



## TITLE IX – SEX BASED DISCRIMINATION

### **Title IX – Sex-based discrimination is prohibited.**

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 Jefferson Elementary School District (“District”). Title IX protects all participants in the District’s educational programs and activities, including students, parents, employees, and job applicants. The District 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 based on sex in education programs and activities in schools. (Education Code sections 220-221.1.)

Other state and federal laws also prohibit discrimination and ensure equality in education.

Title IX information provided here applies to every school site and to all District programs and activities.

### **What are my rights under Title IX?**

You have the following rights under Title IX, to the extent applicable at the District:

- You have the right to fair and equitable treatment and shall not be discriminated against based on your sex.
- You have the right to be provided with an equitable opportunity to participate in all extracurricular activities, including both academics and athletics.
- You have the right to inquire of the athletic director at your school or appropriate District personnel as to the athletic opportunities offered by the school.
- You have the right to apply for athletic scholarships if the District offers any.
- You have the right to receive equitable treatment and benefits in the provision of all the following related to athletics, if any are provided by the District:
  - 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.
- You have the right to have access to a sex/gender equity coordinator, referred to as the Title IX coordinator, 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. (California Education Code section 221.8.)

The District has the responsibility to respond promptly and effectively to sex-based discrimination complaints, including sexual harassment and sexual violence. If the District knows or reasonably should know about sex discrimination, it must take action to eliminate the sex discrimination, prevent its recurrence, and address its effects. The District must resolve complaints of sex discrimination promptly and equitably. Information on filing a complaint alleging sex-based discrimination is provided below.

- United States Department of Education Office for Civil Rights:

<http://www2.ed.gov/about/offices/list/ocr/index.html>

<http://www2.ed.gov/policy/rights/guid/ocr/sex.html> (sex discrimination)

<http://www2.ed.gov/about/offices/list/ocr/docs/title-ix-rights-201104.pdf> (prohibition against sexual harassment and sexual violence)

<https://www2.ed.gov/about/offices/list/ocr/docs/dcl-factsheet-201104.html> (addressing sexual violence)

<https://www2.ed.gov/about/offices/list/ocr/docs/dcl-know-rights-201306-title-ix.pdf> (pregnant or parenting individuals)

- California Department of Education Office of Equal Opportunity:

<http://www.cde.ca.gov/re/di/eo> <http://www.cde.ca.gov/re/di/eo/genequitytitleix.asp>

(Gender Equity/Title IX)

- District nondiscrimination statements, policies and regulations:

- ✓ STATEMENT OF NON-DISCRIMINATION
- ✓ BP 4030: Nondiscrimination in Employment
- ✓ 1312.3BP and 1312.3AR: UNIFORM COMPLAINT PROCEDURES

### **The District Title IX coordinator:**

***Emily Stroup, Director of Human Resources***

1219 Whispering Wind Dr., Tracy, CA 95377 (209) 836-3388

[estroup@jsdtracy.com](mailto:estroup@jsdtracy.com)

### **How Do I file a complaint of sex discrimination?**

A student, parent, guardian, employee, individual, or organization may file a written complaint alleging discrimination, harassment, intimidation, and/or bullying on the basis of a protected characteristic under the District's Uniform Complaint Procedure ("UCP") process by sending a complaint to:

***Emily Stroup, Director of Human Resources***

1219 Whispering Wind Dr.

Tracy, CA 95377

(209) 836-3388

[estroup@jsdtracy.com](mailto:estroup@jsdtracy.com)

The UCP information, including the ability to access District Board Policy/Administrative Regulation 1312.3, is available on the Uniform Complaint Procedure Page. If you need assistance putting your complaint in writing, please contact the Human Resources Department. You may file a complaint anonymously, but the District's ability to investigate and respond may be limited by a lack of information.

You may also file a discrimination complaint with the United States Department of Education Office for Civil Rights ("OCR"). For more information, visit <http://www2.ed.gov/about/offices/list/ocr/complaintintro.html>. The electronic complaint form for OCR is available online at <https://ocrcas.ed.gov>. You may contact OCR at:

**San Francisco Office**

**Office of Civil Rights**

**U.S. Department of Education 50**

**United Nations Plaza**

**San Francisco, CA 94102**

**(415) 486-5555**

**Fax: (415) 486-5770;**

**TDD: (800) 877-8339**

**Email: [ocr.sanfrancisco@ed.gov](mailto:ocr.sanfrancisco@ed.gov)**

For information about how to file other types of complaints and the procedures for those complaints, please contact the District's Human Resources Department, (209) 836-3388.

### **When must a complaint be filed?**

A complaint alleging unlawful discrimination or retaliation must be filed no later than two (2) years from the date the discrimination or retaliation occurred, or two (2) years from when the complainant first learned of the unlawful discrimination. The Superintendent or designee may extend this timeline by up to ninety (90) days for good cause, upon written request by the complainant setting forth the reasons for the extension.

### **How will a complaint be investigated?**

Complaints filed under the District's UCP process will be investigated and a decision made within sixty (60) calendar days of the District's receipt of the complaint, unless the complainant agrees to an extension. The District's compliance officer or designee may interview alleged victims, alleged offenders, and relevant witnesses, as well as review available records, statements, or notes related to the complaint, including evidence or information received from the parties during the investigation. The compliance officer may visit reasonably accessible locations where discrimination is alleged to have occurred. The complainant will be notified in writing when the decision is made.

Other types of complaints not filed under the UCP process will be investigated and decided pursuant to the applicable procedure.

**What happens when the investigation is complete?**

For complaints filed under the UCP process, the compliance officer will prepare and send a final written decision to the complainant within sixty (60) calendar days of the District's receipt of the complaint (unless the timeline is extended by mutual agreement, in writing).

If the complainant is not satisfied with the decision, the complainant may, within five (5) days, file an appeal in writing to the District's Board of Education. The Board of Education may consider the matter in closed session at a regularly scheduled board meeting.

Complainant has the right to appeal the decision to the State Superintendent of Public Instruction, California Department of Education ("CDE"), within fifteen (15) days of receipt of the decision. When appealing to CDE, Complainant must specify the reason(s) for the appeal and whether the District's facts are incorrect and/or the law is misapplied. The appeal must include a copy of the original complaint to the District and the District's

decision. For more information, visit the CDE's webpage on Uniform Complaint Procedures at <http://www.cde.ca.gov/re/cp/uc/>.

For complaints alleging unlawful discrimination based on state law, the complainant may pursue available civil law remedies, including seeking assistance from mediation centers or public/private interest attorneys, sixty (60) days after filing an appeal with CDE. (California Education Code section 262.3.) The sixty (60) day moratorium does not apply to complaints seeking injunctive relief in state courts or to discrimination complaints based on federal

law. (California Education Code section 262.3.)

Complaints may also be filed with OCR within 180 days of the alleged discrimination. For more information: <http://www2.ed.gov/about/offices/list/ocr/complaintintro.html>.

If the compliance officer finds that a complaint has merit, the District will take appropriate corrective action.

**Education Code section 221.61:**

(a) On or before July 1, 2017, public schools, private schools that receive federal funds and are subject to the requirements of Title IX, school districts, county offices of education, and charter schools shall post in a prominent and conspicuous location on their Internet Web sites all of the following:

- (1) The name and contact information of the Title IX coordinator for that public school, private school, school district, county office of education, or charter school, which shall include the Title IX coordinator's phone number and email address.
- (2) The rights of a pupil and the public and the responsibilities of the public school, private school, school district, county office of education, or charter school under Title IX, which shall include, but shall not be limited to, Internet Web links to information about those rights and responsibilities located on the Internet Web sites of the department's Office for Equal Opportunity and the United States Department of Education Office of Civil Rights, and the list of rights specified in Section 221.8.
- (3) A description of how to file a complaint under Title IX, which shall include all of the following:
  - (A) An explanation of the statute of limitations within which a complaint must be filed after an alleged incident of discrimination has occurred, and how a complaint may be filed beyond the statute of limitations.
  - (B) An explanation of how the complaint will be investigated and how the complainant may further pursue the complaint, including, but not limited to, Internet Web links to this information on the United States Department of Education Office for Civil Rights' Internet Web site.
  - (C) An Internet Web link to the United States Department of Education Office for Civil Rights complaints form, and the contact information for the office, which shall include the phone number and email address for the office.
- (b) On or before April 1, 2017, and annually thereafter, the Superintendent shall send a letter through electronic means to all public schools, private schools that receive federal funds and are subject to the requirements of Title IX, school districts, county offices of education, and charter schools informing them of the requirement specified in subdivision (a) and of their responsibilities under Title IX.
- (c) A public school that does not maintain an Internet Web site may comply with subdivision (a) by posting the information specified in paragraphs (1) to (3), inclusive, of subdivision (a) on the Internet Web site of its school district or county office of education.
- (d) Nothing in this section shall be construed to require a school or local educational agency to establish an Internet Web site if the school or local educational agency does not already maintain one.