

Title IX per SB 1375

Title IX of the Education Amendments of 1972 protects people from discrimination based on sex in education programs and activities that receive federal financial assistance. The Title IX regulation describes the conduct that violates Title IX. Examples of the types of discrimination that are covered under Title IX include sexual harassment, the failure to provide equal opportunity in athletics, and discrimination based on pregnancy. To enforce Title IX, the U.S. Department of Education maintains an Office for Civil Rights, with headquarters in Washington, DC and 12 offices across the United States. *Source:* U.S. Department of Education, Office for Civil Rights.(2015) Title IX and Sex Discrimination.

In accordance to California Education Code, 221.6, public schools that receive federal funds and are subject to the requirements of Title IX, shall post in a prominent and conspicuous location on their Internet Website all of the following:

The name and contact information of the Title IX coordinator:

Steve Kephart, Director of Operations

Discrimination/Equity & Title IX Compliance Officer

Email: skephart@triviumcharter.org Phone: 805-819-0892

Mailing Address: 1305 N H Street A332 Lompoc Ca 93436

The rights of pupil and the public and the responsibilities of the school district 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 Website of the department's Office of Equal Opportunity and the United States Department of Education Office of Civil Rights, and the list of rights specified in Section 221.8.

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- **California Department of Education, Equal Opportunity & Access**
 - **US Department of Education, Office for Civil Rights**
 - **Office of U.S. Equal Employment Opportunity Commission**

- Section 221.8 Rights: 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 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.

A description of how to file a complaint under Title IX.

- A written complaint alleging district violation of applicable state or federal law or regulations governing adult education programs, consolidated categorical aid programs, migrant education, career technical and technical education and training programs, child care and development programs, child nutrition programs, and special education programs may be filed by any individual, public agency, or organization. (5 CCR 4630)
- Any complaint alleging noncompliance with law regarding the prohibition against requiring students to pay student fees, deposits, and charges of any requirement related to the LCAP may be filed anonymously if the complaint provides evidence, or information leading to evidence, to support an allegation of noncompliance. A complaint about a violation of the prohibition against the charging of unlawful student fees may be filed with the principal of the school.

However, any such complaint shall be filed no later than one year from the date the alleged violation occurred. (Education Code 49013, 52075; 5 CCR 4630)

- A complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) may be filed only by a person who alleges that he/she personally suffered the unlawful discrimination or by a person who believes that an individual or any specific class of individuals has been subjected to it. The complaint shall be initiated no later than six months from the date when the alleged unlawful discrimination occurred, or six months from the date when the complainant first obtained knowledge of the facts of the alleged unlawful discrimination. The time for filing may be extended for up to 90 days by the Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension. (5 CCR 4630)
- When a complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) is filed anonymously, the compliance officer shall pursue an investigation or other response as appropriate, depending on the specificity and reliability of the information provided and the seriousness of the allegation.
- When the complainant or alleged victim of the unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) requests confidentiality, the compliance officer shall inform him/her that the request may limit the district's ability to investigate the conduct or take other necessary action. When honoring a request for confidentiality, the district shall nevertheless take all reasonable steps to investigate and resolve/respond to the complaint consistent with the request.
- If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, district staff shall assist him/her in the filing of the complaint. (5 CCR 4600)
- **Forward complaints to Steve Kephart, Director of Operations
Discrimination/Equity & Title IX Compliance Officer
Email: skephart@triviumcharter.org Phone: 805-291-3226
Mailing Address: 1305 N H Street A332 Lompoc Ca 93436**

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.

- A complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) must be filed not later than six months from the date it occurred, or six months from the date the complainant first obtained knowledge of the facts of the alleged unlawful discrimination. The time for filing may be extended for up to 90 days by the Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension.
- A complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) may be filed only by a person who alleges that he/she personally suffered the unlawful discrimination or by a person who believes that an individual or any specific class of individuals has been subject to it. The complaint shall be initiated no later than six months from the date when the alleged unlawful discrimination occurred, or six months from the date when the complainant first obtained knowledge of the facts of the alleged unlawful discrimination. The time for filing may be extended for up

to 90 days by the Superintendent or designee for good cause upon written request by the complainant setting for the reasons for the extension.

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 Right' Internet Web site.

- US Department of Education, Office for Civil Rights
- Office of U.S. Equal Employment Opportunity Commission
- All Uniform Complaint Procedures related complaints shall be investigated and resolved within 60 calendar days of the district's receipt of the complaint unless the complainant agrees in writing to an extension of the timeline. The compliance

officer shall maintain a record of each complaint and subsequent related actions, including steps taken during the investigation and all information required for compliance with 5

CCR 4631 and 4633. All parties involved in the allegations shall be notified when a complaint is filed and when a decision or ruling is made. However, the compliance officer shall keep all complaints or allegations of retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) confidential except when disclosure is necessary to carry out the investigation, take subsequent corrective action, conduct ongoing monitoring, or maintain the integrity of the process. (5 CCR 4630, 4964)

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.

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- **U.S. Department of Education Office of Civil Rights Form**
 - Contact Information:
 - U.S. Department of Education, Office for Civil Rights, Lyndon Baines Johnson Department of Education
Building, 400 Maryland Avenue, SW, Washington DC 20202-1100;
 - Phone: 800-421-3481; FAX: 202-453-6012; TDD: 800-877-8339; Email: OCR@ed.gov
 - San Francisco Office, Office for Civil Rights, U.S. Department of Education, 50 United Nations Plaza,
Mail Box 1200, Room 1545, San Francisco, CA 94102;
 - Phone: 415-486-5555; FAX: 415-486-5570; TDD: 800-877-8339; Email: ocr.sanfrancisco@ed.gov

**Office for Civil Rights – Frequently Asked Questions Office for Civil Rights –
Resources**

Title IX Fast Facts