

Student Rights under Title IX

Federal Title IX of the Education Amendments of 1972 (“Title IX”), implemented at 34 C.F.R. § 106.31, subd. (a), provides that no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any academic, extracurricular, research, occupational training, or other education program or activity operated by a recipient which receives federal financial assistance. Relevant here, Title IX requires the San Mateo Union High School District to take immediate and appropriate action to investigate when it knows or reasonably should know of a possible Title IX violation.

Title IX Coordinators

In the event of a complaint regarding gender equity or sexual harassment, or discrimination, including harassment, intimidation and bullying because of actual or perceived disability, sex, gender, gender identity, gender expression, nationality, race, ethnicity, color, ancestry, religion, sexual orientation, age, marital or parental status, or association with a person or group with one or more of these actual or perceived characteristics, contact one of the following Title IX and Nondiscrimination Coordinators:

For complaints against employees:

Kirk Black
Deputy Superintendent, Human Resources and Student Services
650-558-2209
kblack@smuhsd.org
650 N. Delaware Street
San Mateo, CA 94401

For student against student complaints:

Don Scatena
Director of Student Services
650-558-2258
dscatena@smuhsd.org
650 N. Delaware Street
San Mateo, CA 94401

Filing a Title IX Complaint with the District

Student complaints shall be submitted in written form in accordance with Board Policy and Administrative Regulation 1312.3 - Uniform Complaint Procedures. If the complainant is unable to prepare the complaint in writing, administrative staff shall help him/her to do so.

Complaints must be filed within six months from the date when the alleged unlawful discrimination occurred, or from the date the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation, or bullying that is based on sex. The time for filing may be extended up to 90 days by the Superintendent or the Superintendent's designee, for good cause, upon written request by the complainant setting forth the reasons for the request for an extension of time to file a written complaint.

All complaints shall be appropriately investigated in a timely manner. Within 10 business days after the compliance officer receives the complaint, the compliance officer, or designee, shall begin an investigation into the complaint. The investigation shall include an opportunity for the complainant, or the complainant's representative, or both, to present the compliance officer, or designee, with any evidence, or information leading to evidence, to support the allegations in the complaint. The District shall issue a written decision based on the evidence within 60 calendar days from receipt of the written complaint by the District.

Any complainant who is dissatisfied with the District's final written decision may file an appeal in writing with the California Department of Education within 15 calendar days of receiving the District's decision.

Complaints made by or on behalf of students may also be filed with the U.S. Department of Education, Office of Civil Rights within 180 calendar days of the date of the alleged discrimination, unless the time for filing is extended by the Office of Civil Rights for good cause shown under certain circumstances.

Student Rights Pursuant to Education Code Section 221.8

Education Code section 221.8 provides as follows:

The following list of rights, which are based on the relevant provisions of the federal regulations implementing Title IX of the Education Amendments of 1972 (20 U.S.C. Sec. 1681 et seq.), may be used by the department for purposes of Section 221.6:

- (a) You have the right to fair and equitable treatment and you shall not be discriminated against based on your sex.
- (b) You have the right to be provided with an equitable opportunity to participate in all academic extracurricular activities, including athletics.
- (c) You have the right to inquire of the athletic director of your school as to the athletic opportunities offered by the school.
- (d) You have the right to apply for athletic scholarships.
- (e) You have the right to receive equitable treatment and benefits in the provision of all of the following:
 - 1. Equipment and supplies.
 - 2. Scheduling of games and practices.
 - 3. Transportation and daily allowances.

4. Access to tutoring.
 5. Coaching.
 6. Locker rooms.
 7. Practice and competitive facilities.
 8. Medical and training facilities and services.
 9. Publicity.
- (f) You have the right to have access to a gender equity coordinator to answer questions regarding gender equity laws.
- (g) You have the right to contact the State Department of Education and the California Interscholastic Federation to access information on gender equity laws.
- (h) You have the right to file a confidential discrimination complaint with the United States Office of Civil Rights or the State Department of Education if you believe you have been discriminated against or if you believe you have received unequal treatment on the basis of your sex.
- (i) You have the right to pursue civil remedies if you have been discriminated against.
- (j) You have the right to be protected against retaliation if you file a discrimination complaint.

Additional Resources

- United States Department of Education Office for Civil Rights
<https://www2.ed.gov/about/offices/list/ocr/index.html>
- United States Department of Education Office for Civil Rights Complaint Form
<http://www.ed.gov/about/offices/list/ocr/complaintintro.html>
<https://www2.ed.gov/about/offices/list/ocr/complaintform.pdf>
Contact Information: 1-800-421-3481 or ocr@ed.gov
- California Department of Education's Office for Equal Opportunity
<http://www.cde.ca.gov/re/di/or/oeo.asp>
- San Mateo Union High School District Uniform Complaint Procedures
<http://www.gamutonline.net/district/sanmateounionhsd/DisplayPolicy/652315/>
<http://www.gamutonline.net/district/sanmateounionhsd/DisplayPolicy/652316/>