

AFCS TITLE IX POLICY

OVERVIEW

Title IX is a federal law 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.”

Reference:

- [California Education Code Sections 200-262.4](#)
- [Title IX of the Education Amendments of 1972 \(20 United States Code 1681, 1682\)](#)
- Designation of Responsible Employee, Dissemination of Policy, and Adoption of Complaint Procedures ([34 Code of Federal Regulations Section 106.8](#))

Title IX requires that each school district have at least one person designated as the Title IX Coordinator.

America's Finest Charter School
Title IX Coordinator
Timothy D Bagby
730 45th Street

San Diego, CA 92102
(619) 694-4809 Telephone
tbagby@americasfinestcharterschool.org

STUDENT NONDISCRIMINATION POLICY STATEMENT

America's Finest Charter School is committed to equal opportunity for all individuals in education. District programs and activities shall be free from discrimination, harassment, intimidation, and bullying by reason of the following actual or perceived characteristics: age, ancestry, color, mental or physical disability, ethnicity, ethnic group identification, gender, gender expression, gender identity, genetic information, immigration status, marital or parental status, nationality, national origin, actual or perceived sex, sexual orientation, race, religion, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics. Students who violate this policy may be subject to discipline, up to and including expulsion, in accordance with district policy, administrative procedure and state law. Employees who violate this policy shall be subject to discipline up to and including dismissal.

TITLE IX PROHIBITIONS

Sex-Based Discrimination, Harassment, Intimidation, and Bullying (including sexual harassment)

- Unwelcome conduct of a sexual nature including, but not limited to, sexual advances, requests for sexual favors, or other unwanted verbal, visual, or physical conduct of a sexual nature in the educational environment;
- Quid pro quo sexual harassment, placing a condition of receiving a benefit or service on participation in unwelcome sexual conduct; sexual assault, dating violence, domestic violence, or stalking; gender-based harassment

State and federal laws protect students from all forms of sexual harassment (including sexual violence and sexual abuse). Any student, regardless of their gender, may potentially face sexual harassment, which can interfere with a student's academic performance, as well as their emotional and physical well-being. Preventing and remedying sexual harassment in schools is essential to ensuring a safe environment in which students can learn. The OCR issued revised Title IX regulations on August 14, 2020, regarding sexual harassment.

For further information regarding District policies regarding sexual harassment, refer to the following Title IX Sexual Harassment web page.

Gender Equity

It is the policy of the State of California that all persons, regardless of their gender, should enjoy freedom from discrimination of any kind in the educational institution of the state. The laws expand upon gender equity and Title IX laws that provide guidance to California's education system. Each Local Educational Agency ("LEA") will be responsible for following the laws in addition to Title IX requirements.

Formal Sexual Harassment Complaints

The United States [Code of Federal Regulations Title 34, Section 106.8](#) requires the district to issue the following notification to students at all grade levels and their parents/guardians:

The San Diego Unified School District does not discriminate, nor does it permit discrimination, on the basis of sex in any education program or activity that it operates. The prohibition against discrimination on the basis of sex is required by federal law ([20 United States Code Sections 1681-1688](#); [34 Code of Federal Regulations Part 106](#)) and extends to employment. The District also prohibits

retaliation against any student for filing a complaint or exercising any right granted under Title IX.

Title IX requires a school district to take immediate and appropriate action to address any potential Title IX violations that are brought to its attention. The district has designated and authorized the following employee as the district's Title IX Coordinator to address concerns or inquiries regarding discrimination on the basis of sex, including sexual harassment, sexual assault, dating violence, domestic violence, and stalking:

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Prohibited sexual harassment under the Education Code includes, but is not limited to, unwelcome sexual advances, unwanted requests for sexual favors, or other unwanted verbal, visual, or physical conduct of a sexual nature made against another person of the same or opposite sex in the educational setting, under any of the following conditions: ([California Education Code Section 212.5](#) and [5 California Code of Regulations Section 4916](#)).

1. Submission to the conduct is explicitly or implicitly made a term or condition of a student's academic status or progress
2. Submission to or rejection of the conduct by a student is used as the basis for academic decisions affecting the student.

3. The conduct has the purpose or effect of having a negative impact on the student's academic performance or of creating an intimidating, hostile, or offensive educational environment.
4. Submission to or rejection of the conduct by the student is used as the basis for any decision affecting the student regarding benefits and services, honors, programs, or activities available at or through any district program or activity.

Prohibited sexual harassment under federal law is defined to include:

1. a district employee conditioning the provision of a district aid, benefit, or service on an individual'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 person equal access to the school district's education program or activity; or
3. sexual assault, dating violence, domestic violence, or stalking as defined in [20 United States Code Section 1092](#) and [34 United States Code Section 12291](#)).

Any inquiries about the application of Title IX, this notice, and who is protected by Title IX may be referred to the school's [Title IX Coordinator](#), to the [Assistant Secretary for Civil Rights](#) of the U.S. Department of Education or both.

Any individual may report sex discrimination, including sexual harassment, to the Title IX Coordinator or any other school employee at any time, including during non-business hours, by mail, phone, or email. During district business hours, reports may also be made in person.

Upon receiving an allegation of sexual harassment, the [Title IX Coordinator](#) will promptly notify the parties, in writing, of the applicable district complaint procedure.

To view an electronic copy of the district's policies and administrative regulations on sexual harassment, including the grievance process that complies with [34 Code of Federal Regulations 106.45](#) see the [Policies and Procedures-Title IX](#) page and reference:

- AR and BP 5145.7 Sexual Harassment (Students)
- AR 5145.71 Sexual Harassment Complaint Procedures

To inspect or obtain a hard copy of the district's sexual harassment policies and administrative regulations, please contact the [Title IX Coordinator](#).

HOW TO FILE A SEXUAL HARASSMENT COMPLAINT

You may file a formal Sexual Harassment Complaint by filling out the hard copy version or the electronic version of the complaint form (below). These forms are available to file a complaint, but they are not required.

- [Electronic Version](#) - Complete and email; or you may print and scan it and email it to tbagby@americasfinestcharterschool.org

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or, you may email a scanned copy to

tbagby@americasfinestcharterschool.org

UNIFORM COMPLAINT PROCEDURE

Formal complaints pertaining **sex-based discrimination**, harassment, intimidation, and bullying and/or discrimination, harassment, intimidation, and bullying **based on a protected category** must be filed in writing and

submitted to the Uniform Complaint Compliance Officer or designee. These complaints may include complaints of sexual harassment (which is sex-based discrimination) that do not rise to the level of a Title IX complaint.

Refer to the school's [Uniform Complaint Procedure \("UCP"\)](#) page for policies and forms.

Legal References:

- Title IX Posting Requirements ([Assembly Bill 543](#), Sec. 2, [California Education Code Section 231.6](#))
- Sex Equity in Education Act ([California Education Code Sections 221.5-231.5](#))

Recruitment, Admissions Counseling

- Recruitment materials, admission forms, class or career selection materials, admission of students.

Financial Assistance

- Procedures and practices for awarding financial assistance to students

Athletics

- Requires nondiscriminatory participation based on student interests and abilities;
- Equal benefits and opportunities (equipment, supplies, training facilities, recruitment, support services, etc.)
- Financial assistance

Sex Equity in Competitive Athletics

Each public elementary, secondary, and charter school in California, that offers competitive athletics, is required to make the following information available to the public at the end of each school year:

1. The total enrollment of the school, classified by gender.
2. The number of pupils enrolled at the school who participate in competitive athletics, classified by gender.
3. The number of male and female teams, classified by sport and by competition level.

Competitive Athletics are defined as sports where the activity has coaches, a governing organization, practices, competes during a defined season, and has competition as its primary goal. The required data as stated above should reflect the total number of players on a team roster on the official first day of competition. Schools should post the information on the school's website. If the school does not maintain a website, the school district or charter operator shall post the information on its website. All materials used by the school to compile the data are to be retained by the school for a minimum of three years after the information has been posted.

Reference:

- Equity in Athletics ([California Education Code Section 221.9](#))

Pregnant & Parenting Students

- Different treatment on the basis of sex based on parental, family, or marital status;
- Exclusion in educational programs or activities based on pregnancy, childbirth, false pregnancy

Discipline

- Imposing consequences based on sex, gender identity, stereotypical binary expectations, etc.

Schools, Classes and Extracurricular Activities

- Providing education programs or activities separately on the basis of sex;
- Requiring or refusing participation by students on the basis of sex;

Noted exceptions: 1) contact sports in physical education; 2) classes or portions of classes that deal primarily with human sexuality; 3) non-vocational classes and extracurricular activities with a coeducational school if certain criteria are met.

Single Sex Programs

In 2006, the Office for Civil Rights (“OCR”) adopted new Title IX regulations for the establishment of single sex programs in schools. Many factors and legal requirements must be addressed if schools are considering the development of single-sex options.

Reference:

- Sex Equity in Classes and Programs ([California Education Code Section 221.5](#))
- Access to Classes and Schools ([34 Code of Federal Regulations Section 106.34](#))

Employment

- Recruitment, hiring, promotion, compensation, grants of leave, benefits
- Selection for employment

Retaliation

- Against anyone who has reported, investigated, filed a complaint under Title IX

RIGHTS UNDER TITLE IX

- [California Education Code Section 221.8](#)

OFFICE FOR CIVIL RIGHTS (OCR) RESOURCES

U.S. Department of Education

Office for Civil Rights

Lyndon Baines Johnson Department of Education Bldg.

400 Maryland Avenue, SW

Washington, DC 20202-1100

You may email them at OCR@ed.gov, or fax them at (202-453-6012). If neither of these options are available to you, mail your correspondence to the address above. You may also contact them at 800-421-3481 or OCR@ed.gov to confirm receipt of your correspondence. For more information, including links about how to file a complaint with the OCR, see the Title IX Resources page.

CALIFORNIA DEPARTMENT OF EDUCATION

- [Office of Equal Opportunity and Access](#)

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