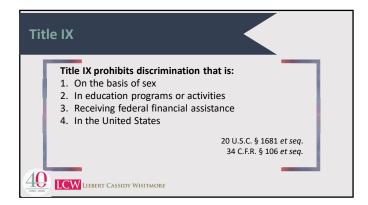
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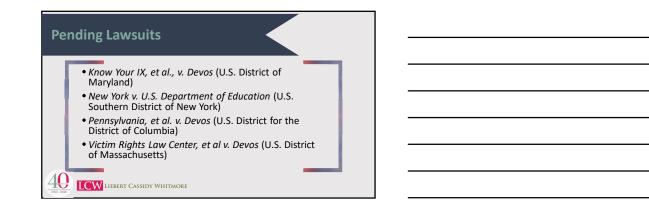


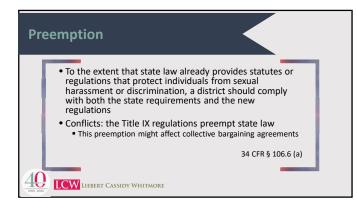
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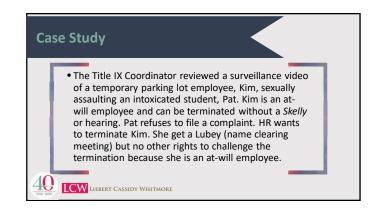


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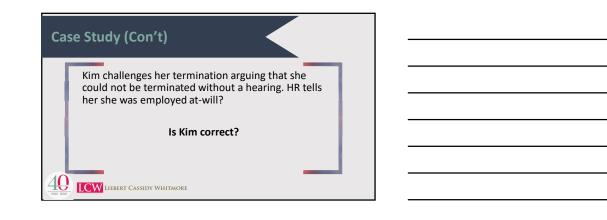
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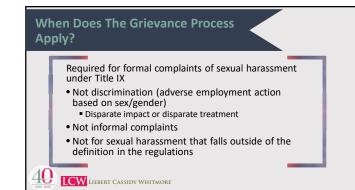






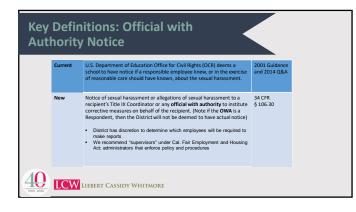


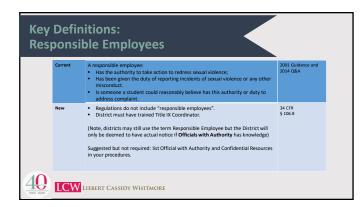
Dis	scipline: Student & Employees
	If the allegations meet the definition of Title IX sexual harassment then district can only discipline if the grievance process if followed:
	 The district must treat the respondent equitably by following the grievance process before any imposition of disciplinary sanction or actions that are not supportive
	34 CFR §§ 106.44(a), 106.45(b)(1)
40	LIEBERT CASSIDY WHITMORE





Ονε	erall Re	equirement	
	Current	Upon notice of sexual harassment or sexual violence: Take prompt and effective action. To end the misconduct. To prevent its recurrence. To remedy its effects.	2001 Guidance 34 CFR § 106.8(b)
	New	A recipient with actual knowledge of sexual harassment in an education program or activity of the recipient against a person in the United States, must respond in a manner that is not deliberately indifferent.	34 CFR § 106.44(a)
<u>40</u>	LCW LIF	EBERT CASSIDY WHITMORE	



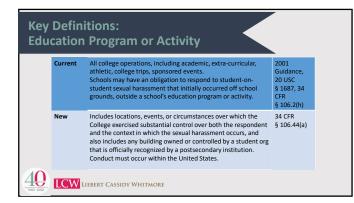


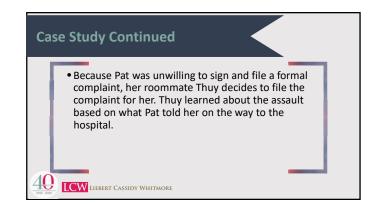


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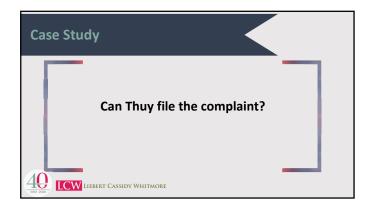
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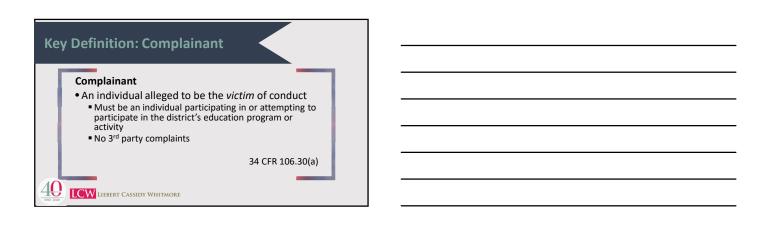
		itions: rassment	
	Current	Unwelcome conduct of a sexual nature, including unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, physical conduct of a sexual nature, or sexual violence.	2001 Guidance
	New	 Quid pro quo: An employee conditioning an aid, benefit, or service on complainant's participation in unwelcome sexual conduct; Unwelcome conduct so severe, pervasive, and objectively offensive that it effectively denies a person equal access to education program or activity; or Sexual assault, dating violence, domestic violence, or stalking. 	34 CFR § 106.30
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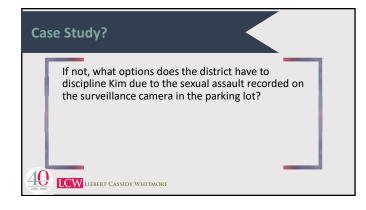




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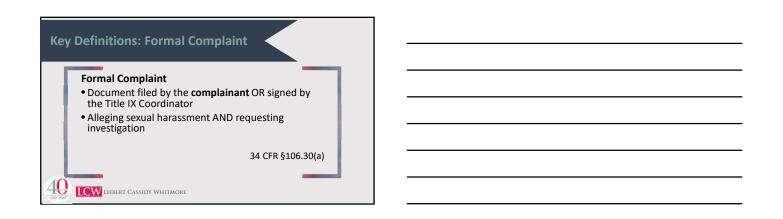


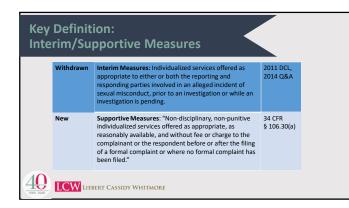






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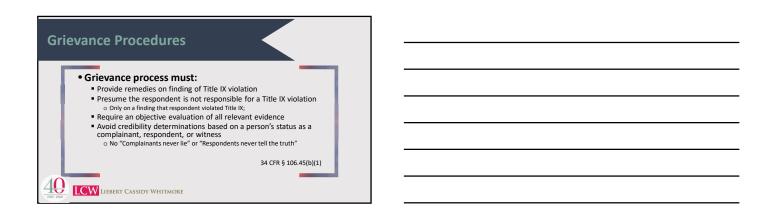


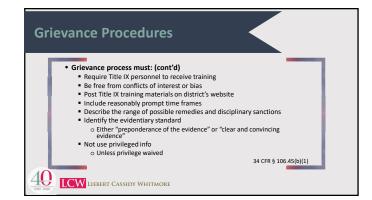




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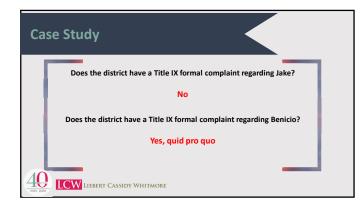
Grie	evance	e Procedures: Triggers	
	Current	When a College knows or should know of possible sexual violence, it must investigate or determine what occurred.	2001 Guidance and 2014 Q&A
	New	A recipient must follow procedures consistent with section 106.45 in response to a formal complaint .	34 CFR § 106.44(b)(1)
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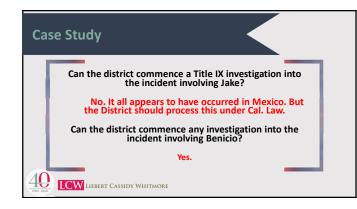






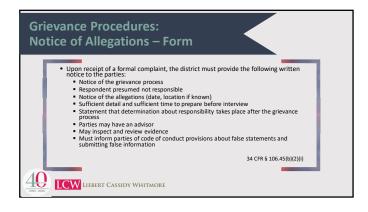
Case Study			
	_		
Student at San Gabriel CCD:			
Jake alleges a marine biology professor sexually			
assaulted him during a science trip in Baja Californi Mexico. Jake files a CCD title 5 complaint.	а,		
Benicio alleges the marine biology professor sexual	lv l		
assaulted him after a lab session. Benicio send an	.,		
email to the Title IX Officer requesting an investigation.			
LIEBERT CASSIDY WHITMORE			

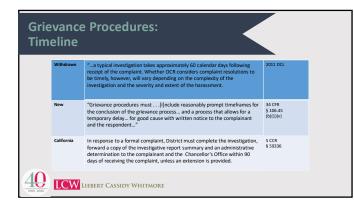


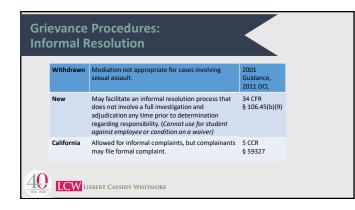




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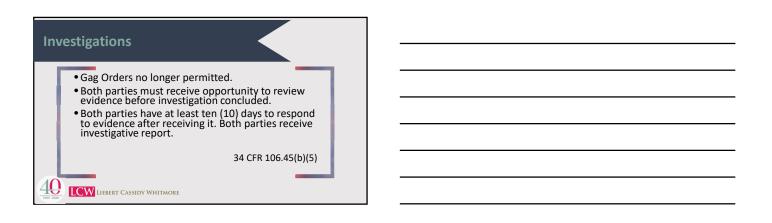


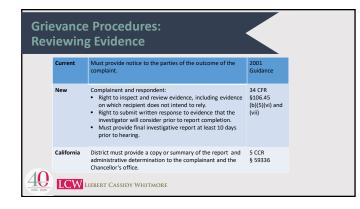






Ca	se Study	
	Can the district offer the informal resolution process to Benicio?	
	No	
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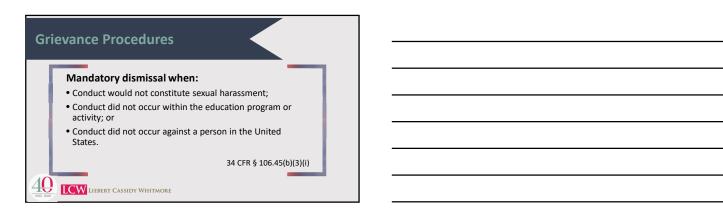


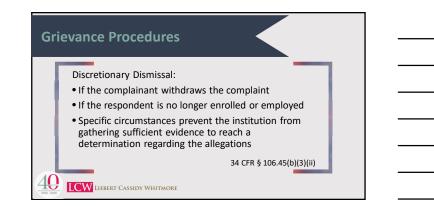








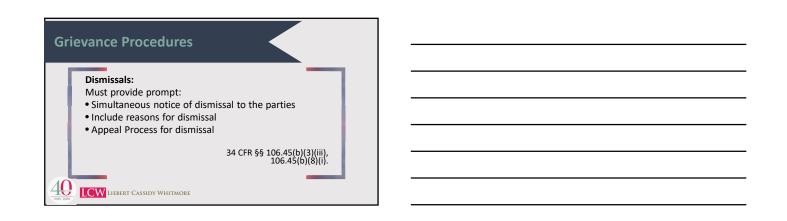


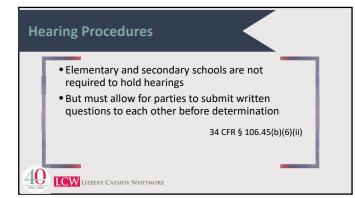


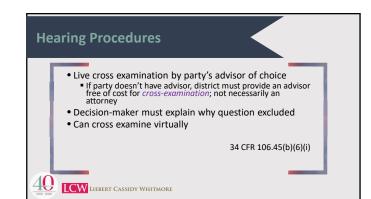


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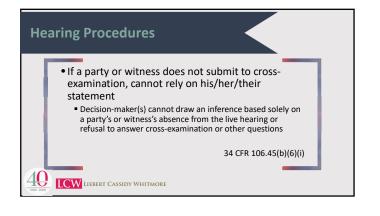


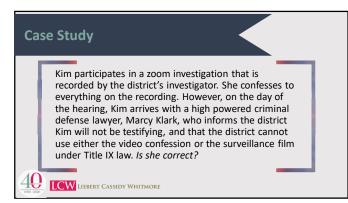




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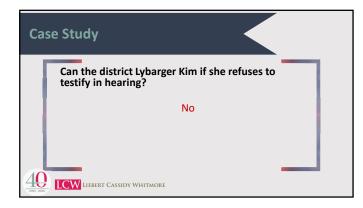
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Retaliation]
 Protects everyone who participates in the complaint, investigation, and hearing from retaliation Such as intimidation, threats, coercion, or discrimination Cannot take action against anyone for refusing to participate or refusing to testify 	
 FLAGGED ISSUE: We now cannot direct employees to participate under the threat of discipline for insubordination 34 CFR § 106.71(a) 	
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	Grievance Procedures: Determinations		
	Withdrawn	Must inform complainant if finds conduct occurred, remedies offered or provided complainant, or sanctions imposed on respondent, and other steps the school took.	2014 Q&A
	New	To both parties: (1) identify allegations, (2) procedural steps, (3) findings of fact, (4) conclusions, (5) rationale, including sanctions and remedies provided to complainant, and (6) appeal procedures for complainants and respondents.	34 CFR § 106.45 (b)(7)(ii)
	California	Provide administrative determination: (1) determination regarding probable cause to believe discrimination occurred for each allegation, (2) actions taken to prevent recurrence, (3) proposed resolution, and (4) complainant's right to appeal to Board of Trustees and CCCCO or Dep't. of Fair Employment and Housing (DFEH).	5 CCR § 59336
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Grievance Procedures: Appeals			
	Withdrawn	Not required, but recommend where procedural error or previously unavailable evidence could impact the outcome of a case, or sanction is disproportionate to the findings. If provided, must allow for both parties.	2014 Q&A
	New	Must offer both parties an appeal, and from dismissal of a formal complaint/allegations, based on: (1) procedural irregularity, (2) newly discovered evidence, or (3) a conflict of interest or bias by Title IX personnel. May offer appeal to both parties on additional bases.	34 CFR §106.45 (b)(8)(i) and (ii)
	California	Complainant may appeal to Board of Trustees and CCCCO (non-employment complaints) or DFEH (employment complaints).	5 CCR § 59336
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