Title IX & Sex Discrimination

Siembra Leadership High School is committed to providing a safe, equitable educational environment free from discrimination, harassment, and sexual misconduct.

What Is Title IX?

Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681) is a federal law that prohibits sex-based discrimination in all educational programs and activities. Its purpose is to ensure that no person is sexually harassed or discriminated against based on gender in any program or activity operated by Siembra Leadership High School (Siembra).

This law protects all participants in Siembra's educational programs and activities, including students, employees, and teachers.

Examples of conduct covered under Title IX include, but are not limited to:

- Sex-based harassment
- Sexual violence
- Pregnancy discrimination
- Failure to provide equal athletic opportunity
- Discriminatory application or enforcement of dress codes
- Retaliation

Types of Prohibited Conduct

Sexual Violence

Sexual violence encompasses criminal conduct such as rape, sexual assault, stalking, child sexual abuse, sexual exploitation, human trafficking, unwanted sexual contact, sexual harassment, indecent exposure, and similar offenses.

Criminal sexual violence against students must be reported to the APS School Police Department and to the district's Title IX Director in APS's Equal Opportunity Services. Filing a criminal complaint does not relieve APS or Siembra of the obligation to conduct a prompt and equitable resolution of every complaint alleging sex discrimination.

Sexual Harassment

Sexual harassment generally falls into one of three categories:

Quid pro quo — occurs when an individual explicitly or implicitly conditions another person's participation in an activity or program on that person's submission to unwelcome sexual advances, requests for sexual favors, or other verbal, nonverbal, or physical conduct of a sexual nature, whether or not the victim submits. This typically, but not always, involves a person in a position of authority.

Hostile environment — occurs when unwelcome sexual advances, requests for sexual favors, or verbal, nonverbal, or physical conduct of a sexual nature are sufficiently severe, persistent, or pervasive to limit an individual's ability to participate in or benefit from a program or activity, or to create a hostile or abusive educational environment.

Retaliatory harassment — occurs when an adverse educational or employment action is taken against a person because of their participation in a complaint or investigation of discrimination or sexual misconduct.

Examples of sexual harassment include:

- Unwelcome pressure for sexual activity
- Unwelcome sexually motivated or inappropriate physical contact
- Unwelcome verbal or written words or symbols related to someone's gender
- Use of authority to coerce sexual favors

Sexual harassment may also constitute a criminal offense under state and local assault and child abuse laws. If the person subjected to the behavior feels intimidated, uncomfortable, or threatened, it may be considered sexual harassment even if the harasser did not intend to cause offense. The genders of the harasser and victim are immaterial.

Title IX requires Siembra to address sexual harassment in its educational programs or activities regardless of the method by which harassment is carried out, or whether the identity of the alleged harasser is known. Digital and online sexual harassment within Siembra's programs or activities is covered by Title IX.

Discrimination and/or Harassment

Discrimination and/or harassment is considered to have occurred when such conduct:

- Has the purpose or effect of creating an intimidating, hostile, or offensive academic environment;
- Has the purpose or effect of substantially or unreasonably interfering with a victim's academic performance; or

- Otherwise adversely affects an individual's academic opportunities.

Siembra's Commitment

Siembra Leadership High School does not discriminate on the basis of sex and prohibits all forms of sex discrimination, including sexual harassment, sexual misconduct, and sexual violence in all of the programs and activities it operates.

Any report of gender/sex discrimination under Title IX made to a Siembra employee shall be addressed by school administration **and** reported to the Title IX Director at APS's Equal Opportunity Services.

How to File a Complaint

Who May File?

Students, parents, or legal guardians who believe a student has been subjected to Title IX discrimination and/or harassment by a student, teacher, administrator, other school personnel, or third parties should report the incident(s) immediately to Siembra's Title IX Coordinator or Executive Director (see contact information below). Complaints may also be made to other school staff such as a teacher or counselor, or reported directly to APS's Title IX office.

Reporting Options

- **Verbal complaints** — Contact Siembra's Title IX Coordinator or Executive Director by phone.
- **Written complaints to Siembra** — Use Siembra's complaint form (available at the end of this page).
- **Written complaints to APS** — Use APS's Title IX complaint form. APS maintains separate forms and resources for students and employees.

Note for school staff: All Siembra employees who become aware of allegations of Title IX violations toward a student — whether by witnessing the incident or being told about it — must report to their immediate supervisor or to the APS Title IX office. When APS becomes aware of an alleged Title IX harassment or discrimination, it is obligated by law to take prompt and appropriate action, whether or not the victim wishes to proceed with an investigation.

Title IX Contacts

Siembra's Title IX Coordinator

Derrick Adkins

524 Central Ave SW, Albuquerque, NM 87102

(505) 243-3308

d.adkins@siembraabq.org

Siembra's Executive Director

Edward Ramirez

524 Central Ave SW, Albuquerque, NM 87102

(505) 633-7959

e.ramirez@siembraabq.org

APS Title IX Coordinator

Ms. Heather Cowen, Director

Equal Opportunity Services & Title IX

P.O. Box 25704

Albuquerque, NM 87125-0704

(505) 855-9831

Heather.cowan@aps.edu

U.S. Dept. of Education — Office for Civil Rights

Denver Office

Cesar E. Chavez Memorial Building

1244 Speer Blvd., Suite 310

Denver, CO 80204-3582

File a complaint online

NM Human Rights Division

1595 Pacheco St., Suite 103

Santa Fe, NM 87505

File a charge online

Siembra's Grievance Process

1. **Verbal complaints** are recorded and the Complainant is asked whether they wish to file a formal (written) complaint.
2. **All formal complaints**, whether filed at the outset or later in the process, are investigated under the Title IX grievance process.
3. **Informal resolution** may be appropriate when conduct is not serious or repetitive and disciplinary action is not required. The determination is made by the Executive Director, administrator, or designee, who documents the resolution and forwards a copy to APS's Title IX Director at Equal Opportunity Services within three (3) business days. The Complainant may exit the informal resolution process at any time to pursue a formal complaint.
4. **Formal complaints** must be submitted in writing within 180 days of the alleged act(s), in accordance with timelines set by the APS Office of Civil Rights, unless extended for good cause.
5. **Investigation** — The APS Office of Equal Opportunity Services normally delegates Title IX investigations to schools. Once Siembra's Title IX Coordinator is notified, they shall promptly investigate. The Executive Director may alternatively appoint an investigator from school leadership or engage an external investigator.
6. **Supportive Measures** — The Investigator discusses supportive measures with impacted parties to allow continuation of educational programs and activities. Measures may include counseling, deadline extensions, course-related adjustments, schedule or location modifications, leaves of absence, and increased security and monitoring.
7. **Evidence review** — The Investigator gathers evidence within a reasonable timeframe. Both the Complainant and the Respondent are given the opportunity to respond to each other's arguments and evidence. If the Complainant is not the Victim, the Victim will also have the opportunity to provide a statement and evidence.

8. **Determination** — The Executive Director reviews all evidence and decides whether a violation occurred.
9. **Notification & sanctions** — Both the Complainant and Respondent are notified of the determination and outcome. If a violation is found, sanctions are imposed.
10. **Appeals** — Either party may appeal in accordance with the appellate rules published by the APS Title IX Office.

Legal References

- Civil Rights Act of 1964
- Title IX of the Education Amendments of 1972
- The Family Educational Rights and Privacy Act (FERPA)
- New Mexico Human Rights Act (NMSA § 28-1-7)
- Children's Code Article 4: Child Abuse and Neglect (32A-4-1 through 32A-4-34)