



Title IX Policy for Sexual Harassment

Aspire Public Schools (“Aspire”) is committed to maintaining a safe and respectful school environment that is free from discrimination and harassment. Title IX of the Education Amendment Act of 1972 (“Title IX”) prohibits discrimination on the basis of sex, including sexual harassment, in Aspire’s education programs and activities.

This Title IX Policy for Sexual Harassment (“Policy”) details Aspire’s commitment to maintain a learning environment that is free from sexual harassment and provides a grievance process for allegations of sexual harassment as defined under Title IX. Any individual can report sexual harassment at Aspire to Aspire staff (e.g., Principal, Assistant Principal, teacher, etc.), and Aspire will take appropriate action in accordance with this Policy.

Sexual harassment is a form of gender discrimination in that it constitutes differential treatment on the basis of gender, gender identity or expression, or sexual orientation, and, for that reason, is a violation of state and federal laws and a violation of this Policy. Aspire considers sexual harassment to be a major offense which can result in discipline of students and termination of employees.

Definition of Sexual Harassment Under California Law

California Education Code section 212.5 defines sexual harassment as any unwelcome sexual advances, requests for sexual advances, requests for sexual favors, or other verbal, visual, or physical conduct of a sexual nature made by someone from or in the work or educational setting, under the following conditions:

- Submission to the conduct is explicitly or implicitly made a term or a condition of an individual’s employment, academic status, or progress.
- Submission to, or rejection of the conduct by the individual is used as the basis of employment or academic decisions affecting the individual.
- The conduct has the purpose or effect of having a negative impact upon the individual’s work or academic performance, or of creating an intimidating, hostile, or offensive work or educational environment.
- Submission to, or rejection of, the conduct by the individual is used as the basis for any decisions affecting the individual regarding benefits and services, honors, programs, or activities available at or through the educational institution.

Sexual harassment may include, but is not limited to:

- Unwelcome verbal conduct such as suggestive, derogatory comments, sexual innuendoes, slurs, or unwanted sexual advances, invitations, or comments; pestering for dates; making threats; or spreading rumors about or rating others as to sexual activity or performance.
- Unwelcome visual conduct such as displays of sexually suggestive objects, pictures, posters, written material, cartoons, or drawings; graffiti of a sexual nature; or use of obscene gestures.
- Unwelcome physical conduct such as unwanted touching, pinching, kissing, patting, hugging, blocking of normal movement, assault; or interference with work or study directed at an individual because of the individual's sex, sexual orientation, or gender.
- Threats and demands or pressure to submit to sexual requests in order to keep a job or academic standing or to avoid other loss, and offers of benefits in return for sexual favors.

Under Education Code section 230, harassment and other discrimination on the basis of sex include, but are not limited to, the following: exclusion of a person or persons from participation in, denial of the benefits of, or subjection to harassment or other discrimination in, any academic, extracurricular, research, occupational training, or other program or activity; and exclusion from participation in, or denial of equivalent opportunity in, athletic programs. The full definition of discrimination and harassment based on sex from Education Code section 230 can be found here: http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC§ionNum=230.

The definition of sexual harassment under California law and the definition of Sexual Harassment under Title IX overlap in some areas. Complaints alleging unlawful discrimination, harassment, intimidation, or bullying based on gender, sex, gender identity or expression, or sexual orientation are eligible to be investigated pursuant to Aspire's Uniform Complaint Procedures. However, if any complaints alleging sexual harassment constitute Sexual Harassment as defined under Title IX (see below), the complaints shall be investigated under the Title IX Grievance Procedures for Sexual Harassment. Aspire prohibits retaliatory behavior against anyone who files a sexual harassment complaint or any participant in the complaint investigation process.

Sex Equity in Education Act Statement

Students have all the rights set forth in Education Code section 221.8 (as applicable to Aspire's programs). This includes the right to fair and equitable treatment, the right to a school environment without discrimination on the basis of sex, and right to be provided with an equitable opportunity to participate in all academic extracurricular activities. The description of all rights set forth in Education Code section 221.8 can be found here: http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC§ionNum=221.8.

For more information about Gender Equity/Title IX, please visit the following CDE website: <https://www.cde.ca.gov/re/di/eo/genequitytitleix.asp>.

Title IX Grievance Procedures for Sexual Harassment

I. Scope and Jurisdiction

This Policy's Title IX grievance procedures apply only to conduct that falls within the definition of "Sexual Harassment" under Title IX. Aspire employees or students may submit formal complaints of Sexual Harassment for investigation under this Policy. Sexual Harassment under Title IX means conduct on the basis of sex that falls within one or more of the following categories:

1. An Aspire employee conditioning the provision of a school aid, benefit, or service on an individual's participation in unwelcomed sexual conduct.
2. Unwelcomed conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to Aspire's education program or activity.
3. Sexual assault, dating violence, domestic violence, or stalking (as those terms are defined in 34 CFR section 106.30(a)(3)).

II. Title IX Personnel

Aspire has designated the following individuals as its Title IX Coordinators to coordinate the investigation and resolution of Sexual Harassment formal complaints as outlined in this Policy:

Bay Area schools:

Title: Regional Director of Student Services, Bay Area Region
Address: 1001 22nd Ave
Oakland, CA 94606
Phone: 510-434-5000
Email: BA_TitleIX@aspirepublicschools.org

Central Valley schools:

Title: Regional Director of Student Services, Central Valley Region
Address: 3311 E. Morada Lane
Stockton, CA 95212
Phone: 209-647-3047
Email: CV_TitleIX@aspirepublicschools.org

Los Angeles schools:

Title: Regional Director of Student Services, Los Angeles Region
Address: 5901 E. Slauson Avenue
Commerce, CA 90040
Phone: 323-837-9920
Email: LA_TitleIX@aspirepublicschools.org

The Title IX Coordinators may designate other individual(s) to fulfill all or part of their duties. In addition to the Title IX Coordinators, the following Title IX Personnel are involved in the grievance process to address formal complaints:

- **Investigator**: The individual responsible for gathering all evidence related to the formal complaint. This individual will create an “Investigation Report” which will summarize the relevant evidence.
- **Decision-Maker**: The individual responsible for evaluating evidence in order to make a determination regarding the formal complaint. The Decision-Maker submits a written determination of findings to the parties. The Decision-Maker cannot be a Title IX Coordinator, the Investigator, or any individual involved in the investigation of the formal complaint.
- **Title IX Appeals Officer**: If applicable, this individual is responsible for evaluating an appeal of the final determination. The Title IX Appeals Officer cannot be a Title IX Coordinator, Investigator, Decision-Maker, or any individual involved in the investigation of the formal complaint.

All Title IX Personnel (i.e., Title IX Coordinators, Investigator(s), Decision-Maker(s), Appeals Officer(s), and any person who facilitates an informal resolution process) will receive training in accordance with Title IX requirements. The Title IX Coordinators must ensure individuals responsible for investigating a formal complaint are neutral.

III. Reporting Allegations of Sexual Harassment

Any individual (e.g., a student or employee who is alleged to be a victim of Sexual Harassment or a parent/guardian of a student who is alleged to be a victim of Sexual Harassment), may report Sexual Harassment directly to one of the Aspire Title IX Coordinators, or to any other available Aspire employee who shall immediately inform a Title IX Coordinator. Reports of Sexual Harassment can be made in-person, by mail, by telephone, by electronic mail, or by any other means that result in a Title IX Coordinator receiving the person’s verbal or written report.

IV. Aspire’s Initial Response to a Report of Sexual Harassment

Upon receipt of any report of Sexual Harassment, the Title IX Coordinator for the region where the report originated or designee will take the following steps. These steps are offered regardless of whether the complainant submits a formal written complaint:

1. **Contact Complainant and Determine Need for Supportive Measures**: The Title IX Coordinator will contact the complainant and respondent¹ to discuss the availability of supportive measures to stop the harassment, protect students, and ensure access to the educational program. If a formal complaint was not filed, the Title IX Coordinator shall

¹ The “complainant” is the individual who is alleged to be the victim of conduct that could constitute Sexual Harassment. The “respondent” refers to the individual who has been reported to be the perpetrator of conduct that could constitute Sexual Harassment. If a parent or guardian has a legal right to act on behalf of a complainant or respondent, this right applies throughout all aspects of the Title IX matter, including the grievance process.

explain to complainant the right to file a formal complaint and the process for filing a formal complaint. A formal complaint is one that contains the complainant's physical or digital signature, and it may be filed at any time with the Title IX Coordinator in person, by mail, or by email. A complainant may use the attached Title IX form to submit a formal complaint to the Title IX Coordinator.

- a. Supportive measures are nondisciplinary and nonpunitive and shall be available at any point during the Title IX investigation. Supportive measures may include, but are not limited to: wellness check-ins, counseling services, extension of deadlines or course-related adjustments, modifications of work or class schedules, changes in work locations, or leaves of absences. The Title IX Coordinator is responsible for implementing the supportive measures.
2. Determine Need for Emergency Removal: The Title IX Coordinator will review the facts to determine whether the respondent (either student or staff) may need to be removed from the educational program or activity to prevent any further sexual harassment and/or maintain the safety of students and staff.
 - a. Aspire may determine that removal from the educational program or activity is justified due to an immediate threat to the physical health or safety of any student or other individual arising from the allegations. Aspire will conduct an individualized safety and risk analysis before the removal. Aspire shall provide the respondent with notice and an opportunity to challenge the decision immediately following the removal.
 - i. Challenges to the decision will be discussed with and reviewed by the Executive Director for the region who will provide a final decision on the emergency removal. A written notice of their decision will be sent within 5 business days of the respondent's challenge.
 - b. If the respondent is a student, Aspire is subject to applicable laws and school policies regarding involuntary removals, suspensions, and expulsions.
 - c. If the respondent is an employee, the employee may be placed on administrative leave during the formal complaint investigation.
 3. Consider Use of Informal Resolution Process: At any time after an informal or formal complaint has been filed, but before reaching a determination regarding the allegation, Aspire may offer an informal resolution process (such as a mediation) to the complainant and respondent. However, the informal resolution process is not available where the complainant alleges that an employee sexually harassed a student.

V. Initial Review of Formal Complaint:

If a formal complaint is filed, the Title IX Coordinator for the region where the complaint originated will review the complaint to determine whether it raises allegations that fall within the definition of Sexual Harassment under Title IX as described above. Aspire may

consolidate multiple formal complaints where the allegations of Sexual Harassment arise out of the same facts or circumstances.

If it does, the Title IX Coordinator will follow this Policy's grievance procedures for formal complaints. If it does not, the Title IX Coordinator will determine whether the complaint should be dismissed (as explained below) and/or investigated pursuant to another applicable Aspire policy (e.g., Uniform Complaint Procedures).

VI. Mandatory or Permissive Dismissal of Formal Complaint:

Under certain circumstances, a complaint must or should be dismissed by the Title IX Coordinator. The Title IX Coordinator will endeavor to make this determination no more than **ten (10) calendar days** from the date they receive the formal complaint.

1. **Mandatory Dismissal**: The Title IX Coordinator must dismiss the formal complaint if they determine any of the following:
 - a. The alleged conduct would not constitute Sexual Harassment as defined under Title IX even if proved;
 - b. The alleged conduct did not occur in Aspire's education program or activity; or
 - c. The alleged conduct did not occur against an individual in the United States.
2. **Permissive Dismissal**: The Title IX Coordinator may dismiss a formal complaint if they determine any of the following:
 - a. The complainant has notified Aspire, in writing, that they would like to withdraw the complaint or any allegations in the complaint;
 - b. The respondent is no longer enrolled in, or employed by, Aspire; or
 - c. Specific circumstances prevent Aspire from gathering evidence to reach a determination with regard to the complaint.

Written Notice of Dismissal: If the Title IX Coordinator dismisses the complaint, they must send written notice of the dismissal simultaneously to both parties (complainant and respondent) as follows:

- The written notice should state the reason(s) for the dismissal and inform the parties of their right to appeal in accordance with the procedures described in the "Appeals" section below.
- If the Title IX Coordinator determines another Aspire grievance procedure (e.g., Uniform Complaint Procedures) is the appropriate grievance procedure for the complainant's

allegation(s), the written notice shall inform the parties (complainant and respondent) of Aspire's intent to investigate the complaint through that grievance procedure.

VII. Title IX Grievance Procedures

If the Title IX Coordinator does not dismiss the formal complaint, Aspire will initiate the following Title IX Grievance Procedures and issue a Written Decision. Aspire will endeavor to complete its investigation and issue a Written Decision within **sixty (60) calendar days of receipt of the formal complaint.**

1. Send Written Notice of Formal Complaint

The Title IX Coordinator must provide the parties (complainant and respondent) with a Notice of Formal Complaint. The Title IX Coordinator will endeavor to provide this Notice within **ten (10) calendar days of receipt of the formal complaint.** The notice shall include: (1) a copy of this Policy; (2) a description of the allegations potentially constituting Sexual Harassment with sufficient details known at the time; (3) a statement that the respondent is presumed not responsible for conduct and that a determination regarding responsibility is made at the conclusion of the grievance process; (4) a statement informing the parties of the opportunity to have an advisor of their choice throughout the grievance process and the ability to inspect and review evidence; and (5) a statement informing the parties that they must not knowingly make false statements or submit false information.

2. Investigator Conducts Investigation

The Investigator will gather and review evidence related to the allegations. This can include, but is not limited to, interviewing parties or witnesses, as well as reviewing relevant evidence. The Investigator will not require, request, or rely upon any information protected under a legally recognized privilege, unless the person holding such privilege has waived it.

Written notice of all investigative interviews or other meetings must be provided to any individual whose participation is invited or expected to be provided with sufficient time for the individual to prepare to participate. Notice must include the date, time, location, participants, and purpose of the meeting. Attendees of such meetings will have the right to be accompanied by an advisor of their choice.

3. Investigator Provides Parties Equal Opportunity to Review Gathered Evidence

The Investigator will provide both the complainant and respondent with an equal opportunity to review the evidence that is directly related to the allegations raised in the formal complaint. The parties will have a period of at least **10 calendar days** before the Investigative Report is provided to the parties to review the evidence, ask the Investigator additional questions, and provide or suggest additional evidence to be considered by the Investigator.

4. Investigator Prepares and Shares Investigative Report

The Investigator will prepare an Investigative Report summarizing the relevant evidence. The Investigative Report is not Aspire's final Written Decision. The Investigator will send the

Investigative Report to the parties and their advisors, if any, for their review and written response at least **10 calendar days** before issuance of the Written Decision. Aspire will inform the parties in writing that they may submit to the Decision-Maker written, relevant questions that the parties want asked of any party or witness. The Decision-Maker is responsible for providing the responses (if any) to these questions to both parties.

5. Decision-Maker Issues Written Decision

The Decision-Maker will endeavor to issue the Written Decision within **sixty (60) calendar days from the receipt of the formal complaint**. The Decision-Maker will issue a Written Decision to both parties simultaneously. The Decision-Maker uses the “preponderance of evidence” standard (i.e., it is more likely than not that the respondent committed the alleged conduct). The Written Decision will include all of the following:

- a. Identification of the allegations potentially constituting Sexual Harassment.
- b. A description of the procedural steps taken by Aspire during the investigation process (e.g., notifications to the parties, interviews with the parties and witnesses, site visits, or methods used to gather other evidence).
- c. Findings of fact supporting the determination.
- d. Conclusions regarding the application of Aspire’s policies to the facts.
- e. A statement of, and rationale for, the result as to each allegation, including a decision regarding responsibility, any disciplinary sanctions Aspire imposes on the respondent, and whether remedies designed to restore or preserve equal access to Aspire’s educational program will be provided by Aspire to the complainant.
- f. Aspire’s procedures and permissible bases for either party to appeal the decision.

6. Remedies

If Aspire determines that the respondent engaged in Sexual Harassment, Aspire will provide remedies to the complainant, as appropriate. This may include supportive measures. Remedies may also include: transfer from a class; parent/student conference(s); positive behavior support; warnings; detention; and/or formal discipline, such as suspension and expulsion. When an employee is found to have committed Sexual Harassment, Aspire will take appropriate disciplinary action, up to and including termination, in accordance with Aspire’s policies and as permitted by law.

VIII. Appeals

Either party may appeal Aspire’s Written Decision, or its dismissal of a formal complaint or any allegation in the complaint, within **five (5) calendar days of the decision**. An appeal may be made on any of the following grounds:

1. A procedural irregularity affected the outcome.

2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made that could affect the outcome of the matter.
3. The Title IX Coordinator, Investigator, or Decision-Maker had a conflict of interest or bias for or against complainant or respondent that affected the outcome of the matter.

Upon receipt of an appeal, Aspire will provide a written notification to the other party about the appeal that gives both parties a reasonable, equal opportunity to submit a written statement in support of/challenging the appeal.

The Title IX Appeals Officer (not Decision-Maker, Title IX Coordinator, or Investigator) shall issue a written decision of an appeal, including the rationale for the result, to both parties simultaneously. The Title IX Appeals Officer will endeavor to issue their decision within **thirty (30) calendar days from the receipt of the appeal.**

IX. Record Keeping

Aspire will maintain for a period of seven (7) years records pertaining to Title IX Sexual Harassment allegations in accordance with 34 CFR section 106.45(b)(10), as well as all material used to train Title IX Personnel.

Title IX Sexual Harassment Complaint Form

Instructions: This form can be completed by any individual who has knowledge of a sexual harassment conduct occurring within an education program or activity of Aspire Public Schools (“Aspire”). Please complete the information below. Should you need additional space or would like to provide documentation to support the allegations in the complaint, you can attach those to this complaint form. If you have any questions, please contact one of Aspire’s Title IX Coordinators listed below.

Contact Information and Complainant’s (Victim) Information

Full Name of Person Filing the Complaint: _____
Address: _____
Phone: _____ Email: _____
School Name: _____
Complainant’s (Victim) Full Name (if different from above): _____

Respondent’s (Accused) Information

Respondent’s Full Name: _____
Is the accused an Aspire student? No Yes
If yes, what is the student’s grade and relation to complainant: _____
Is the accused an Aspire staff member? No Yes
If yes, what is the staff member’s relation to the complainant (e.g., teacher)? _____
If no, what is the accused’s affiliation to Aspire? _____

Details of Complaint

Date of the Alleged Incident(s): _____ Location of Alleged Incident(s): _____

Please describe the facts underlying your complaint. Provide details such as the names of those involved, the dates of the incident(s), whether witnesses were present and the names of any witnesses, etc. Please provide any details which you feel might be helpful to a complaint investigator.

Did the harassment occur at Aspire or during an Aspire activity? If so, please describe:

Did this incident interfere with your ability to access or participate in Aspire programs or activities? If so, please describe:

List the individuals involved in the relevant incident(s):

List any witnesses to the incident(s):

Acknowledgements

By submitting this form to an Aspire Title IX Coordinator, I wish to initiate Aspire's formal Title IX Grievance Procedures.

Signature of Complainant

Date

Once you have completed this form, please submit it to the Title IX Coordinator for your school's region:

Bay Area schools:

Title: Regional Director of Student Services, Bay Area Region
Address: 1001 22nd Ave
Oakland, CA 94606
Phone: 510-434-5000
Email: BA_TitleIX@aspirepublicschools.org

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