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**TITLE IX**

HSHMC does not discriminate on the basis of sex in the education program or in any activity that it operates, as required by Title IX regulations. This requirement not to discriminate in the education program or activity extends to admission and employment. 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.

**Title IX Policies**

Prohibits 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

Preventing and remedying sexual harassment in schools is essential to ensuring a safe environment in which students can learn.

Student Sexual Harassment Policy [(HSHMC Student Handbook - link)](https://hshmc.org/student-handbook/)

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.

*Recruitment, Admissions, and Counseling*

* recruitment materials, admission forms, class or career selection materials, admission of students
* counseling services, brochures, materials

*Financial Assistance*

* procedures and practices for awarding financial assistance to students

*Athletics*

* requires nondiscriminatory participation based on student interests and abilities
* equal opportunities (equipment, supplies, training facilities, recruitment, support services, etc.)
* financial assistance

*Marital or Family Status, Pregnant or 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
* lactating students must be provided reasonable accommodations

*Discipline*

* imposing consequences based on sex, gender identity, failing to conform to 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
* NOTE:  The following are 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 within a coeducational school if certain criteria are met.

*Employment*

* employment, recruitment, hiring, promotion, compensation, grants of leave, benefits
* consideration or selection for employment
* based on pregnancy or marital status

*Retaliation*

* against anyone who has reported, investigated, filed a complaint under Title IX

 **Your Rights Under Title IX**

Pursuant to Education Code 221.8 you have the right to:

1. fair and equitable treatment and you shall not be discriminated against based on your sex.
2. provided with an equitable opportunity to participate in all academic extracurricular activities, including athletics.
3. inquire of the athletic director or your school as to the athletic opportunities offered by the school.
4. apply for athletic scholarships.
5. receive equitable treatment and benefits in the provision of all of the following:
* equipment and supplies
* scheduling of games and practices
* transportation and allowances
* access to tutoring
* coaching
* locker rooms
* practice and competitive facilities
* medical and training facilities and services
* publicity

6.   have access to gender equity coordinator to answer questions regarding equity

7.   contact the State Department of Education and the California Interscholastic Federation to access information on gender equity laws.

8.   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 your sex.

9.   pursue remedies if you have been discriminated against.

10. protected against retaliation if you file a discrimination complaint.

**Notice of Student Nondiscrimination/Notice of Nondiscrimination**

HSHMC, Inc. is committed to making our schools free from unlawful discrimination and providing equal opportunities for all individuals in education. HSHMC, Inc. prohibits discriminatory practices whose purpose or effect has a negative impact on the student’s academic performance, or of creating an intimidating, hostile or offensive educational environment. HSHMC, Inc. promotes programs that ensure that discriminatory practices are eliminated in all activities. Any student who engages in discrimination of another student or anyone from HSHMC, Inc. may be subject to disciplinary action up to and including expulsion.

Any employee who permits or engages in discrimination may be subject to disciplinary action up to and including dismissal. A student or parent/guardian who believes that discrimination has occurred may contact the school principal for immediate resolution. A student or parent/guardian is not required to attempt resolution through the school site before contacting the Title IX Coordinator.

**Filing a Report or Informal Complaint of Discrimination, Harassment, Intimidation, or Bullying Based on Sex**

HSHMC, Inc. believes discrimination, harassment, intimidation and bullying issues may be resolved at the school site. As such, students, parents, or guardians may report any act of discrimination, harassment, intimidation or bullying based on sex by a student, staff member or third party directly to the Title IX Coordinator for resolution at the school site.

* **Investigation of Reports or Informal Complaints:**The responsible school official will conduct a prompt, thorough and impartial investigation into the complaint which will include, but is not limited to, interviewing the accuser and the accused, asking each to provide names of witnesses, interviewing potential witnesses, and gathering relevant evidence.  When sex-based discrimination, harassment, intimidation, and bullying is reported, interim steps will be taken to stop harassment and protect the accuser from further harassment pending outcome of the investigation and/or complaint.  A thorough investigation is required to protect the accuser, afford due process to the accused, and to ensure resolution of the issue(s).

At any time during the process students, parents, or guardians, may contact the Title IX Coordinator to report or file an informal complaint directly with HSHMC, Inc. at:

**The Title IX Coordinator/Uniform Complaint Officer:**

Dr. Javier Vaca, Director of Human Resources

Health Sciences High & Middle College, Inc.

3910 University Avenue

San Diego, CA 92105

619-528-9070 ext. 322

jvaca@hshmc.org

**Procedures for Filing a Formal or Uniform Complaint**

Any individual, public agency or organization may file a formal written complaint with the the compliance officer designated above. A student or parent/guardian is not required to attempt resolution through the school site before contacting the School’s Title IX Coordinator and/or filing a formal Uniform Complaint.

If a complainant is unable to put a complaint in writing due to conditions such as illiteracy or other handicaps, HSHMC, Inc. staff shall help him/her to file the complaint (Title 5, Section 4600).

The complaint shall be presented to the school principal or designee, who will then give it to the appropriate compliance officer. The school principal or designee will maintain a log of complaints received, providing each with a code number and a date stamp.

Complaints alleging unlawful discrimination or gender bias may be filed by a person who alleges that he/she personally suffered unlawful discrimination or by a person who believes that an individual or any specific class of individuals has been subjected to unlawful discrimination.

* **Statute of Limitations** - Uniform complaints alleging discrimination, harassment, intimidation and bullying based on sex (including sexual harassment and sexual violence) must be filed no later than six months from the date the complainant first obtained knowledge of the facts of the alleged sexual harassment. The six-month period may be extended for good cause, not to exceed an additional 90 days.
* **Investigation of Uniform Complaints –**HSHMC, Inc. will undertake an effective, thorough, and objective investigation of the allegations and provide a written report within 60 days of the date of receipt of the Uniform Complaint. The report will include a summary of the facts, a decision on the complaint, reason for the decision and corrective actions (if applicable) that have or will be taken, including remedies for the victim. The complainant has the right to present witnesses and evidence.
* **Action -**If HSHMC, Inc. determines that its policies prohibiting discrimination, harassment, intimidation or bullying based on sex have been violated, disciplinary action, up to and including expulsion (for students) or dismissal (for employees) will be taken. Remedial actions which are designed to end the harassment, prevent its recurrence and address its effects on the harassed student, will be provided to the victim. Remedial action(s) will also be required of the school site.
* **Retaliation** – HSHMC, Inc. prohibits retaliation against any participant in the complaint process including witnesses.  A separate Uniform Complaint may be filed if retaliation occurs against any individual involved in the processing of discrimination, harassment, or bullying complaint. Each complaint shall be investigated promptly and in a way that respects the privacy of all parties concerned. Follow up with the student will occur to ensure the harassment has stopped and that there is no retaliation.

For more detailed information, or to further pursue a complaint, refer to:

* [Title IX of the Education Amendments of 1972 (20 United States Code 1681, 1682)](file:///Users/nancysedgwick/Desktop/e%CC%80%09https%3A/www.govinfo.gov/content/pkg/USCODE-2018-title20/pdf/USCODE-2018-title20-chap38-sec1681.pdf)
* [California Department of Education, Title IX](https://www.cde.ca.gov/re/di/eo/genequitytitleix.asp)
* [US Department of Education, Complaints](https://www2.ed.gov/about/offices/list/ocr/docs/howto.html)