

TITLE IX: PROHIBITING SEX-BASED DISCRIMINATION

Title IX of the Education Amendments of 1972 (“Title IX”) is a federal law that prohibits sex-based discrimination in all educational programs and activities, including athletic programs. 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 educational program or activity operated by the Merced City School District (“MCSD”). Title IX protects all participants in the district’s educational programs and activities, including students, parents, employees, and job applicants. MCSD does not discriminate on the basis of sex. Discrimination on the basis of sex can include sexual harassment and sexual violence.

In addition to Title IX, the California Education Code prohibits discrimination on the basis of sex in schools. (California Education Code §§ 220 -221.1.) Other state and federal laws also prohibit discrimination and ensure equality in education. Please see the Board Policy link on the following web page for an overview of all MCSD nondiscrimination policies: <https://www.mercedcsd.org/board-of-education>

Your Rights Under Title IX and Education Code section 221.8

- You have the right to fair and equitable treatment, and you shall not be discriminated against based on your sex.
- You have the right to be provided with an equitable opportunity to participate in all academic extracurricular activities, including athletics.
- You have the right to have access to a sex/gender equity coordinator, referred to as the Title IX Coordinator (find contact information below), to answer questions regarding sex/gender equity laws.
- You have the right to contact the State Department of Education and the California Interscholastic Federation to access information on sex/gender equity laws.
- You have the right to file a confidential discrimination complaint with the United States Department of Education Office for Civil Rights or the California 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.
- You have the right to pursue civil remedies if you have been discriminated against.
- You have the right to be protected against retaliation if you file a discrimination complaint.

You have the right to receive equitable treatment and benefits in the provision of all of the following if they are provided by MCSD now or in the future:

- Equipment and supplies;
- Scheduling of games and practices;

- Transportation and daily allowances;
- Access to tutoring;
- Coaching;
- Locker rooms;
- Practice and competitive facilities;
- Medical and training facilities and services; and
- Publicity.

MCSD's Responsibilities

MCSD has a responsibility to respond promptly and effectively to sex-based discrimination, including sexual harassment and sexual violence. If MCSD knows or reasonably should know about sex discrimination, it must take action to eliminate the sex discrimination, prevent its recurrence, and address its effects. MCSD must resolve complaints of sex discrimination promptly and equitably.

For more information specific to anti-discrimination in MCSD employment, please contact the Title IX Coordinator (contact information below).

Title IX Coordinators

MCSD's Title IX coordinators oversee compliance with Title IX requirements and promotes sex equity in MCSD programs.

Employees:
Dawn Hubble
Director, Human Resources
530 West 21st Street, Merced
(209) 385-6768

Students:
Ken Cooper
Director, Pupil Services
444 West 23rd Street
Merced, CA 95340
(209) 385-6647

How to File a Discrimination, Bullying or Harassment Complaint

The district believes discrimination, harassment, and bullying issues may be resolved at the school site. As such, students, parents/guardians may report any act of discrimination, harassment, or bullying by a student, staff member or third party to the site principal. The responsible school official will conduct a prompt, thorough and impartial investigation into the complaint. A student or parent/guardian is not required to attempt resolution through the school site before contacting the District Title IX Coordinator.

When sexual harassment is reported, interim steps will be taken to stop harassment and protect the victim from further harassment pending outcome of the complaint.

At any time during the complaint process students or parent/guardian may contact the Title IX Coordinator to file a complaint directly with the district. A student or parent is not required to attempt resolution through the school site before contacting the District Title IX Coordinator.

Timeliness

A complaint must ordinarily be filed within 180 days of the last act of discrimination. If your complaint involves matters that occurred longer ago than this and you are requesting an extension of time to file a complaint, you will be asked to show good cause why you did not file your written complaint within the 180-day period.

Filing a Uniform Complaint

At any time during the site resolution process, students or parent/guardians may file a Uniform Complaint Form, which can be obtained from the MCSD Personnel Office. If the complainant is unable to prepare the complaint in writing, administration staff shall help him/her to do so. The form is also available under the Board Policy link on this page of the district website:

<https://www.mercedcsd.org/board-of-education>

Investigation of a Uniform Complaint

MCSD will immediately undertake an effective, thorough, and objective investigation of the allegations and provide a written report within 60 days of when the complaint was filed. The report will include a summary of the facts, a decision on the complaint, reason for the decision, and corrective actions that have or will be taken, including remedies for the victim. The complainant has the right to present witnesses and evidence.

Action

If the district determines that its policies prohibiting discrimination, harassment, or bullying have been violated, disciplinary action, up to and including expulsion or dismissal will be taken. Remedies will also be provided to the victim and remedial action(s) will be required of the school site. Remedial actions will be taken that are designed to end the harassment, prevent its recurrence and address its effects on the harassed student. Follow-up with the student will occur to ensure the harassment has stopped and that there is no retaliation.

The district prohibits retaliation against any participant in the complaint process including witnesses. A separate Uniform Complaint may be filed if retaliation occurs against any individual involved in the processing of discrimination, harassment, or bullying complaint. Each complaint shall be investigated promptly and in a way that respects the privacy of all parties concerned.

A student who has a complaint of discrimination or sexual harassment may contact the principal for immediate resolution at the school site. A student or parent/guardian is, however, not required to attempt resolution through the school site, and may first bring the complaint to the District Title IX Coordinator.

Learn more about your rights under Title IX:

- Visit the website of the United States Department of Education Office for Civil Rights at <http://www2.ed.gov/about/offices/list/ocr/index.html> and the webpage on sex discrimination at <http://www2.ed.gov/policy/rights/guid/ocr/sex.html>.

- Review United States Department of Education Office for Civil Rights, Know Your Rights documents:
 - Title IX prohibits sexual harassment and sexual violence: <https://www2.ed.gov/about/offices/list/ocr/docs/title-ix-rights-201104.pdf>.
 - Title IX requires MCSD to address sexual violence: <https://www2.ed.gov/about/offices/list/ocr/docs/known-rights-201404-title-ix.pdf>.
 - Title IX prohibits discrimination against pregnant or parenting individuals: <http://www2.ed.gov/about/offices/list/ocr/docs/dcl-know-rights-201306-title-ix.pdf>.
- Visit the website of the California Department of Education Office of Equal Opportunity at <http://www.cde.ca.gov/re/di/eo/> and the webpage on Gender Equity/Title IX at <http://www.cde.ca.gov/re/di/eo/genequitytitleix.asp>.