

Sequoia Union High School District
Student Rights under Title IX

Federal Title IX of the Education Amendments of 1972 (“Title IX”), implemented at 34 C.F.R. § 106.31, subd. (a), provides that 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 academic, extracurricular, research, occupational training, or other education program or activity operated by a recipient which receives federal financial assistance. Relevant here, Title IX requires school districts to take immediate and appropriate action to investigate when it knows or reasonably should know of a possible Title IX violation.

All Title IX complaints will be processed in accordance with Board Policy (“BP”) and Administrative Regulation (“AR”) 5145.7 – Sexual Harassment, and BP/AR 1312.3 – Uniform Complaint Procedures, which may be accessed here: <http://www.seq.org/DEPARTMENTS/Human-Resources/Title-IX/Uniform-Complaint-Procedures/index.html>

Title IX Coordinator/Compliance Officer

Jacqueline McEvoy, Assistant Superintendent, Human Resources and Student Services, is the Title IX Coordinator/Compliance Officer for the Sequoia Union High School District, and can be reached by telephone at (650) 369-1411, extension 22222 or by email at jmcevoy@seq.org. The District has also designated Title IX Coordinators for each school site, who are listed here: <http://www.seq.org/DEPARTMENTS/Human-Resources/Title-IX/Title-IX-Coordinators/index.html>

Filing a Title IX Complaint with the District

Student complaints shall be submitted in written form in accordance with AR 1312.3 – Uniform Complaint Procedures, no later than six months from the date of the alleged incident, or six months from the date the complainant first obtained knowledge of the facts of the alleged incident. If the complainant is unable to prepare the complaint in writing, administrative staff shall help him/her to do so. The time for filing may be extended up to 90 days by the Superintendent or the Superintendent’s designee, for good cause, upon written request by the complainant setting forth the reasons for the request for an extension of time to file a written complaint.

Informal Resolution and Investigation Procedures

The Title IX Coordinator/Compliance Officer or designee may informally discuss with all the parties the possibility of using mediation within three days of his or her receipt of the complaint.

All complaints shall be appropriately investigated in a timely manner. Within 10 business days after the Title IX Coordinator/Compliance Officer or designee receives the complaint, the Title IX Coordinator/Compliance Officer or designee shall begin an investigation into the complaint pursuant to AR 1312.3. The investigation shall include an opportunity for the complainant, or the complainant's representative, or both, to present the Title IX Coordinator/Compliance Officer or designee with any evidence, or information leading to evidence, to support the allegations in the complaint.

The District shall issue a final written decision based on the evidence within 60 calendar days from receipt of the complaint by the District, unless the complainant agrees in writing to an extension of the timeline.

Within 30 calendar days of receiving the complaint, the Title IX Coordinator/Compliance Officer or designee shall prepare and send to the complainant a written report of the District's investigation and decision. If the complainant is dissatisfied with the Title IX Coordinator/Compliance Officer or designee's decision, he/she may, within five business days, file his/her complaint in writing with the District's Board of Education ("Board"). The Board will have the option of considering the complaint at its next regular Board meeting or at a special meeting. Should the Board choose not to hear the complaint, the Title IX Coordinator/Compliance Officer or designee's decision will be final. Should the Board choose to hear the complaint, the Title IX Coordinator/Compliance Officer or designee shall send the Board's decision to the complainant within 60 calendar days from receipt of the written complaint or within the time period agreed to in writing by the complainant.

Any complainant who is dissatisfied with the District's final written decision may file an appeal in writing with the California Department of Education within 15 calendar days of receiving the District's final written decision.

Complaints made by or on behalf of students may also be filed with the U.S. Department of Education, Office for Civil Rights within 180 calendar days of the date of the alleged discrimination, unless the time for filing is extended by the Office for Civil Rights for good cause shown under certain circumstances.

Additional details about procedures for filing a complaint may be found in District Board Policy and Administrative Regulation 1312.3 – Uniform Complaint Procedures, which may be accessed here:

<http://www.gamutonline.net/district/sequoiaunionhigh/DisplayPolicy/1129992/1>

Student Rights Pursuant to Education Code Section 221.8

Education Code section 221.8 provides as follows:

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. § 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 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.

Additional Resources

- United States Department of Education Office for Civil Rights:
<https://www2.ed.gov/about/offices/list/ocr/index.html>
- United States Department of Education Office for Civil Rights Complaint Form: <https://www2.ed.gov/about/offices/list/ocr/complaintform.pdf>
- United States Department of Education Office for Civil Rights Contact Information: 1-800-421-3481 or ocr@ed.gov
- California Department of Education Office of Equal Opportunity:
<http://www.cde.ca.gov/re/di/or/oeo.asp>
- Link to Access Board Policy and Administrative Regulation 1312.3 – Uniform Complaint Procedures, Board Policy 5145.3 – Nondiscrimination/Harassment, and Administrative Regulation 5145.7 – Sexual Harassment:
<http://www.gamutonline.net/district/sequoiaunionhigh/DisplayPolicy/1130488/>