



Preparing every student to thrive in a global society.

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Title IX Coordinator

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Office of Civil Rights (OCR)

<https://www.hhs.gov/ocr/index.html>

<https://www.hhs.gov/ocr/complaints/index.html>

California Department of Education

<https://www.cde.ca.gov/>

Non-Discrimination Statement

East Side Union High School District prohibits discrimination, harassment, intimidation and bullying in educational programs, activities, or employment on the basis of actual or perceived ancestry, age, color, disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sex, sexual orientation, parental, pregnancy, family or marital status, or association with a person or a group with one or more of these actual or perceived characteristics. East Side Union High School District requires that school personnel take immediate steps to intervene when safe to do so when he or she witnesses an act of discrimination, harassment, intimidation, or bullying. Questions or complaints of alleged discrimination, harassment, intimidation and bullying or title IX equity and compliance concerns should be directed to the Office of the Director of Equity, Diversity and Inclusion at (408) 347- 5258 or 830 N. Capitol Ave, San Jose, Ca 95133.

Board Policy 4030: Nondiscrimination in Employment

The Governing Board is determined to provide a safe, positive environment where all district employees are assured of full and equal employment access and opportunities, protection from harassment and intimidation, and freedom from any fear of reprisal or retribution for asserting their employment rights in accordance with law. For purposes of this policy, employees include job applicants, interns, volunteers, and persons who contracted with the district to provide services, as applicable.

No district employee shall be discriminated against or harassed by any coworker, supervisor, manager, or other person with whom the employee comes in contact in the course of employment, on the basis of the employee's actual or perceived race, religious creed, color, national origin, ancestry, age, marital status, pregnancy, physical or mental disability, medical condition, genetic information, military and

veteran status, gender, gender identity, gender expression, sex, or sexual orientation, or his/her association with a person or group with one or more of these actual or perceived characteristics.

The district shall not inquire into any employee's immigration status nor discriminate against an employee on the basis of immigration status, unless there is clear and convincing evidence that it is necessary to comply with federal immigration law.

Boy Scouts of America Equal Access Act

Under the Boy Scouts Act, no such public school, LEA or SEA that provides an opportunity for one or more outside youth or community groups to meet on school premises or in school facilities shall deny equal access or a fair opportunity to meet to, or discriminate against, any group officially affiliated with the Boy Scouts of America, or any other youth group listed in Title 36 of the United States Code as a patriotic society, that wishes to meet at the school.

Youth Group: any group or organization intended to server young people under the age of 21.

Complaints alleging violations of this law may be filed by contacting the OCR office with authority to handle complaints where the institution or entity you are complaining about is located.

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

Complaint Procedures

General Information

When a concern arises, based on the situation, different complaint procedures are followed. Appropriate personnel will investigate the complaint and work to resolve the issue in a timely manner. If the person making the complaint is not satisfied with the initial resolution to the complaint, he/she can appeal to the [Superintendent](#).

[Uniform Complaint Procedures Filing and Form](#)

This form is used when a complaint is lodged against the following programs: Adult Basic Education, Consolidated Categorical Aid Programs (such as Chapter 1, Bilingual), Migrant Education, Vocational Education, Child Care and Development, Child Nutrition Services, Special Education. Contact the Director of Equity, Diversity, and Inclusion. Click [here](#) for filing procedures and form.

[Uniform Complaint Procedures for Williams Settlement Complaints \(EC 35186\)](#)

This form is used when a complaint is lodged concerning the following areas: textbooks and instructional materials, facility conditions, teacher vacancy or misassignment, or High School Exit Examination.

For English, click [here](#)

For Spanish/Espanol, click [here](#)

For Vietnamese, click [here](#)

Public Complaint Procedures Filing and Form

This form is used when a member of the public is filing a formal complaint against a district employee. Contact the Principal at your student's school or the Director of Equity, Diversity, and Inclusion.

All Rights under Sex Equity in Education Act, Education Code 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 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.

Title IX Complaints

How do I file a Title IX Complaint?

Title IX of the Education Amendments of 1972, 20 U.S.C. 1681 et. seq. (Title IX) prohibits discrimination on the basis of sex in educational programs and activities that receive or benefit from Federal financial assistance. Generally, a school district may not excuse, deny or provide different or lesser services to applicants or beneficiaries on the basis of sex. Sex discrimination includes a hostile environment created by sexual harassment or sexual violence in the educational setting.

Students, staff, community members, and guests of East Side Union High School District have the right to be free from all forms of sex/gender harassment, discrimination and misconduct, examples of which can include acts of sexual violence, sexual harassment, domestic violence, dating violence and stalking. All members of the district including community members and guests are expected to conduct

themselves in a manner that does not infringe upon the rights of others. When misconduct is brought to an appropriate administrator's attention, protective and other remedial measures will be used to reasonable ensure that such conduct ends immediately, is not repeated, and effects on the victim and community are remedied including serious sanctions when a responding party is found to have violated policies.

Title IX complaints may be pursued in several ways:

1. Report an incident to a school district employee, site principal, or Title IX Coordinator
2. Send an email to sewellc@esuhsd.org

Complaints do not have to be completed on a formal complaint form. You may send a complaint via email or letter to the District office.

Title IX Complaints follow the Uniform Complaint Procedures, District's Administrative Regulation 1312.3 – Uniform Complaint Procedures and uses the preponderance of evidence as a standard for proof whether a violation has occurred.

Title IX regulations (AR 5145.71) require the following initial steps for sexual harassment complaints:

1. Upon receiving a report of sexual harassment, the Title IX Coordinator informs complainant of the process for filing a formal complaint.
2. Title IX Coordinator offers interim supportive measures to complainant such as counseling, course-related adjustments, modification of class schedules, etc. pending completion of the investigation.
3. If a formal complaint has been filed, the Title IX Coordinator shall provide the known parties with written notice of the following:
 - a. The District's complaint process
 - b. The allegations potentially constituting sexual harassment with sufficient details known at the time, including the identity of parties involved in the incident if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident if known. Such notice shall be provided with sufficient time for the parties to prepare a response before any initial interview. If, during the course of the investigation, the district investigates allegations about the complainant or respondent that are not included in the initial notice, the Title IX Coordinator shall provide notice of the additional allegations to the parties.
 - c. A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the complaint process.
 - d. The opportunity for the parties to have an advisor of their choice who may be, but is not required to be, an attorney, and the ability to inspect and review evidence.

- e. The prohibition against knowingly making false statements or knowingly submitting false information during the complaint process.

These are just the initial steps and there are no timelines for these. Following these steps, the investigator interviews witnesses and creates a report summarizing relevant evidence but does not include a decision. At least 10 days prior to making a determination/decision, the District must send the investigator's report to both parties and their advisors for their review and response.

After sending the investigative report to the parties and before reaching a determination regarding responsibility, the District must afford each party the opportunity to submit written, relevant questions that the party wants asked of any party or witness. The District must provide each party with the answers, and allow for additional, limited follow-up questions from each party.

The Decision Maker shall issue and simultaneously provide to both parties a written decision. The written decision shall be issued **within 45 calendar days of the receipt of the complaint**. The timeline may be temporarily extended for good cause with written notice to the complainant and respondent of the extension and the reasons for the action.

Individuals experiencing harassment or discrimination always have the right to file a formal grievance with government authorities.

U.S. Department of Education - Office for Civil Rights

OCR's mission is to ensure equal access to education and to promote educational excellence through vigorous enforcement of civil rights in our nation's schools.

Phone: (800) 421-3481

Email: ocr@ed.gov

[Office for Civil Rights Website](#)

[Office for Civil Rights Complaint Forms](#)

California Department of Education - Office of Equal Opportunity

The California Department of Education supports high-quality educational programs for California's diverse student population through its educational leadership role and places great importance on cultivating a diverse staff that understands and promotes the intellectual, ethical, cultural, emotional, and physical growth of each student. The California Department of Education, Office of Equal Opportunity (OEO) is charged with ensuring compliance with State and Federal civil rights laws, and regulations in CDE employment and delivery of education services.

Phone: (916) 445-9174

[CA Department of Education Office of Equal Opportunity](#)