

## **Santa Monica-Malibu Unified School District**

### **Rights under Title IX**

Title IX is a federal law that was passed in 1972 to ensure that male and female students and employees in educational settings are treated equally and fairly. It protects against discrimination based on sex, including sexual harassment. In addition, Title IX protects transgender students and students who do not conform to gender stereotypes. State law also prohibits discrimination based on gender (sex), gender expression, gender identity and sexual orientation. 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 education program or activity receiving federal financial assistance.”

### **Title IX Coordinator**

The individual named below is the Title IX Coordinator for the Santa Monica-Malibu Unified School District. He is responsible for coordinating the investigating all Title IX complaints. Additionally, he is responsible for monitoring outcomes, identify and addressing patterns, and assessing the effects on campus climates resulting from discrimination based on sex, including sexual harassment.

Dr. Mark O. Kelly  
Assistant Superintendent, Human Resources  
1651 16<sup>th</sup> Street  
Santa Monica, CA 90404  
[mkelly@smmusd.org](mailto:mkelly@smmusd.org)  
310-450-8338, extension 70220

### **Filing a Title IX Complaint**

A complaint alleging unlawful discrimination in violation of Title IX shall be submitted in writing according to Board of Education Policy and Administrative Regulation 1312.1 Uniform Complaint Procedures. District staff shall assist any person who needs assistance to put his/her complaint in writing.

### **Additional Information and Resources**

California Department of Education Office for Equal Opportunity  
<https://www.cde.ca.gov/re/di/or/oeo.asp>

United States Department of Education Office for Civil Rights  
<https://www2.ed.gov/about/offices/list/ocr/index.html>

United States Department of Education (Sex Discrimination)  
<https://www2.ed.gov/policy/rights/guid/ocr/sex.html>

## **Student Rights Pursuant to California Education Code Section 221.8**

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 USC 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 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.

**Santa Monica-Malibu Unified School District**  
**Uniform Complaint Procedures and Form**  
**(BP 1312.3 and AR 1312.3)**

The Board of Education recognizes that the district has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs. The district shall investigate and seek to resolve any complaints alleging failure to comply with such laws and/or alleging unlawful discrimination, harassment, intimidation, or bullying in accordance with the uniform complaint procedures.

The district shall use the uniform complaint procedures to resolve any complaint alleging unlawful discrimination, harassment, intimidation, or bullying in district programs and activities based on actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in Education Code 200 or 220, Penal Code 422.55, or Government Code 11135, or based on association with a person or group with one or more of these actual or perceived characteristics.

Additionally, uniform complaint procedures shall also be used to address any complaint alleging the district's failure to comply with the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities, the requirements for the development and adoption of a school safety plan, and state and/or federal laws in 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.

A complaint concerning unlawful discrimination, harassment, intimidation, or bullying may be filed only by a person who alleges that he/she personally suffered unlawful discrimination, harassment, intimidation, or bullying 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 discrimination, harassment, intimidation, or bullying occurred, or six months from the date when the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation, or bullying. However, upon written request by the complainant, the Superintendent or designee may extend the filing period for up to 90 calendar days. (5 CCR 4630)

The following process applies only to those complaints meeting the criteria under uniform complaint procedures, described above:

- Informal resolution of complaints at the site level is encouraged whenever possible.
- Complaints made under these procedures shall be presented to the compliance officer who shall maintain a log of complaints received, providing each with a code number and a date stamp.
- Within three days of receiving the complaint, the compliance officer may informally discuss with the complainant the possibility of using mediation.
- Within 10 calendar days of receiving the complaint, the compliance officer shall provide the complainant and/or his/her representative an opportunity to present the complaint and any evidence, or information leading to evidence, to support the allegation in the complaint.

- If the complainant refuses mediation or if the mediation process does not solve the problem, the compliance officer shall proceed with his/her investigation of the complaint.
- Within 60 days of receiving the complaint, the compliance officer shall prepare and send to the complainant a written report of the district's investigation and decision.
- If dissatisfied with the district's decision, the complainant may appeal in writing to the California State Department of Education (CDE) within 15 days of receiving the district's decision. When appealing to the CDE, the complainant must specify the basis for the appeal of the district's decision and whether the facts are incorrect and/or the law has been misapplied. The appeal shall be accompanied by a copy of the locally filed complaint and a copy of the district's decision.

The Board of Education acknowledges and respects every individual's rights to privacy. In investigating complaints, the confidentiality of the parties involved and the integrity of the process shall be protected. As appropriate for any complaint alleging discrimination, harassment, intimidation, or bullying, the Superintendent or designee may keep the identity of a complainant confidential to the extent that the investigation of the complaint is not obstructed.

The Board prohibits any form of retaliation against any complainant in the complaint process. Such participation shall not in any way affect the status, grades, or work assignments of the complainant.

The Superintendent designates the following compliance officer to receive and investigate all complaints and ensure district compliance with the law:

Assistant Superintendent, Human Resources  
 1651 16<sup>th</sup> Street  
 Santa Monica, CA 90404  
 (310) 450-8338

### **Additional Information**

Additional information regarding filing a complaint alleging a violation(s) of Title IX may be found on the United States Department of Education Office for Civil Rights website.

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

U.S. Department of Education Office for Civil Rights  
 U.S. Department of Education  
 Office for Civil Rights  
 Lyndon Baines Johnson Department of Education Bldg  
 400 Maryland Avenue, SW  
 Washington, DC 20202-1100

Telephone: 800-421-3481  
 FAX: 202-453-6012; TDD: 800-877-8339  
 Email: [OCR@ed.gov](mailto:OCR@ed.gov)

California Branch of Office for Civil Rights  
 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

Telephone: 415-486-5555  
 FAX: 415-486-5570; TDD: 800-877-8339  
 Email: [ocr.sanfrancisco@ed.gov](mailto:ocr.sanfrancisco@ed.gov)

**Santa Monica-Malibu Unified School District  
1651 16th Street  
Santa Monica, CA 90404  
Voice 310-450-8338  
Fax 310-581-1138**

**UNIFORM COMPLAINT PROCEDURE FORM**

This form is to be used to file a complaint that meets the criteria of the uniform complaint procedure.

TO: Santa Monica-Malibu Unified School District  
Uniform Complaint Procedure Compliance Officer

FROM: \_\_\_\_\_  
Last Name First Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Phone Number(s)

Date: \_\_\_\_\_

Nature of Complaint: Please be specific in the reason(s) for your complaint including details of the complaint, names, locations, dates that are pertinent to your complaint. Include all necessary information for a complete understanding of your complaint. Use additional pages as necessary.

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Signature

\_\_\_\_\_  
Date