

Superintendent Policy 5145.7: Sexual Harassment

Status: ADOPTED

Original Adopted Date: 08/18/2021 | **Last Revised Date:** 08/27/2025 | **Last Reviewed Date:** 08/27/2025

The county office of education (COE) does not discriminate on the basis of sex in any of its programs or activities and complies with Title IX of the Education Amendments of 1972 and its implementing regulations.

The COE is committed to maintaining a welcoming, safe and supportive school environment that is free from discrimination and harassment. Sexual harassment, as defined in the accompanying exhibit, targeted at any student, is prohibited.

Additionally, retaliatory behavior or action against any person who reports, files a complaint, testifies about, assists with, or otherwise supports a complaint in alleging sexual harassment, or otherwise participates or refuses to participate in the complaint process established for the purpose of this policy is prohibited. (Education Code 220.1, 221.8; 34 CFR 106.71)

Students who feel that they are being or have experienced sexual harassment, on COE grounds or at a COE-sponsored or COE-related activity, or off-campus when the conduct has a continuing effect on campus, are strongly encouraged to immediately contact their teacher, the principal or program administrator, the COE's Title IX Coordinator, or any other available school employee.

Any employee who receives a report or observes an incident of sexual harassment, by or against a student in a COE education program or activity shall report the incident to the Title IX Coordinator within one workday.

Once notified, the Title IX Coordinator shall ensure that the complaint alleging sexual harassment is addressed through Exhibit (1) 5145.71 - Title IX Sexual Harassment Complaint Procedures or County Board Policy/Exhibit (1) 1312.3 - Uniform Complaint Procedures, as applicable. Additionally, the Title IX Coordinator shall ensure that any implementation of Exhibit (1) 5145.71 - Title IX Sexual Harassment Complaint Procedures concurrently meets the requirements of County Board Policy/Exhibit (1) 1312.3 - Uniform Complaint Procedures

The Title IX Coordinator shall offer and coordinate supportive measures to the complainant and respondent, as deemed appropriate under the circumstances.

Students and parents/guardians shall be informed of this policy in the manner specified in the accompanying exhibit.

All COE staff shall be trained regarding this policy, and that employees required to receive training related to their duties under Title IX receive training as specified in 34 CFR 106.45. (Government Code 12950.1; 2 CCR 11023, 11024; 34 CFR 106.45)

Instruction/Information

All COE students shall receive age-appropriate information on sexual harassment. Such instruction and information shall include:

1. What acts and behavior constitute sexual harassment, including the fact that sexual harassment could occur between people of the same sex and could involve sexual violence
2. A clear message that students do not have to endure sexual harassment under any circumstance
3. Encouragement to report observed incidents of sexual harassment even when the alleged victim of the harassment has not complained
4. A clear message that student safety is the COE's primary concern, and that any separate rule violation involving an alleged victim or any other person reporting a sexual harassment incident will be addressed separately and will not affect the manner in which the sex discrimination or sex-based harassment complaint will be received, investigated, or resolved
5. A clear message that, regardless of a complainant's noncompliance with the writing, timeline, or other formal filing requirements, every sexual harassment allegation that involves a student, whether as the complainant, respondent, or harassment, shall be investigated and action shall be taken to respond to the harassment,

prevent recurrence, and address any continuing effect on students

6. Information about the COE's procedures for investigating complaints and the person(s) to whom a report of sexual harassment should be made
7. Information about the rights of students and parents/guardians to file a civil or criminal complaint, as applicable, including the right to file a civil or criminal complaint while the COE investigation of a sexual harassment complaint continues
8. A clear message that, when needed, the COE will implement supportive measures to ensure a safe school environment for a student who is the complainant or victim of sexual harassment and/or other students during an investigation

Disciplinary Actions

Upon completion of an investigation of a sexual harassment, any student found to have engaged in sexual harassment or sexual violence in violation of this policy shall be subject to disciplinary action. For students in grades 4-12, disciplinary action may include suspension and/or expulsion pursuant to Education Code 48900.2, provided that, in imposing such discipline, the entire circumstances of the incident(s) shall be taken into account.

Record-Keeping

Records shall be maintained in accordance with law, including in accordance with Exhibit (1) 5145.71 – Title IX Sexual Harassment Complaint Procedures, and COE policies and regulations, of all reported cases of sexual harassment to enable the COE to monitor, address, and prevent repetitive harassing behavior in COE schools.

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.

State	Description
5 CCR 432	Student records
5 CCR 4600-4670	Uniform complaint procedures
5 CCR 4900-4965	Nondiscrimination in elementary and secondary education programs
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 200-262.1	Educational equity; prohibition of discrimination on the basis of sex
Ed. Code 220.1	Prohibition of retaliation related to educational equity
Ed. Code 220.3	No requirement to disclose information related to student's sexual orientation, gender identity, or gender expression
Ed. Code 220.3	Prohibition of disclosure of information related to student's sexual orientation, gender identity, or gender expression
Ed. Code 220.5	Prohibition of policies requiring disclosure of information related to student's sexual orientation, gender identity, or gender expression
Ed. Code 35292.5	School restrooms; all-gender restrooms
Ed. Code 48900	Grounds for suspension or expulsion; definition of bullying
Ed. Code 48900	Grounds for suspension and expulsion
Ed. Code 48900.2	Additional grounds for suspension or expulsion; sexual harassment
Ed. Code 48904	Liability of parent/guardian for willful student misconduct
Ed. Code 48980	Parent/Guardian notifications
Ed. Code 49060-49079	Student records

State

Gov. Code 12950.1

Description

Sexual harassment training

Federal

20 USC 1092
20 USC 1221
20 USC 1232g
20 USC 1681-1688
34 CFR 106.1-106.82
34 CFR 99.1-99.67
34 USC 12291
42 USC 1983
42 USC 2000d-2000d-7
42 USC 2000e-2000e-17

Description

Definition of sexual assault
Application of laws
Family Educational Rights and Privacy Act (FERPA) of 1974
Title IX of the Education Amendments of 1972; discrimination based on sex
Nondiscrimination on the basis of sex in education programs
Family Educational Rights and Privacy
Definition of dating violence, domestic violence, and stalking
Civil action for deprivation of rights
Title VI, Civil Rights Act of 1964
Title VII, Civil Rights Act of 1964, as amended

Management Resources

Court Decision
Court Decision
Court Decision
Court Decision
Court Decision
Court Decision
Court Decision
Court Decision
CSBA Publication

Federal Register

U.S. DOJ Publication

Website
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Website

Description

Tennessee v. Cardona (2024) 737 F.Supp.3d 510
Reese v. Jefferson School District, (2001, 9th Cir.) 208 F.3d 736
Oona by Kate S. v. McCaffrey, (1998, 9th Cir.) 143 F.3d 473
Gebser v. Lago Vista Independent School District, (1998) 524 U.S. 274
Flores v. Morgan Hill Unified School District, (2003, 9th Cir.) 324 F.3d 1130
Donovan v. Poway Unified School District (2008) 167 Cal.App.4th 567
Doe v. Petaluma City School District, (1995, 9th Cir.) 54 F.3d 1447
Davis v. Monroe County Board of Education, (1999) 526 U.S. 629
[Safe Schools: Strategies for Governing Boards to Ensure Student Success, 2011](#)
[Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, April 29, 2024, Vol. 89, No. 83, pages 33474-33896](#)
[Dear Colleague Letter: Enforcement of Title IX under the provisions of the 2020 Title IX Rule, February 4, 2025](#)
[U.S. Department of Education, Office for Civil Rights](#)
[CSBA](#)
[California Department of Education](#)

Cross References

0410
1312.3
1312.3
1312.3-E(1)
5131.2
5131.2
5141.52

Description

[Nondiscrimination In County Office Programs And Activities](#)
[Uniform Complaint Procedures](#)
[Uniform Complaint Procedures](#)
[Uniform Complaint Procedures](#)
[Bullying](#)
[Bullying](#)
[Suicide Prevention](#)

Cross References

5141.52

5145.3

5145.3

5145.71

5145.71-E(1)

5145.71-E(2)

6163.4

6163.4-E(2)

Description[Suicide Prevention](#)[Nondiscrimination/Harassment](#)[Nondiscrimination/Harassment](#)[Title IX Sexual Harassment Complaint Procedures](#)[Title IX Sexual Harassment Complaint Procedures](#)[Title IX Sexual Harassment Complaint Procedures](#)[Student Use Of Technology](#)[Student Use Of Technology](#)

Exhibit 5145.7-E(1): Sexual Harassment

Status: ADOPTED

Original Adopted Date: 08/27/2025 | **Last Reviewed Date:** 08/27/2025

Definitions

Sexual harassment is a form of sex discrimination and means sexual harassment and other harassment on the basis of one, or a combination of two or more protected characteristics, which include, but may not be limited to, sex; gender; gender identity; gender expression; sexual orientation; sex stereotypes; pregnancy, false pregnancy, childbirth, termination of pregnancy, or related conditions or recovery; and parental, marital, and family status. (Education Code 200, 210.2, 220, 221.51, 230, 260; Government Code 11135; 20 USC 1681-1688)

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 made against another person of the same or opposite sex in the educational setting, under any of the following conditions: (Education Code 212.5; 5 CCR 4916)

1. Submission to the conduct is explicitly or implicitly made a term or condition of a student's academic status or progress
2. Submission to or rejection of the conduct by a student is used as the basis for academic decisions affecting the student
3. The conduct has the purpose or effect of having a negative impact on the student's academic performance or of creating an intimidating, hostile, or offensive educational environment
4. Submission to or rejection of the conduct by the student is used as the basis for any decision affecting the student regarding benefits and services, honors, programs, or activities available at or through any county office of education (COE) program or activity

Any prohibited conduct that occurs off campus or outside of COE-related or COE-sponsored programs or activities will be regarded as sexual harassment in violation of COE policy if it has a continuing effect on or creates a hostile school environment for the complainant or victim of the conduct.

For purposes of applying the complaint procedures specified in Title IX, sexual harassment is defined as any of the following forms of conduct that occurs in an education program or activity in which a COE school exercises substantial control over the context and respondent: (34 CFR 106.30, 106.44)

1. A COE employee conditioning the provision of a COE aid, benefit, or service on the student'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 student equal access to the COE's education program or activity
3. Sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 or 34 USC 12291

Title IX Coordinator/Compliance Officer

The County Superintendent of Schools designates the following individual as the responsible employee to coordinate the COE's efforts to comply with Title IX. The individual shall also serve as the Compliance Officer specified in Exhibit(1) 1312.3 - Uniform Complaint Procedures and Administrative Regulation 5145.3 - Nondiscrimination/Harassment as the responsible employee to handle student complaints alleging unlawful discrimination, as permitted by law. The Title IX Coordinator may be contacted at:

Katherine Aaron, Assistant Superintendent, Student Programs and Services
San Luis Obispo County Office of Education
3350 Education Drive, San Luis Obispo, CA 93405
805-543-7732
kaaron@slocoe.org

Notifications

Students and parents/guardians shall be notified that the COE does not discriminate on the basis of sex as required by Title IX and that inquiries about the application of Title IX to the COE may be referred to the COE's Title IX Coordinator and/or to the Assistant Secretary for Civil Rights, U.S. Department of Education. (34 CFR 106.8)

The COE shall notify students and parents/guardians of the name or title, office address, email address, and telephone number of the COE's Title IX Coordinator. (34 CFR 106.8)

A copy of the COE's sexual harassment policy and regulation shall:

1. Be included in the notifications that are sent to parents/guardians at the beginning of each school year (Education Code 48980; 5 CCR 4917)
2. Be displayed in a prominent location in the main administrative building or other area where notices of COE rules, regulations, procedures, and standards of conduct are posted (Education Code 231.5)
3. Be summarized on a poster which is prominently and conspicuously displayed in each bathroom and locker room at each school

The poster may be displayed in public areas that are accessible to and frequented by students, including, but not limited to, classrooms, hallways, gymnasiums, auditoriums, and cafeterias. The poster shall display the rules and procedures for reporting a charge of sexual harassment; the name, phone number, and email address of an appropriate school employee to contact to report sexual harassment; the rights of the reporting student, the complainant, and the respondent; and the responsibilities of the school. (Education Code 231.6)

4. Be posted, along with the name or title and contact information of the Title IX Coordinator, in a prominent location on the COE's website in a manner that is easily accessible to parents/guardians and students (Education Code 234.6; 34 CFR 106.8)
5. Be provided as part of any orientation program conducted for new and continuing students at the time the student is enrolled or at the beginning of each quarter, semester, or summer session (Education Code 231.5)
6. Appear in any publication that sets forth the program/school's or COE's comprehensive rules, regulations, procedures, and standards of conduct (Education Code 231.5)

Reports and Complaints

A student or a student's parent(s)/guardian(s) who believes that the student has been subjected to sexual harassment in a COE program or activity or who has witnessed sexual harassment is strongly encouraged to report the incident to the COE's Title IX Coordinator, a teacher, the principal or program administrator, or any other available school employee. Within one workday of receiving such a report, the principal/program administrator or other school employee shall forward the report to the COE's Title IX Coordinator. Any school employee who observes sexual harassment shall, within one workday, report the observation to the Title IX Coordinator as specified in the accompanying County Board of Education policy. The report shall be made regardless of whether the alleged victim files a formal complaint or requests confidentiality.

If the Title IX Coordinator determines a complaint of sexual harassment involves off-campus conduct and the conduct may create or contribute to the creation of a hostile school environment, the complaint shall be investigated and resolved in the same manner as if the prohibited conduct occurred at school.

When a verbal or informal report of sexual harassment is submitted, the student or parent/guardian shall be informed of the right to file a formal written complaint in accordance with applicable COE complaint procedures.

All complaints alleging sexual harassment against students in the school setting shall be investigated and resolved in accordance with law and COE procedures. The allegations shall be reviewed 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 Exhibit(1) 5145.71 - Title IX Sexual Harassment Complaint Procedures. Other sexual harassment complaints shall be investigated and resolved pursuant to County Board Policy and Exhibit(1) 1312.3 - Uniform Complaint Procedures.

If sexual harassment is found following an investigation, prompt action shall be taken to stop the sexual harassment, prevent recurrence, implement remedies, and address any continuing effects.

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Ed. Code 48980	Parent/Guardian notifications
Ed. Code 49060-49079	Student records
Gov. Code 12950.1	Sexual harassment training
Federal	Description
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
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Management Resources	Description
Court Decision	Tennessee v. Cardona (2024) 737 F.Supp.3d 510
Court Decision	Reese v. Jefferson School District, (2001, 9th Cir.) 208 F.3d 736

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Oona by Kate S. v. McCaffrey, (1998, 9th Cir.) 143 F.3d 473
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Flores v. Morgan Hill Unified School District, (2003, 9th Cir.) 324 F.3d 1130
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[Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, April 29, 2024, Vol. 89, No. 83, pages 33474-33896](#)
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Description

[Nondiscrimination In County Office Programs And Activities](#)
[Uniform Complaint Procedures](#)
[Uniform Complaint Procedures](#)
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[Bullying](#)
[Bullying](#)
[Suicide Prevention](#)
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[Nondiscrimination/Harassment](#)
[Title IX Sexual Harassment Complaint Procedures](#)
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[Title IX Sexual Harassment Complaint Procedures](#)
[Student Use Of Technology](#)
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Exhibit 5145.71-E(1): Title IX Sexual Harassment Complaint Procedures

Status: ADOPTED

Original Adopted Date: 10/27/2021 | **Last Revised Date:** 08/27/2025 | **Last Reviewed Date:** 08/27/2025

The complaint procedures described in this exhibit shall be used to address any complaint governed by Title IX of the Education Amendments of 1972 alleging that a student, while in an education program or activity in which a county office of education (COE) school exercises substantial control over the context and respondent, was subjected to one or more of the following forms of sexual harassment: (34 CFR 106.30, 106.44)

1. A COE employee conditioning the provision of a COE aid, benefit, or service on the student'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 student equal access to the COE's education program or activity
3. Sexual assault, dating violence, domestic violence, or stalking as defined in 20 USC 1092 or 34 USC 12291

For a complaint governed by Title IX based on conduct that occurred, in whole or in part, between August 1, 2024 and January 9, 2025, or prior to August 14, 2020, legal counsel shall be consulted to determine which procedures to use.

All other complaints alleging sexual harassment brought by or on behalf of students shall be investigated and resolved in accordance with County Board Policy/Exhibit(1) 1312.3 - Uniform Complaint Procedures

All requirements and timelines for County Board Policy/Exhibit(1) 1312.3 - Uniform Complaint Procedures shall concurrently be met while implementing the Title IX procedure.

Basic Requirements

When implementing Title IX grievance procedures, the COE shall: (34 CFR 106.45)

1. Treat complainants and respondents equitably by providing remedies to a complainant where a determination of responsibility for sexual harassment has been made against the respondent and by following a grievance process in accordance with 34 CFR 106.45 before the imposition of any disciplinary sanctions or other actions that are not supportive measures, as defined in 34 CFR 106.30, against a respondent

Remedies following a determination of responsibility for sexual harassment shall be designed to restore or preserve equal access to the COE's education program or activity, and shall be provided in accordance with "Remedies," below.

2. Require an objective evaluation of all relevant evidence, including both inculpatory and exculpatory evidence, and provide that credibility determination may not be based on a person's status as complainant, respondent, or witness
3. Ensure that the Title IX Coordinator, investigator, decisionmaker, or any person that facilitates an informal resolution process, does not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent, and that such individuals receive training in accordance with 34 CFR 106.45
4. Presume that the respondent is not responsible for the conduct until a determination regarding responsibility is made at the conclusion of the grievance process
5. Include reasonably prompt timeframes for the conclusion of the grievance process, including reasonably prompt timeframes for filing and resolving appeals, and informal resolution processes if appropriate and offered by the COE

The COE's procedures shall also include a process that allows for the temporary delay of the grievance procedures or the limited extension of timeframes for good cause with written notice to the complainant and

the respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

6. Describe the range of, or list, the possible disciplinary sanctions and remedies that the COE may implement following any determination of responsibility
7. State whether the standard of evidence to be used to determine responsibility is the preponderance of the evidence standard or the clear and convincing evidence standard, and apply the same standard of evidence to formal complaints against students and employees and to all formal complaints of sexual harassment
8. Include the procedures and permissible bases for the complainant and respondent to appeal
9. Describe the range of supportive measures available to complainants and respondents
10. Not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege

Additionally, the COE shall not disclose the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act statute or regulations, as required by law, or to carry out the purposes of Title IX, including the conduct of any investigation, hearing, or judicial proceeding arising under Title IX. (34 CFR 106.30, 106.71)

Reporting Allegations/Filing a Formal Complaint

A student who is the alleged victim of sexual harassment or the student's parent/guardian may submit a report of sexual harassment to the COE's Title IX Coordinator using the contact information listed in Exhibit(1) 5145.7 - Sexual Harassment, or to any other available school employee, who shall forward the report to the Title IX Coordinator within one day of receiving the report.

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. (34 CFR 106.44)

A formal complaint, shall include the complainant's physical or digital signature, or another indication that the complainant is the person filing the complaint, and be filed with the Title IX Coordinator in person, by mail, by email, or by any other method authorized by the COE. (34 CFR 106.30)

If the COE has actual knowledge of sexual harassment or allegations of sexual harassment but the alleged victim does not file a formal complaint, the Title IX Coordinator may file a formal complaint and, in situations when an imminent safety threat exists, a formal complaint shall be filed. In such cases, the alleged victim shall be provided notices as required by the Title IX regulations at specific points in the complaint process.

Supportive Measures

Upon 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 even if no formal complaint has been filed. Such measures shall be nondisciplinary, nonpunitive, and designed to restore or preserve equal access to the COE's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the COE's educational environment or to deter sexual harassment. Supportive measures may include, but are not limited to, counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact, changes in work or housing locations, leaves of absence, increased security, and monitoring of certain areas of the campus. (34 CFR 106.30, 106.44)

The COE shall maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the COE's ability to provide the supportive measures. (34 CFR 106.30)

Emergency Removal from School

If a student is the respondent, the COE may remove the student from the COE's education program or activity on an emergency basis, provided that the COE conducts an individualized safety and risk analysis, determines that removal is justified due to an immediate threat to the 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. Any such removal may not constitute discipline for student record purposes. Additionally, 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)

If a COE employee is the respondent, the employee may be placed on administrative leave during the pendency of the formal complaint process. (34 CFR 106.44)

Dismissal of Complaint

A formal complaint shall be dismissed if the alleged conduct would not constitute sexual harassment as defined in 34 CFR 106.30. Additionally, a formal complaint shall be dismissed if the alleged conduct did not occur in the COE's education program or activity or did not occur against a person in the United States. In addition, a formal complaint may be dismissed if the complainant notifies the COE in writing that the complainant would like to withdraw the complaint or any allegations in the complaint, the respondent is no longer enrolled or employed by the COE, or sufficient circumstances prevent the COE from gathering evidence sufficient to reach a determination with regard to the complaint. (34 CFR 106.45)

Upon dismissal, written notice of the dismissal and the reasons for the dismissal shall simultaneously be sent to the parties, and the parties shall be informed of their right to appeal the dismissal in accordance with the appeal procedures described in the section "Appeals" below. (34 CFR 106.45)

If a complaint is dismissed, the conduct may still be addressed pursuant to County Board Policy 1312.3 - Uniform Complaint Procedures as applicable.

Informal Resolution Process

When a formal complaint of sexual harassment is filed, the COE may offer an informal resolution process, such as mediation, at any time prior to reaching a determination regarding responsibility. (34 CFR 106.45)

The COE 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, including that the COE shall not require such waiver as a condition of enrollment or employment or continuing enrollment or employment. (34 CFR 106.45)

As part of an informal resolution, the parties may agree upon discipline such as suspension or expulsion without the need for an investigation.

The COE may facilitate an informal resolution process provided that the COE: (34 CFR 106.45)

1. Provides the parties with written notice disclosing the allegations, the requirements of the informal resolution process, including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations; the right to withdraw from the informal process and resume the formal complaint process at any time prior to agreeing to a resolution; and any consequences resulting from 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
3. Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student

Written Notice

If a formal complaint is filed, the known parties shall be provided written notice of the following: (34 CFR 106.45)

1. The COE'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, notice of the additional allegations shall be provided to the parties.

3. A statement that 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 may also include the name of the investigator, facilitator of an informal process, and decisionmaker and 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.

Consolidation of Complaints

When the allegations of sexual harassment arise out of the same facts or circumstances, the COE may consolidate formal complaints of sexual harassment against more than one respondent; by more than one complainant against one or more respondents; or by one party against another party. (34 CFR 106.45)

Investigation Procedures

During the investigation process, the COE's designated investigator shall: (34 CFR 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 COE 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. Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint including evidence that the COE does not intend to rely on in reaching a determination regarding responsibility and inculpatory and exculpatory evidence whether obtained from a party or other source so that each party can meaningfully respond to the evidence prior to conclusion of the investigation
7. Send in an electronic format or hard copy to both parties and their advisors, if any, the 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

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

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.

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

A COE employee shall be designated as the decisionmaker to determine responsibility for the alleged conduct. This employee shall not serve as the Title IX Coordinator or a person involved in the investigation. (34 CFR 106.45)

After the investigative report has been sent to the parties but before reaching a determination regarding responsibility, the decisionmaker 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 decisionmaker shall issue, and simultaneously provide to both parties, a written decision as to the scope of the respondent's responsibility for the alleged conduct, if any. (34 CFR 106.45)

The written decision shall be issued within 60 calendar days of the receipt of the complaint.

The COE may extend the timeline 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 decisionmaker shall use the "preponderance of the evidence" standard for all formal complaints of sexual harassment. The same standard of evidence shall be used for formal complaints against students as for complaints against employees. (34 CFR 106.45)

The written decision shall include the following: (34 CFR 106.45)

1. Identification of the allegations potentially constituting sexual harassment as defined in 34 CFR 106.30
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 COE includes hearings as part of the grievance process
3. Findings of fact supporting the determination
4. Conclusions regarding the application of the COE'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 COE imposes on the respondent, and whether remedies designed to restore or preserve equal access to the COE's educational program or activity will be provided by the COE to the complainant
6. The COE's procedures and permissible bases for the complainant and respondent to appeal

Appeals

Either party may appeal the written 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 was not reasonably available at the time the determination regarding responsibility or dismissal was made that could affect the outcome, or a conflict of interest or bias by the Title IX Coordinator, investigator(s), or decisionmaker(s) affected the outcome. If an appeal is filed, the COE shall: (34 CFR 106.45)

1. Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties
2. Ensure that the decisionmaker(s) for the appeal is trained in accordance with 34 CFR 106.45 and is not the same decisionmaker(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

An appeal shall 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 sexual harassment has been made against the respondent, the COE shall provide remedies to the complainant as appropriate. Such remedies may include the same individualized services described above in the section "Supportive Measures," but need not be nondisciplinary or nonpunitive and need not avoid burdening the respondent. (34 CFR 106.45)

Corrective/Disciplinary Actions

The COE may impose disciplinary sanctions or other actions after the complaint procedure has been completed and a determination of responsibility has been made. (34 CFR 106.44, 106.45)

For students in grades 4-12, discipline for sexual harassment may include suspension and/or expulsion. (Education Code 48900.2, 48915)

Other actions that may be taken with a student who is determined to be responsible for sexual harassment include, but are not limited to:

1. Transfer from a class or school as permitted by law
2. Conference with parent/guardian
3. Educating the student regarding the impact of the student's conduct on others
4. Positive behavior support
5. Referral of the student to a student success team
6. Denial of participation in extracurricular or cocurricular activities or other privileges as permitted by law

An employee found to have committed sexual harassment or retaliation shall be subject to disciplinary action, up to and including dismissal, in accordance with applicable law and collective bargaining agreement.

Record-Keeping

The COE shall maintain, for a period of seven years: (34 CFR 106.45)

1. A record of all reported cases and Title IX investigations of sexual 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, including the COE's basis for its conclusion that its response was 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
3. All materials used to train the Title IX Coordinator, investigator(s), decisionmaker(s), and any person who facilitates an informal resolution process

The COE shall make such training materials publicly available on its web site, or if the COE does not maintain a web site, available upon request by members of the public.

For complaints containing allegations of childhood sexual assault, the County Superintendent of Schools or designee shall also indefinitely maintain the following: (Code of Civil Procedure 340.1):

1. A record of the allegation(s)
2. A record of the investigation procedures followed
3. A record of the written determination
4. A record of the corrective action implemented, if any
5. A record of any appeals and the outcome of the same
6. All training materials addressing the prohibition and investigation of childhood sexual assault

Additionally, the County Superintendent of Schools or designee shall indefinitely maintain a record of insurance which evidences the COE's coverage for acts of sexual assault.

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.

State	Description
5 CCR 4600-4670	Uniform complaint procedures
5 CCR 4900-4965	Nondiscrimination in elementary and secondary education programs
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 200-262.1	Educational equity; prohibition of discrimination on the basis of sex
Ed. Code 48900	Grounds for suspension and/or expulsion
Ed. Code 48900.2	Additional grounds for suspension or expulsion; sexual harassment

State

Ed. Code 48985
Gov. Code 12950.1

Federal

20 USC 1092
20 USC 1221
20 USC 1232g
20 USC 1681-1688
34 CFR 106.1-106.82
34 CFR 99.1-99.67
34 USC 12291
42 USC 1983
42 USC 2000d-2000d-7
42 USC 2000e-2000e-17

Management Resources

Court Decision
Court Decision
Court Decision
Court Decision
Court Decision
Court Decision
Court Decision
Court Decision

Federal Register

U.S. DOJ Publication
U.S. DOJ, FBI Publication
Website
Website
Website
Website
Website

Cross References

0410
1312.3
1312.3
1312.3-E(1)
3550

Description

Notices to parents in language other than English
Sexual harassment training

Description

Definition of sexual assault
Application of laws
Family Educational Rights and Privacy Act (FERPA) of 1974
Title IX of the Education Amendments of 1972; discrimination based on sex
Nondiscrimination on the basis of sex in education programs
Family Educational Rights and Privacy
Definition of dating violence, domestic violence, and stalking
Civil action for deprivation of rights
Title VI, Civil Rights Act of 1964
Title VII, Civil Rights Act of 1964, as amended

Description

Tennessee v. Cardona (2024) 737 F.Supp.3d 510
Reese v. Jefferson School District, (2001, 9th Cir.) 208 F.3d 736
Oona by Kate S. v. McCaffrey, (1998, 9th Cir.) 143 F.3d 473
Gebser v. Lago Vista Independent School District, (1998) 524 U.S. 274
Flores v. Morgan Hill Unified School District (2003) 324 F.3d 1130
Donovan v. Poway Unified School District (2008) 167 Cal.App.4th 567
Doe v. Petaluma City School District, (1995, 9th Cir.) 54 F.3d 1447
Davis v. Monroe County Board of Education, (1999) 526 U.S. 629
[Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, May 19, 2020, Vol. 85, No. 97, pages 30026-30579](#)
[Dear Colleague Letter: Enforcement of Title IX under the provisions of the 2020 Title IX Rule, February 4, 2025](#)
[National Incident-Based Reporting System](#)
[U.S. Department of Justice, Federal Bureau of Investigation](#)
[CSBA District and County Office of Education Legal Services](#)
[U.S. Department of Education, Office for Civil Rights](#)
[CSBA](#)
[California Department of Education](#)

Description

[Nondiscrimination In County Office Programs And Activities](#)
[Uniform Complaint Procedures](#)
[Uniform Complaint Procedures](#)
[Uniform Complaint Procedures](#)
[Food Service/Child Nutrition Program](#)

Cross References

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5141.52

5141.52

5145.3

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5145.7

5145.7

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Description[Food Service/Child Nutrition Program](#)[Free And Reduced Price Meals](#)[Free And Reduced Price Meals](#)[Suicide Prevention](#)[Suicide Prevention](#)[Nondiscrimination/Harassment](#)[Nondiscrimination/Harassment](#)[Sexual Harassment](#)[Sexual Harassment](#)[Sexual Harassment](#)

Exhibit 5145.71-E(2): Title IX Sexual Harassment Complaint Procedures

Status: ADOPTED

Original Adopted Date: 08/27/2025 | **Last Reviewed Date:** 08/27/2025

NOTICE OF TITLE IX SEXUAL HARASSMENT POLICY

The county office of education (COE) 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 COE also prohibits retaliation against any student for filing a complaint or exercising any right granted under Title IX.

The COE 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 COE's Title IX Coordinator, to the Assistant Secretary for Civil Rights of the U.S. Department of Education, or both.

The following employee serves as the COE's Title IX Coordinator and is responsible for addressing concerns or inquiries regarding discrimination on the basis of sex, including sexual harassment:

Katherine Aaron, Assistant Superintendent, Student Programs and Services
San Luis Obispo County Office of Education
3350 Education Drive, San Luis Obispo, CA 93405
805-543-7732
kaaron@slocoe.org

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 COE 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 COE complaint procedure.

To view an electronic copy of the COE's policies and administrative regulations on sexual harassment, including the grievance process that complies with 34 CFR 106.45, please see the COE's website at www.slocoe.org

To inspect or obtain a copy of the COE's sex discrimination and sexual harassment policies and administrative regulations, please contact: kaaron@slocoe.org; 805-543-7732

Materials used to train the Title IX Coordinator, investigator(s), decision-maker(s), and any person(s) who facilitates an informal resolution process, are also publicly available on the COE's website or at the COE office upon request.

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Ed. Code 48900.2	Additional grounds for suspension or expulsion; sexual harassment
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Federal

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 20 USC 1221
 20 USC 1232g
 20 USC 1681-1688
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 42 USC 2000d-2000d-7
 42 USC 2000e-2000e-17

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 Court Decision
 Court Decision
 Court Decision
 Court Decision
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 U.S. DOJ, FBI Publication
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 Doe v. Petaluma City School District, (1995, 9th Cir.) 54 F.3d 1447
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[National Incident-Based Reporting System](#)
[U.S. Department of Justice, Federal Bureau of Investigation](#)
[CSBA District and County Office of Education Legal Services](#)
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[CSBA](#)
[California Department of Education](#)

Description

[Nondiscrimination In County Office Programs And Activities](#)
[Uniform Complaint Procedures](#)
[Uniform Complaint Procedures](#)
[Uniform Complaint Procedures](#)
[Food Service/Child Nutrition Program](#)
[Food Service/Child Nutrition Program](#)
[Free And Reduced Price Meals](#)
[Free And Reduced Price Meals](#)

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5145.3

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5145.7

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Description[Suicide Prevention](#)[Suicide Prevention](#)[Nondiscrimination/Harassment](#)[Nondiscrimination/Harassment](#)[Sexual Harassment](#)[Sexual Harassment](#)[Sexual Harassment](#)