

Notice of Employee Rights Under Title IX

(34 C.F.R. § 106.8, subd. (b))

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. This includes employment at an educational institution.

Relevant here, Title IX requires that school districts take immediate and appropriate action to address any potential Title IX violations that are brought to its attention. Any inquiries about the application of Title IX, this notice, and who is protected by Title IX may be referred to Carole Mederos or the Assistant Secretary for Civil Rights from the United States Department of Education, or both.

Title IX Coordinator

Carole Mederos is the Title IX Coordinator for the Buena Vista Elementary School District and can be reached by telephone at (559)686-2015, email at cmaderos@buenavistaeagles.org, mail at 21660 Road 60, Tulare, CA 93274 or in person at 21660 Road 60, Tulare, CA 93274.

Sexual Harassment Under Title IX

Sexual harassment under Title IX means conduct on the basis of sex that satisfies one or more of the following:

1. An employee of the school district conditioning the provision of an aid, benefit or service of the recipient on an individual's participating in unwelcome sexual conduct (quid pro quo)
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity; or
3. "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291 (a)(30).

Alleged conduct that does not rise to the level of the sexual harassment under Title IX will be addressed in accordance with other District policies that prohibit sexual harassment and/or sex-based discrimination, or other forms of inappropriate conduct, as is deemed appropriate.

Filing a Title IX Complaint with the District

Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone or by email, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such reports may be made at any time, including during non-business hours, by using the telephone number or email address. Or by mail to the office address listed for the Title IX Coordinator.

Employee complaints alleging a Title IX violation should be submitted in written form no later than 6 months from the date of the alleged incident, or 6 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 the complainant to do so. To qualify as a Title IX complaint, the complainant must also be participating in or attempting to participate in the District's education program or activity. The length of time elapsed between an incident of alleged sexual harassment, and the filing of a formal complaint may, in specific circumstances, prevent the District from collecting enough evidence to reach a determination, justifying a discretionary dismissal under Title IX.

The District will process all formal complaints in accordance with Title IX and District Board Policy ("BP") and Administrative Regulation ("AR") 4119.11/4219.11/4319.11 – Sexual Harassment, and AR 4119.12/4219.12/4319.12 – Title IX Sexual Harassment Complaint Procedures, which includes an option for informal resolution for certain matters. Under Title IX, a formal complaint means a document filed by a victim, or signed by the Title IX Coordinator, that alleges sexual harassment against a respondent and requests that the school district investigate the allegation of sexual harassment. Complaints that do not rise to the level of a Title IX complaint will be processed in accordance with BP/AR 4030 – Nondiscrimination in Employment, or any other procedure deemed appropriate.

All investigations will be conducted as confidentially as possible. Upon receipt of any formal complaint, the District will provide all know parties with adequate notice of the District's complaint process and the underlying allegation. During the course of the investigation, the District will provide the complainant and respondent (or "the parties") with an equal opportunity to present witnesses and evidence. The District will not restrict the ability of the parties to discuss the allegations under investigation, and it will allow parties to utilize an advisor of their choice. Prior to the conclusion of the investigation, the complainant and respondent will have the opportunity to inspect and respond to evidence directly related to the allegations in the complaint that was gathered during the course of the investigation. Thereafter, and prior to any final decision being made, the parties will receive a copy to submit written, relevant questions to be asked of the other party. Next, a determination regarding responsibility will be made and issued to both parties. Under Title IX and District policy, the responding party is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the end of the complaint process.

Any party not satisfied with the final determination will have the option to appeal the final determination. In addition, a person may file a complaint concerning sexual harassment with either the California Department of Fair Employment and Housing or the Equal Employment Opportunity Commission.

Additional Resources

- California Department of Fair Employment and housing: <https://www.dfeh.ca.gov/Employment/>
- U.S. Equal Employment Opportunity Commission: [https://www.eeoc.gov/sex-based-discrimination](https://www.eeoc.gov/sex-based-discrimination;); <https://www.eeoc.ov/Sexual-harassment>
- Board Policy and Administrative Regulation 4119.11/4219.11/4319.11 – Sexual Harassment, Administrative Regulation 4119.12/421.12/4319.12 – Title IX Sexual Harassment Complaint Procedures, Board Policy and Administrative Regulation 4030 – Nondiscrimination in Employment: <http://www.gamutonline.net/district/buenavistaesd/>

Notice of Student Rights Under Title IX

(34 C.F.R. § 106.8, subd. (b); Cal. Ed. Code § 221.61.)

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 that school districts take immediate and appropriate action to address any potential Title IX violations that are brought to its attention. Any inquiries about the application of Title IX, this notice, and who is protected by the Title IX may be referred to Carole Mederos or to the Assistant Secretary for Civil Rights from the United States Department of Education, or both.

Title IX Coordinator

Carole Mederos is the Title IX Coordinator for the Buena Vista Elementary School District and can be reached by telephone at (559)686-2015, email at cmaderos@buenavistaeagles.org, mail at 21660 Road 60, Tulare, CA 93274 or in person at 21660 Road 60, Tulare, CA 93274.

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1. An employee of the school district conditioning the provision of an aid, benefit or service of the recipient on an individual’s participating in unwelcome sexual conduct (quid pro quo)
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to the recipient’s education program or activity; or
3. “Sexual assault” as defined in 20 U.S.C. 1092(f)(6)(A)(v), “dating violence” as defined in 34 U.S.C. 12291(a)(10), “domestic violence” as defined in 34 U.S.C. 12291 (a)(30).

Alleged conduct that does not rise to the level of the sexual harassment under Title IX will be addressed in accordance with other District policies that prohibit sexual harassment and/or sex-based discrimination, or other forms of inappropriate conduct, as is deemed appropriate.

Filing a Title IX Complaint with the District

Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone or by email, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person’s verbal or written report. Such reports may be made at any time, including during non-business hours, by using the telephone number or email address. Or by mail to the office address listed for the Title IX Coordinator.

Student complaints alleging a Title IX violation should be submitted in written form 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 the complainant 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. To qualify as a Title IX complaint, the complainant/victim must also be participating in or attempting to participate in the District's education program or activity. The length of time elapsed between an incident of alleged sexual harassment, and the filing of a formal complaint may, in specific circumstances, prevent the District from collecting enough evidence to reach a determination, justifying a discretionary dismissal under Title IX.

The District will process all formal complaints in accordance with Title IX and District Board ("BP") and Administrative Regulation ("AR"), BP/AR 5145.7 – Sexual Harassment, AR 5145.71 – Title IX Sexual Harassment Complaint Procedures, and other applicable policies, which include the option of informal resolution for certain matters. Under Title IX, a formal complaint means a document filed by a victim, or signed by the Title IX Coordinator, that alleges sexual harassment against a respondent and requests that the school district investigate the allegation of sexual harassment. Complaints that do not rise to the level of a Title IX complaint will be processed in accordance with BP/AR 1312.3 - Uniform Complain Procedures, or in a manner that is otherwise deemed appropriate.

All investigations will be conducted as confidentially as possible. Upon receipt of any formal complaint, the District will provide all known parties with adequate notice of the District's complaint process and the underlying allegations. During the course of the investigation, the District will provide the complainant and respondent (or "the parties") with an equal opportunity to present witnesses and evidence. The District will not restrict the ability of the parties to discuss the allegations under investigation, and it will allow parties to utilize an advisor of their choice. Prior to the conclusion of the investigation, the complainant and respondent will have the opportunity to inspect and respond to evidence directly related to the allegations in the complaint that was gathered during the course of the investigation. Thereafter, and prior to any final decision being made, the parties will receive a copy of the investigation report that fairly summarizes relevant evidence, and they will have an opportunity to submit written, relevant questions to be asked of the other party. Next, a determination regarding responsibility will be made and issued to both parties. Under Title IX and District policy the responding party is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the end of the complaint process. Any party not satisfied with the final determination will have the option to appeal the final determination.

Additionally, any complainant who is dissatisfied with the District's determination may file an appeal in writing with the California Department of Education within 30 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 or Office of Civil Rights within 180 calendar days of the date of the alleged discrimination, unless the time for filing is extended by the Office of Civil Rights for good cause shown under certain circumstances.

Student rights Pursuant to Education Code Section 221.8

In addition to federal law, the California Education Code similarly prohibits schools from discriminating against its students on the basis of sex. 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 you 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 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 you 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 State 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 Contact Information: 1-800-421-3481 or ocr@ed.gov
- California Department of Education Office of Equal Opportunity:
<https://www.cde.ca.gov/re/di/or/oeo.asp>
- Access Board Policy and Administrative Regulation 1312.3 – Uniform Complaint Procedures, Board Policy and Administrative Regulation 5145.3 – Nondiscrimination/Harassment, Board Policy and Administrative Regulation 5145.7 – Sexual Harassment, Board Policy and Administrative Regulation, and other District policies: <http://www.gamutonline.net/district/buenavistaesd/>