

## **UNIVERSITY HIGH SCHOOL TITLE IX POLICY**

### **TITLE IX DEFINITION**

Title IX is a federal law that was passed in 1972 to ensure that students and employees in educational settings are treated equally and fairly, with a right to learn and work in an environment that is free from unlawful discrimination. It prohibits discrimination, harassment, exclusion, denial, limitation, or separation on the basis of actual or perceived sex, sexual orientation, gender, or gender identity or expression. It applies to all students in any educational institution receiving federal funding.

The preamble to Title IX of the Education Amendments of 1972 states that: "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving Federal financial assistance. (Title IX of the Education Amendments of 1972 (20 U.S.C. Section 1681 et seq.) and related regulations (34 C.F.R Part 106).

Title IX requires that each school district have at least one person designated as the Title IX Coordinator to whom concerns or complaints regarding sex discrimination can be made.

University High School Title IX Coordinator  
Aaron Morgan, Vice Principal  
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Title IX regulations define sexual harassment as conduct, performed on the basis of sex, that satisfies one or more of the following:

1. A school employee conditioning the provision of a school aid, benefit, or service on the student's participation in unwelcome sexual conduct.
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a student equal access to the school's education program or activity.
3. Sexual assault, dating violence, domestic violence or stalking defined as follows:
  - a. Forcible sexual assault includes any sexual act directed against a student, forcibly, against the student's will, or without consent, including rape, sodomy, sexual assault with an object, and fondling.
  - b. Non-forcible sexual assault includes offenses that do not involve force where the student is incapable of giving consent, including statutory rape and incest.

- c. Dating violence includes violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the student, where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship, the type of relationship and/or the frequency of interaction between the persons involved in the relationship.
- d. Domestic violence includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the student.
- e. Stalking which includes engaging in a course of conduct directed at a student that would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress.

## **RIGHTS AND RESPONSIBILITIES**

The rights of a student and the public and the responsibilities of the public school, private, school, school district, county office of education, or charter school under Title IX, which shall include, but shall not be limited to:

- (a) The right to fair and equitable treatment, where a student is not discriminated against based on race.
- (b) The right to be provided with an equitable opportunity to participate in all academic extracurricular activities and athletics offered by University High School.
- (c) The right to have access to the Title IX Coordinator regarding gender equity laws.
- (d) The right to pursue civil remedies if a student has been discriminated against.
- (e) The right to be protected against retaliation if a student files a discrimination complaint.

More information regarding student rights can be found in the following resources:

- California Department of Education: Equal Opportunities and Access
- [U.S. Department of Education/Civil Rights](#)
- [California Legislator Information](#)

## **FILING A TITLE IX COMPLAINT**

All University High School staff are expected to provide appropriate supervision to enforce standards of conduct and, if they observe or become aware of misconduct prohibited by this policy, to intervene as soon as it is safe to do so, call for assistance, and report such incidents. The Board requires staff to follow the procedures in the policy for reporting alleged acts of misconduct prohibited in the policy.

Any student who believes they have been subject to misconduct prohibited by this policy or has witnessed such prohibited misconduct is encouraged to immediately report such misconduct to the Title IX Coordinator and complete the Title IX Complaint form. Any student who feels he/she is a target of such behavior should immediately contact a teacher, counselor, administrator, Title IX Coordinator, a staff person, or a family member so that he/she can get assistance in resolving the issue in a manner that is consistent with this policy.

How to file a complaint:

1. Utilize the Title IX Complaint Form
2. Send or deliver completed form to the office of the Vice Principal, Title IX Coordinator

Additional information regarding how to file a complaint can be found in the following resources:

- [The U.S. Office for Civil Rights](#)
- [The California Department of Education](#)

## **STATUTE OF LIMITATIONS**

A complaint brought pursuant to Board Policy alleging unlawful discrimination on the basis of a protected class, shall be filed with the Title IX Coordinator no later than six (6) months from the date when the alleged discrimination occurred, or six (6) months from the date when the complainant first obtained knowledge of the facts of the alleged discrimination. The timeline set forth above may be extended no more than an additional ninety (90) days, but only upon written request by the Complainant setting forth good cause for the delay, and only upon approval by the School's Superintendent or designee. Any such request received by the School's Superintendent shall be approved or denied within fifteen (15) business days of its receipt. The Superintendent's or designee's decision with respect to an extension is final.

## **INVESTIGATION PROCESS**

University High School acknowledges and respects every individual's right to privacy. All reports shall be investigated in a manner that protects the confidentiality of the parties and the integrity of the process. This includes keeping the identity of the reporter confidential, as appropriate, except to the extent necessary to carry out the investigation and/or to resolve the issue, as determined by the Title IX Coordinator or designee on a case-by-case basis.

University High School prohibits any form of retaliation against any reporter in the reporting process, including, but not limited to a reporter's filing of a complaint or the reporting of instances of misconduct prohibited by this policy. Such participation shall not in any way affect the status, grades, or work assignments of the reporter.

If the Complainant does not agree to engage in mediation, the Title IX Coordinator or his/her designee is encouraged to hold an investigative meeting within fifteen (15) business days of the Title IX Coordinator receiving the complaint. Alternatively, if the Complainant and the School do

engage in mediation, but it proves unsuccessful, the mediation shall serve as the investigative meeting and the mediator shall share his/her notes of the mediation with the Title IX Coordinator.

The investigative meeting shall provide an opportunity for the Complainant and/or his/her representative to repeat the complaint orally and provide any additional factual support for his/her allegations, including any relevant documentation not already provided. The Complainant and/or his/her representative shall have an opportunity to present the complaint and evidence or information leading to evidence to support the allegations in the complaint.

A Complainant's refusal to provide the Title IX Coordinator or his/her designee with documents or other evidence related to allegations in the complaint; his/her failure to cooperate in the investigation; or his/her engagement in any other obstruction of the investigation, may result in the dismissal of the complaint because of a lack of evidence to support the allegation.

Any School employee's refusal to provide the Title IX Coordinator or his/her designee with access to records and/or other information related to the allegation in the complaint, or its failure or refusal to cooperate in the investigation or its engagement in any other obstruction of the investigation, may result in a finding, based on evidence collected, that a violation has occurred and may result in the imposition of a remedy in favor of the Complainant.

## **NOTICE**

University High School and its Board are committed to maintaining a learning environment free from harassment, intimidation, or insult, student-to-student or adult-to-adult, on the basis of an individual's actual or perceived sex, sexual orientation, gender, or gender expression. Positive action will be taken when necessary to eliminate such practices or remedy their effects. Sexual harassment, as defined and otherwise prohibited by state and federal statutes, constitutes an unlawful form of sex discrimination in violation of Title IX of the Education Amendments Act of 1972 and Title VII of the Civil Rights Act of 1964. In addition, sexual harassment constitutes violation of the California Education Code, regulations of the State Board of Education, and University High School Policy. As such, sexual harassment may constitute just cause for discipline pursuant to applicable Education Code Sections. The University High School Title IX Coordinator has been designated to handle inquiries and complaints regarding the sexual harassment policy.