



Berryessa Union School District

Title IX/Sexual Harassment Complaint Procedure

Each school site is responsible for investigating all claims of sexual harassment. However, if the District receives a Title IX Complaint about the underlying harassment or about a school's failure to appropriately respond, the District's Title IX officer is under a duty to investigate the complaint.

What happens after a complaint is filed?

Within ten (10) calendar days of receiving the complaint, the BUSD Title IX Coordinator or designee shall meet with the complainant by telephone or in person to allow the complainant and/or their representative(s) an opportunity to present the complaint and any evidence, or information that may lead to evidence, to support the allegation(s) in the complaint.

Confidentiality

If a victim discloses an incident to a BUSD employee but wishes to maintain confidentiality or requests that no investigation into a particular incident be conducted or disciplinary action taken, BUSD must weigh that request against the school or district's obligation to provide a safe, non-discriminatory environment for all students, including the victim. If the school or district honors the request for confidentiality, a complaining party must understand that the BUSD's ability to meaningfully investigate the incident and pursue disciplinary action against the accused student(s) may be limited. Although rare, there are times when the school may not be able to honor a complaining party's request in order to provide a safe, non-discriminatory environment for all students.

Types of Evidence Collected

During the course of the investigation, the Title IX Coordinator will collect relevant documents, consider available physical evidence, and interview witnesses with information pertinent to the complaint. The Title IX Coordinator may obtain statements from other individuals who were witnesses to the alleged violation or who can provide relevant information concerning the alleged violation and review documents that may provide information relevant to the alleged violation.

Communication with the Title IX Coordinator

Throughout the investigation, the Title IX Coordinator will maintain ongoing contact with the student allegedly targeted.

What are the consequences for persons who violate Title IX?

The proper remedial action, if warranted, will be determined on a case-by-case basis. After the Title IX Coordinator reaches his/her findings and issues his/her preliminary recommendations for discipline, he/she works with the school sites and pupil the Education Services Department to ensure that the discipline is designed to end the conduct, prevent its recurrence and address its effects on the student targeted and the broader school community. Examples of appropriate remedial action for the individual who engaged in the harassment, intimidation or bullying may include:

1. Parent notification
2. Counseling
3. Guidance
4. Education about the impact of the conduct
5. Referral to a student success team
6. Transfer to alternative programs, classes, or school
7. Separating the individual who engaged in the conduct from the student targeted, provided the separation does not penalize the student targeted
8. Denial of participation in extracurricular or co-curricular activities or other privileges
9. Possible suspension or expulsion

Retaliation

Title IX and BUSD policies prohibit retaliation for filing a complaint of sexual harassment with the school site or with the Title IX Coordinator. (BP 5145.7)

Timeline

The Title IX Coordinator has up to 60 days to complete his/her investigation and issue a Written Notice of Outcome. However, the Title IX Coordinator will seek to complete his/her investigation as soon as possible. If the complaining party does not agree with the Title IX Coordinators findings, they can appeal to the California Department of Education or the Office of Civil Rights. Civil remedies are also available.

Any student who feels they are being or have been harassed based on sex or gender is encouraged to immediately talk to a teacher, other school employee, and contact the District's Title IX Coordinator:

Jill Tamashiro, Title IX Coordinator

Phone: (408) 923-1841

Email: jtamashiro@busd.net

For more information about BUDS's non-discrimination policies, please visit our District website:

www.berryessa.k12.ca.us/PARENTS-AND-COMMUNITY/M-Z/index.html