination and Sex-Based Harassment and AR 5145.71 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures. For information regarding steps the district is required to take to prevent sex discrimination related to a student's pregnancy or related condition pursuant to Title IX (20 USC 1681-1688) and its implementing regulation 34 CFR 106.40, as amended by 89 Fed. Reg. 33474, see BP 5146 - Married/Pregnant/Parenting Students.

CURRENT VERSION			REVISED VERSION	CSBA MODIFICATIONS and/or NOTES
PARA	Section	Sub-Section	May 10, 2022	
			July 2024	
			<i>The district does not discriminate on the basis of sex in any of its programs or activities and</i>	New paragraph added

			<i>complies with Title IX of the Education Amendments of 1972 and its implementing regulations. Sex discrimination, including sex-based harassment, is prohibited in district education programs and activities.</i>	
1		The following 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 by or against a student.	The following administrative regulation shall apply to all allegations of <i>sex discrimination and sex-based</i> harassment <i>by and against district</i> employees, interns, volunteers, and job applicants, but shall not be used to resolve any complaint by a student.	
		<u>Definitions</u>	No change	
			<i>Sex discrimination includes treating an employee differently based on the employee's sex, which includes differential treatment based on sex stereotypes; sex characteristics; sexual orientation; gender; gender identity; gender expression; pregnancy, childbirth, termination of pregnancy, or lactation, including related medical conditions and recovery; parental, family, or marital status; or association with a person or group with one or more of these actual or perceived characteristics.</i>	New paragraphs and sections added CSBA NOTE: The U.S. Equal Employment Opportunity Commission describes sex discrimination as treating someone differently because of that person's sex. Additionally, 34 CFR 106.2 and 106.10, as amended by 89 Fed. Reg. 33474, clarify that sex discrimination for the purpose of Title IX includes discrimination on the basis of sex stereotypes; sex characteristics; gender identity; sexual orientation; pregnancy, childbirth, termination of pregnancy, or lactation, including related medical conditions or recovery; and, parental, marital, and family status.
			<i>Sex discrimination, including sex-based harassment, intimidation, or bullying, may result from physical, verbal, nonverbal, or written conduct and occurs when prohibited conduct is so severe, persistent, or pervasive that it creates an intimidating, threatening, hostile, or offensive work environment; has the effect of substantially or unreasonably interfering with an employee's term or condition of employment; or otherwise</i>	

				<p><i>adversely affects an employee's employment opportunities.</i></p>	
				<p><i>Sex-based harassment is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, sex stereotypes, sex characteristics, or other bases specified above. Conduct will constitute sex-based harassment when it takes the form of:</i></p>	<p>CSBA NOTE: A Pursuant to 34 CFR 106.2, sex-based harassment includes (1) a district employee, agent, or other individual authorized by the district to provide an aid, benefit, or service under the district's education program or activity explicitly or impliedly conditioning the provision of a district aid, benefit, or service on an individual's participation in unwelcome sexual conduct, (2) "hostile environment harassment," defined as unwelcome sex-based conduct that, based on the totality of the circumstance, 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 district's education program or activity, or (3) sexual assault, dating violence, domestic violence, or stalking, as defined in 34 CFR 106.2. Conduct that meets the definition of Title IX sex discrimination, including sex-based harassment, requires investigation and resolution through the Title IX grievance procedures; see AR 4119.12/4219.12/4319.12 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures.</p> <p>Education Code 212.5 defines sexual harassment as any unwelcome sexual advance, request for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by someone in the educational setting.</p> <p>34 CFR 106.2 and 106.10, as amended by 89 Fed. Reg. 33474, clarify that sex-based</p>

				harassment for the purpose of Title IX includes harassment on the basis of sex stereotypes; sex characteristics; gender identity; sexual orientation; pregnancy, childbirth, termination of pregnancy, or lactation, including related conditions; and, parental, marital, and family status. Additionally, in <i>Oncale v. Sundowner Offshore Services, Inc.</i> , the U.S. Supreme Court held that same-sex harassment could be actionable under Title VII of the Civil Rights Act of 1964 (42 USC 2000e-2000e-17).	
				<i>1. Quid pro quo harassment: A district employee, agent, or other individual authorized by the district to provide an aid, benefit, or service in the district's education program or activity conditioning the provision of district aid, benefit, or service on a student's participation in unwelcome sexual conduct</i>	
				<i>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 district's education program or activity</i>	CSBA NOTE: Pursuant to 34 CFR 106.11, as amended by 89 Fed. Reg. 33474, Title IX grievance procedures are required for Title IX sex discrimination complaints, including sex-based harassment complaints, for conduct which occurs on or after August 1, 2024 under the district's education program or activity, which includes conduct alleged to be contributing to a hostile environment that occurred outside the district's education program or activity or outside the United States. Item #2 below reflects "hostile environment harassment" as defined by 34 CFR 106.2, as amended by 89 Fed. Reg. 33474.
				<i>2 (2) Any prohibited conduct that occurs off campus or outside of school-related or school-sponsored programs or activities will be regarded as sex-based harassment in violation of district policy if it has a</i>	

				<i>continuing effect on a student's ability to participate in or benefit from district educational programs or activities.</i>	
				<i>3. Sexual assault, dating violence, domestic violence, or stalking, as defined in 34 CFR 106.2</i>	
1			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:	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 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:	
	1		Submission to the conduct is made explicitly or implicitly a term or condition of the individual's employment.	No change	
	2		Submission to or rejection of the conduct is used as the basis for an employment decision affecting the individual.	No change	
	3		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.	No change	
	4		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.	No change	
2			For purposes of applying the complaint procedures specified in Title IX of the Education Amendments of 1972, sexual	Delete	

		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:		
	1	A district employee conditioning the provision of a district aid, benefit, or service on the person's participation in unwelcome sexual conduct	Delete	
	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	Delete	
	3	Sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 or 34 USC 12291	Delete	
		<u>Examples of Sexual Harassment</u>	<u>Examples of <i>Sex Discrimination and Sex-Based Harassment</i></u>	
	1	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:	Examples of actions that might constitute <i>sex-based</i> harassment under state and/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:	CSBA NOTE: Pursuant to Government Code 12940 and 34 CFR 106.11, the district may be held liable for sex-based harassment committed against employees by clients, customers, or other third parties if the district knew, or should have known, of the harassment and failed to take immediate and appropriate corrective action to stop the harassment. The following paragraph clarifies that sex-based harassment may include acts by supervisors, co-workers, or other parties and should be modified to reflect district practice.
	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	Unwelcome verbal conduct such as <i>sex-based</i> flirtations or propositions; graphic comments about an individual's body; overly personal conversations or pressure for <i>sex-based</i> activity; <i>sex-based</i> jokes or stories;	

		slurs, epithets, threats, innuendoes, derogatory comments, sexually degrading descriptions, or the spreading of sexual rumors	unwelcome <i>sex-based</i> slurs, epithets, threats, innuendoes; derogatory comments; <i>sex-based</i> degrading descriptions; or the spreading of <i>sex-based</i> rumors	
	2	Unwelcome visual conduct such as drawings, pictures, graffiti, or gestures; sexually explicit emails; displaying sexually suggestive objects	Unwelcome visual conduct such as drawings, pictures, graffiti, or gestures; sexually explicit emails <i>or messaging; or</i> 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	No change	
		Title IX Coordinator/Compliance Officer	No change	
1		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 Administrative Regulation 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 Administrative Regulation 4030 - Nondiscrimination in Employment. The Title IX Coordinator(s) may be contacted at:	The district designates the following individual(s) as the responsible employee(s) to coordinate its efforts to comply with Title IX in accordance with Administrative Regulation 4119.12/4219.12/4319.12 - Title IX <i>Sex Discrimination and Sex-Based</i> Harassment Complaint Procedures, <i>and</i> oversee <i>the district's response to discrimination</i> complaints processed under Administrative Regulation 4030 - Nondiscrimination in Employment. The Title IX Coordinator(s) may be contacted at:	CSBA NOTE: Pursuant to 34 CFR 106.8, districts that receive federal financial assistance are mandated to designate an employee to ensure district compliance with Title IX of the Education Amendments of 1972 and its implementing regulations. If the district has more than one Title IX Coordinator, it must designate one of its Title IX Coordinators to retain ultimate oversight over those responsibilities and ensure the district's consistent compliance with its responsibilities under Title IX. The following paragraph specifies that the Title IX Coordinator will be the same person(s) designated to serve as the coordinator for nondiscrimination in employment pursuant to AR 4030 - Nondiscrimination in Employment
2		Jeff Youskievicz Assistant Superintendent, Educational Services Title IX Coordinator/Compliance Officer Silver Valley Unified School District	No change	

		35320 Daggett-Yermo Rd. P.O. Box 847 Yermo, CA 92398 jyouskievicz@svusdk12.net 760-254-2916 Ext. 1157		
		Training	No change	
			<i>The Superintendent or designee shall ensure that all employees receive training regarding sex discrimination and sex-based harassment in accordance with state and federal law.</i>	<p>New paragraph added CSBA NOTE: Government Code 12950.1 requires districts with five or more employees to provide sexual harassment training and education to supervisory and nonsupervisory employees once every two years. Additionally, Government Code 12950.1 requires that new nonsupervisory employees be provided the training within six months of hire, consistent with the requirement for all newly hired supervisors or employees promoted to a supervisory position. Compliance with this law does not insulate the district from any liability for harassment.</p> <p>In addition, Title IX and its implementing regulation 34 CFR 106.8, as amended by 89 Fed. Reg. 33474, requires that all employees receive training related to their duties under Title IX promptly upon hire or change of position that alters their duties under Title IX, and annually thereafter. The training provided to all employees is required to include the district's obligation to address sex discrimination, the scope of conduct that constitutes sex discrimination under Title IX, including the definition of sex-based harassment, and the applicable notice and information requirements. 34 CFR 106.8, as amended by 89 Fed. Reg. 33474, requires additional training for (1) investigators, decisionmakers, and other persons who are responsible for implementing the district's</p>

				<p>grievance procedures or have the authority to modify or terminate supportive measures, (2) facilitators of an informal resolution process, and (3) Title IX Coordinators and designees.</p> <p>Governing Board members, as elected officials, are not usually considered "supervisors"; however, since Board members have the authority to hire, reward, or discipline the Superintendent and other employees, Board members may also be required to receive sex-based harassment training. Districts should consult CSBA's District and County Office of Education Legal Services or district legal counsel to ensure that the appropriate individuals receive training.</p> <p>The following section reflects sex discrimination and sex-based harassment training required for employees under both state and federal law.</p>
1		<p>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 newly hired employees and employees promoted to a supervisory position shall receive training within six months of their assumption of the new position.</p>	<p>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 <i>as specified in Government Code 12950.1</i>. All newly hired employees and employees promoted to a supervisory position shall receive training within six months of their assumption of the new position.</p>	
2		<p>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</p>	<p>No change</p>	

		grievances, or to 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.		
3		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.	No change	
4		The district's sexual harassment training and education program shall include, but is not limited to, the following:	No change	
	1	Information and practical guidance regarding federal and state laws concerning the prohibition, prevention, and correction of sexual harassment	No change	
	2	The types of conduct that constitute sexual harassment	No change	
	3	Remedies available for victims in civil actions, and potential employer/individual exposure/liability	No change	
	4	Strategies to prevent harassment in the workplace	No change	
	5	Supervisors' obligation to report sexual harassment, discrimination, and retaliation of which they become aware	No change	
	6	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	No change	

		and media accounts, and hypotheticals based on workplace situations and other sources		
	7	The limited confidentiality of the complaint process	No change	
	8	Resources for victims of unlawful harassment, such as to whom they should report any alleged harassment	No change	
	9	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	No change	
	10	What to do if the supervisor is personally accused of harassment	No change	
	11	The essential elements of the district's anti-harassment policy, and how to use the policy if a harassment complaint is filed	No change	
	11 (2)	Employees shall receive a copy of the district's sexual harassment policy and administrative regulations, which they shall read and acknowledge that they have received.	No change	
	12	Information, including practical examples, of harassment based on gender identity, gender expression, and sexual orientation	No change	
	13	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 other 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	No change	
5			<i>Additionally, the Superintendent or designee shall ensure that all employees receive annual</i>	

				<i>training related to their duties under Title IX in accordance with 34 CFR 106.8, and that a newly hired employee receive training promptly upon hire or change of position that alters the employee's duties under Title IX.</i>	
				<i>The district's Title IX sex discrimination and sex-based harassment training shall include:</i>	
				<i>1. The district's obligation to address sex-based discrimination, including sex-based harassment, in its education program or activity</i>	
				<i>2. The scope of conduct that constitutes sex discrimination under Title IX, including the definition of sex-based harassment</i>	
				<i>3. The notification and information requirements specified in 34 CFR 106.40 and 106.44</i>	
				<i>The district's Title IX sex-based harassment training and education program shall also include additional training required of supervisors; investigators, decisionmakers, and other persons who are responsible for implementing the district's grievance procedures or have the authority to modify or terminate supportive measures; facilitators of an informal resolution process; and Title IX Coordinators and designees.</i>	
				<i>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, type of training, and name of the training provider.</i>	
			The Superintendent or designee shall retain for at least two years the records of any training provided to supervisory employees.	<i>Additionally, the Superintendent or designee shall retain for at least seven years the materials used to provide training as specified</i>	

		Such records shall include the names of trained employees, date of the training, the type of training, and the name of the training provider.	<i>in 34 CFR 106.8, and to make these materials available, upon request, to members of the public.</i>	
		Notifications	No change	
1		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.	Delete	
2		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.	Delete	
			<i>To prevent unlawful sex discrimination and sex-based harassment, including retaliation, in district programs and activities, the Superintendent or designee shall provide notifications and implement measures to prevent discrimination and harassment as specified in Administrative Regulation 4030 - Nondiscrimination in Employment.</i>	New paragraph added CSBA NOTE: As part of its responsibility to monitor district compliance with legal requirements concerning discrimination pursuant to Education Code 234.1, as amended by SB 153 (Ch. 38, Statutes of 2024), the California Department of Education is required to ensure that the district prominently and conspicuously displays its nondiscrimination policies in all areas that are accessible to, and commonly frequented by, school site employees, students, and members of the public at each school site and district office, including, but not limited to, in school office lobbies, staff lounges, student government meeting rooms, and on the district's website. Additionally, Title IX, and its

				implementing regulations, 34 CFR 106.1-106.82, as amended by 89 Fed. Reg. 33474, require the district to provide notifications and take specified actions to prevent sex discrimination, including sex-based harassment. For more information regarding measures to prevent discrimination, see AR 4030 - Nondiscrimination in Employment.
3		A copy of the Board policy and this administrative regulation shall:	<i>In addition to the measures to prevent discrimination as specified in Administrative Regulation 4030 - Nondiscrimination in Employment, the Superintendent or designee shall ensure that</i> a copy of the Board policy and this administrative regulation:	
	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	No change	
	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	No change	
	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	No change	
	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	Delete	
	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	Delete	

4		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:	All employees shall receive a copy of an information sheet prepared by the California <i>Civil Rights Department (CRD)</i> or the district that contains, at a minimum, components on:	CSBA NOTE: Government Code 12950 requires the California Civil Rights Department (CRD) to develop an information sheet on employment discrimination and the illegality of sexual harassment and a poster regarding the rights of transgender employees. These documents are available on CRD's website. This list has been modified to make it applicable to sex-based harassment in general, not just sexual harassment.
	1	The illegality of sexual harassment	No change	
	2	The definition of sexual harassment under applicable state and federal law	The definition of <i>sex-based</i> harassment under applicable state and federal law	
	3	A description of sexual harassment, with examples	A description of <i>sex-based</i> harassment, with examples	
	4	The district's complaint process available to the employee	No change	
	5	The legal remedies and complaint process available through DFEH and the Equal Employment Opportunity Commission (EEOC)	The legal remedies and complaint process available through <i>CRD</i> and the Equal Employment Opportunity Commission (EEOC)	
	6	Directions on how to contact DFEH and the EEOC	Directions on how to contact <i>CRD</i> 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	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 <i>CRD</i> and the EEOC	
5		In addition , the district shall post, in a prominent and accessible location, DFEH poster on discrimination in employment and the illegality of sexual harassment and the DFEH poster regarding transgender rights.	<i>Additionally</i> , the district shall post, in a prominent and accessible location, the <i>CRD</i> poster on discrimination in employment and the illegality of <i>sex-based</i> harassment, and the <i>CRD</i> poster regarding transgender rights.	
		<u>Complaint Procedures</u>	No change	

1		<p>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 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 shall be investigated and resolved pursuant to AR 4030 - Nondiscrimination in Employment.</p>	<p>All complaints and allegations of <i>sex discrimination and sex-based</i> harassment by and against employees shall be investigated and resolved <i>as specified in 34 CFR 106.44 and 106.45 and</i> Administrative Regulation 4119.12/4219.12/4319.12 - Title IX <i>Sex Discrimination and Sex-Based</i> Harassment Complaint Procedures.</p>	<p>CSBA NOTE: Pursuant to 34 CFR 106.11 and 106.44, as amended by 89 Fed. Reg. 33474, a district with knowledge of alleged conduct, which occurs in a district program or activity on or after August 1, 2024, that reasonably may constitute sex discrimination under Title IX, including sex-based harassment, is required to follow Title IX grievance procedures when investigating and resolving a complaint based on the alleged conduct. As such a complaint may also fall within the complaint process as specified in AR 4030 - Nondiscrimination in Employment, it is unclear whether districts would additionally be required to follow the process specified in AR 4030 - Nondiscrimination in Employment. Due to this uncertainty, it is recommended that districts consult CSBA's District and County Office of Education Legal Services or district legal counsel prior to utilizing the process specified in AR 4030 - Nondiscrimination in Employment for this purpose. For more information regarding the Title IX grievance procedures, see AR 4119.12/4219.12/4319.12 - Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures.</p>
2		<p>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.</p>	<p>If <i>sex discrimination or sex-based</i> harassment is found following an investigation, the Title IX Coordinator, or designee in consultation with the <i>Title IX</i> Coordinator, shall take prompt action to stop the <i>sex discrimination or sex-based</i> harassment, prevent recurrence, and address any continuing effects.</p>	

Created: 8/7/24