

FRESNO COUNTY SUPERINTENDENT OF SCHOOLS

Students
SEXUAL HARASSMENTDefinitions

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 Superintendent-operated program or activity.

Any prohibited conduct that occurs off campus or outside of County Superintendent/County Board-related or sponsored programs or activities may be regarded as sexual harassment in violation of County Superintendent/County Board 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 County Superintendent and/or County Board school exercises substantial control over the context and respondent: (34 CFR 106.30, 106.44)

1. A County Superintendent employee conditioning the provision of an 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

FRESNO COUNTY SUPERINTENDENT OF SCHOOLS

objectively offensive that it effectively denies a student equal access to the County Superintendent/County Board 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 designates the following individual(s) as the responsible employee(s) to coordinate its efforts to comply with Title IX. The individual shall also serve as the Compliance Officer specified in Administrative Regulations 1312.3 – Uniform Complaint Procedures and 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:

Deputy Superintendent, Instructional Division
Office of the Fresno County Superintendent of Schools
1111 Van Ness Avenue
Fresno, CA 93721-2000
(559) 265-3090
DLira@fcoe.org

Notifications

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

The County Superintendent shall notify students and parents/guardians of the name or title, office address, email address, and telephone number of the County Superintendent's Title IX Coordinator.

A copy of the County Superintendent/County Board 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 County Superintendent rules, regulations, procedures, and standards of conduct are posted (Education Code 231.5)
3. Be summarized on a poster, which shall be 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,

FRESNO COUNTY SUPERINTENDENT OF SCHOOLS

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 or program. (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 County Superintendent'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 school or County Superintendent publication that sets forth the school's or program'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 County Superintendent program or activity or who has witnessed sexual harassment is strongly encouraged to report the incident to the County Superintendent's Title IX Coordinator, a teacher, the lead site administrator, or any other available school or program employee. Within one workday of receiving such a report, the lead site administrator or other school employee shall forward the report to the County Superintendent's Title IX Coordinator. Any employee who observes sexual harassment shall, within one workday, report the observation to the Title IX Coordinator as specified in the accompanying 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 complaint procedures.

Complaint Procedures

All complaints alleging sexual harassment against students in the school setting shall be investigated and resolved in accordance with law and County Superintendent 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

FRESNO COUNTY SUPERINTENDENT OF SCHOOLS

investigated and resolved in accordance with Administrative Regulation 5145.71 - Title IX Sexual Harassment Complaint Procedures. Other sexual harassment complaints shall be investigated and resolved pursuant to Administrative Regulation 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.

Adopted: 10/15/2020, 04/20/2023, 08/15/2024, 08/21/2025

5145.7, 06/2025; Doc# 4868-0509-2502, v. 5