

Title IX Notification

(Pursuant to Education Code section 221.61)

1. Policy against Discrimination Based on Sex

The Dos Palos Oro Loma Joint Unified School District is committed to providing educational programs, activities and services that are free from unlawful discrimination based on actual or perceived legally protected characteristics, or association with a person or group with one or more of such characteristics, including sex, sexual orientation, gender, gender identity, and gender expression, as required by Title IX of the Education Amendments of 1972. The District's nondiscrimination/harassment policy is found at Board Policy No. 5145.3 BP which is attached to this notification, and the Administrative Regulation 5145.3 AR will be adopted on October 19, 2017.

The requirement not to discriminate in the education program or activity extends to employment.

2. The name and contact information of the Title IX coordinator

Dr. Norma Delgado, Assistant Superintendent
2041 Almond St.
Dos Palos, CA 93620
(209) 392-0200

3. Summary of the Rights of Pupils and/or the Public (including Employees) (Education Code section 221.8)

- (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 for 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.
- A.** For more information regarding student, parent/guardian, employee, or public rights under Title IX, please visit:

The California Office of Equal Opportunity at
<http://www.cde.ca.gov/re/di/eo/genequitytitleix.asp>.

The United States Department of Education Office for Civil Rights at
<https://www2.ed.gov/about/offices/list/ocr/docs/title-ix-rights-201104.html>.

4. The School's Responsibilities

Title IX of the Education Amendments of 1972 prohibits discrimination based on sex within federal funded education institutions. Thus, all educational programs and activities must be operated free from discrimination. Key areas addressed by Title IX include: recruitment, admissions, counseling; financial assistance; athletics; sex-based harassment and violence; treatment of pregnant and parenting students; discipline; off-campus activities, single-sex education; and employment. Education institutions must protect against discrimination in these

areas. Also, a recipient may not retaliate against any person for opposing an educational practice or policy made unlawful under Title IX, filing a complaint under Title IX, or testifying or participating in any complaint action under Title IX. These protections apply to all applicants for admission and employment, students and parents or guardians of elementary and secondary school students, and employees.

For more information about the school’s responsibilities under Title IX, please visit:

- 1) The California Office of Equal Opportunity at:
<http://www.cde.ca.gov/re/di/eo/titleixnotification.asp>

The United States Department of Education Office of Civil Rights at:
https://www2.ed.gov/about/offices/list/ocr/docs/tix_dis.html

5. How to File a Title IX Complaint

Individuals who believe they have been discriminated against in violation of Title IX may file a complaint with the Dos Palos Oro Loma Joint Unified School District or the Office for Civil Rights (“OCR”). If a crime is involved, such as sexual assault or rape, individuals may also file a report with the local police department. A person may pursue one or all of these avenues at the same time. Below is a summary of each process.

A. District Complaint

Individuals may file a complaint as follows:

See website under public documents

Title IX complaints may be filed using the District’s uniform complaint procedure, Board Policy

http://www.dpol.net/apps/pages/index.jsp?uREC_ID=793872&type=d&pREC_ID=1213452

1. Time Requirement

A complaint with the District must be filed within six months of the discrimination occurring or of your awareness of the discrimination (5 CCR 4630(b)). If you have any questions about this time limit, or if you believe your complaint may be outside this time requirement but want to explore other options, please contact the Title IX Coordinator.

2. Investigation Procedure

Upon receipt of any complaint related to a potential Title IX violation, the District will ensure every allegation is investigated promptly, adequately and impartially. The District will also take steps to protect all complainants from retaliation and ensure all parties are treated fairly throughout the District's investigation process. As part of its Title IX obligations, the District also takes steps to prevent recurrence of any sexual violence and remedy discriminatory effects on the complainant and others, as appropriate. The District's procedure for investigating a Title IX complaint can be found at Board Policy 1312.3

http://www.dpol.net/apps/pages/index.jsp?uREC_ID=793872&type=d&pREC_ID=1213452

Please contact the Title IX Coordinator, as identified above, if you have any questions.

B. OCR Complaint

1. Filing a Complaint

To file a Title IX complaint, you can go to the following OCR website which will guide you through the complaint filing process:

<https://ocrcas.ed.gov/>

In summary, the OCR complaint form requires the name of the person subjected to the alleged Title IX violation, the name of the person filing the complaint, the name of the education institution, a description of the alleged Title IX violation, a report of any retaliation suffered by the person filing the complaint, the date of the last act that violated Title IX, and any attempt to address the alleged violation through another avenue, including the education institution's internal grievance procedure or a court filing. Note that anyone may file a complaint with OCR. The person or organization filing the complaint need not be a victim of the alleged discrimination but may complain on behalf of another person or group.

For more information regarding the complaint filing process, please see:

<https://www2.ed.gov/about/offices/list/ocr/complaintintro.html>

2. Time Requirement

OCR requires that the complaint be filed within 180 calendar days after the alleged violation. As set forth in OCR's complaint form, the reporter can request a waiver of this requirement by explaining why the complaint was delayed. Please contact OCR, or visit the websites above, if you have any questions or concerns about this time requirement.

3. Investigation Procedure

Upon receipt of any complaint related to a potential Title IX violation, OCR first determines if it can investigate the incident by determining if the alleged action constitutes a violation of Title IX. OCR also assesses whether the complaint was filed within the 180 day requirement or provides a legitimate reason to waive this requirement. OCR may also seek more information from the person filing the complaint if needed to further assess the complaint.

If OCR determines that it will investigate the complaint, it will issue letters of notification to the complainant and the education institution. OCR may use a variety of fact-finding techniques in its investigation of a complaint. These techniques may include reviewing documentary evidence submitted by both parties, conducting interviews, and/or site visits. At the conclusion of its investigation, OCR will determine with regard to each allegation whether the education institution failed to comply with Title IX. If the complainant disagrees with OCR's determination, he/she may submit a written appeal to OCR.

For information regarding OCR's investigation process, please see:

<https://www2.ed.gov/about/offices/list/ocr/complaints-how.html>

4. Contact Information for OCR

OCR provides an online complaint filing system at:

<https://ocrcas.ed.gov/>

OCR can be contacted at OCR@ed.gov or 800-421-3481.

OCR can also be contacted at through the California regional office at:

Office for Civil Rights
U.S. Department of Education
50 United Nations Plaza
Mail Box 1200, Room 1545
San Francisco, CA 94102
Telephone: 415-486-5555
Email: ocr.sanfrancisco@ed.gov

C. Police Report

To file a police report, please contact local law enforcement at:

(209) 392-2177

Dos Palos-Oro Loma Joint USD

Board Policy

Nondiscrimination/Harassment

BP 5145.3

Students

The Governing Board desires to ensure equal opportunities for all students in admission and access to the district's educational programs, guidance and counseling programs, athletic programs, testing procedures, and other activities. District programs and activities shall be free from discrimination, including harassment, with respect to a student's actual or perceived sex, gender, ethnic group identification, race, national origin, religion, color, physical or mental disability, age, or sexual orientation.

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 5145.9 - Hate-Motivated Behavior)

(cf. 5146 - Married/Pregnant/Parenting Students)

(cf. 6164.6 - Identification and Education Under Section 504)

The Board prohibits discrimination, intimidation, or harassment of any student by any employee, student, or other person in the district. Prohibited harassment includes physical, verbal, nonverbal, or written conduct based on one of the categories listed above that is so severe and pervasive that it affects a student's ability to participate in or benefit from an educational program or activity; creates an intimidating, threatening, hostile, or offensive educational environment; has the purpose or effect of substantially or unreasonably interfering with a student's academic performance; or otherwise adversely affects the student's educational opportunities.

School staff and volunteers shall carefully guard against segregation, bias, and stereotyping in the delivery of services, including, but not limited to, instruction, guidance, and supervision.

(cf. 5145.2 - Freedom of Speech/Expression)

(cf. 6145 - Extracurricular and Cocurricular Activities)

(cf. 6145.2 - Athletic Competition)

(cf. 6164.2 - Guidance/Counseling Services)

The principal or designee shall develop a plan to provide students with appropriate accommodations when necessary for their protection from threatened or potentially harassing or discriminatory behavior.

Students who engage in discrimination or harassment in violation of law, Board policy, or administrative regulation shall be subject to appropriate discipline, up to and including counseling, suspension, and/or expulsion. Any employee who permits or engages in harassment or prohibited discrimination shall be subject to disciplinary action, up to and including dismissal.

(cf. 4118 - Suspension/Disciplinary Action)
(cf. 4119.21/4219.21/4319.21- Professional Standards)
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)
(cf. 5131 - Conduct)
(cf. 5144 - Discipline)
(cf. 5144.1 - Suspension and Expulsion/Due Process)
(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

Grievance Procedures

The Board hereby designates the following position as Coordinator for Nondiscrimination to handle complaints regarding discrimination and harassment and inquiries regarding the district's nondiscrimination policies:

Director of Curriculum and Instruction
2041 Almond Street
Dos Palos, CA 93620
(209) 392-0200

(cf. 1312.1 - Complaints Concerning District Employees)
(cf. 1312.3 - Uniform Complaint Procedures)

Any student who feels that he/she has been subjected to discrimination or harassment should immediately contact the Coordinator, the principal, or any other staff member. Any student or school employee who observes an incident of discrimination or harassment should report the incident to the Coordinator or principal, whether or not the victim files a complaint.

Upon receiving a complaint of discrimination or harassment, the Coordinator shall immediately investigate the complaint in accordance with site-level grievance procedures specified in AR 5145.7 - Sexual Harassment.

(cf. 5145.7 - Sexual Harassment)

The Superintendent or designee shall ensure that the student handbook clearly describes the district's nondiscrimination policy, procedures for filing a complaint regarding discrimination or harassment, and the resources that are available to students who feel that they have been the victim of discrimination or harassment. The district's policy may also be posted on the district website or any other location that is easily accessible to students.

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination

48900.3 Suspension or expulsion for act of hate violence

48900.4 Suspension or expulsion for threats or harassment
48904 Liability of parent/guardian for willful student misconduct
48907 Student exercise of free expression
48950 Freedom of speech
49020-49023 Athletic programs
51500 Prohibited instruction or activity
51501 Prohibited means of instruction
60044 Prohibited instructional materials
CIVIL CODE
1714.1 Liability of parents/guardians for willful misconduct of minor
PENAL CODE
422.55 Definition of hate crime
422.6 Crimes, harassment
CODE OF REGULATIONS, TITLE 5
4600-4687 Uniform Complaint Procedures
4900-4965 Nondiscrimination in elementary and secondary education programs
UNITED STATES CODE, TITLE 20
1681-1688 Title IX of the Education Amendments of 1972
UNITED STATES CODE, TITLE 42
2000d-2000e-17 Title VI and Title VII Civil Rights Act of 1964, as amended
2000h-2-2000h-6 Title IX of the Civil Rights Act of 1964
CODE OF FEDERAL REGULATIONS, TITLE 34
100.3 Prohibition of discrimination on basis of race, color or national origin
104.7 Designation of responsible employee for Section 504
106.8 Designation of responsible employee for Title IX
106.9 Notification of nondiscrimination on basis of sex
COURT DECISIONS
Donovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567
Flores v. Morgan Hill Unified School District, (2003) 324 F.3d 1130

Management Resources:

CSBA PUBLICATIONS

Providing a Safe, Nondiscriminatory School Environment for All Students, Policy Brief, April 2010

CALIFORNIA DEPARTMENT OF EDUCATION LEGAL ADVISORIES

California Student Safety and Violence Prevention - Laws and Regulations, April 2004

FIRST AMENDMENT CENTER PUBLICATIONS

Public Schools and Sexual Orientation: A First Amendment Framework for Finding Common Ground, 2006

NATIONAL SCHOOL BOARDS ASSOCIATION PUBLICATIONS

Dealing with Legal Matters Surrounding Students' Sexual Orientation and Gender Identity, 2004

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS

Notice of Non-Discrimination, January 1999

WEB SITES

CSBA: <http://www.csba.org>

California Safe Schools Coalition: <http://www.casafeschools.org>

California Department of Education: <http://www.cde.ca.gov>
First Amendment Center: <http://www.firstamendment.org>
National School Boards Association: <http://www.nsba.org>
U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>

Policy DOS PALOS-ORO LOMA JOINT UNIFIED SCHOOL DISTRICT

adopted: May 12, 1993 Dos Palos, California

revised: July 21, 2005

revised: June 19, 2014