



## **2020 Title IX Policy Board Reinstated**

### **Our Policy Against Discrimination Based on Sex**

Para Los Niños (PLN) is committed to providing educational programs, activities, and services that are free from unlawful discrimination based on actual or perceived legally protected characteristics, or association with a person or group with one or more of such characteristics, including sex, sexual orientation, gender, gender identity, and gender expression, as required by Title IX a federal civil rights law dating back to 1972.

### **The School's Responsibilities**

Title IX, a federal civil rights law, prohibits discrimination based on sex or gender discrimination in programs and activities of federally funded institutions. PLN programs and activities must be operated free from discrimination. Key areas addressed by Title IX include athletics, sexual misconduct, including sexual harassment and sexual violence, off-campus activities, pregnancy, recruitment and admission, and employment. Schools must protect against discrimination in these areas. Schools must also prohibit retaliation against any person for opposing an unlawful practice or policy, or filing, testifying about or participating in any complaint under Title IX. For more information about schools' responsibilities under Title IX, please visit:

[California Office of Equal Opportunity](#)

[United States Department of Education Office of Civil Rights](#)

### **Summary of Student Rights (Ed Code 221.8)**

- You have the right to fair and equitable treatment and to be free from discrimination based on your sex.
- You have the right to an equitable opportunity to participate in all academic extracurricular activities, including athletics.
- You have the right to ask the athletic director of your school about the athletic opportunities offered by the school.
- You have the right to apply for athletic scholarships.
- You have the right to equitable treatment and benefits
- You have access to a gender equity coordinator to answer questions about gender equity laws.
- You have the right to contact the California Department of Education (CDE) and the California Interscholastic Federation (CIF) for information on gender equity laws.
- You have the right to file a confidential discrimination complaint with the United States Office for Civil Rights (OCR) or CDE if you believe you have been discriminated against or received unequal treatment on the basis of your sex.
- You have the right to pursue civil remedies if you have been discriminated against.

- You have the right to be protected from retaliation if you file a discrimination complaint.

### **Definition of Sexual Harassment**

*Title IX federal laws define sexual harassment as conduct, performed on the basis of sex, that satisfies one or more of the following:*

- A school employee conditioning the provision of an aid, benefit, or service of the school on a student or individual's participation in unwelcome sexual conduct;
- 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's education program or activity; or,

“Sexual assault” as defined in 20 U.S.C. 1092(f)(6)(A)(v), “dating violence” as defined in 34 U.S.C. 12291(a)(10), “domestic violence” as defined in 34 U.S.C. 1229(a)(8), or “stalking” as defined in 34 U.S.C. 12291(a)(30). These definitions are also available in AR 5145.7.

*California Education Code section 212.5 defines sexual harassment as unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by someone from or in the work or educational setting, under any of the following conditions:*

- Submission to the conduct is explicitly or implicitly made a term or a condition of an individual's employment, academic status, or progress;
- Submission to, or rejection of, the conduct by the individual is used as the basis of employment or academic decisions affecting the individual;
- The conduct has the purpose or effect of having a negative impact upon the individual's work or academic performance, or of creating an intimidating, hostile, or offensive work or educational environment;
- Submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the educational institution.

### **How to File a Title IX Complaint**

Individuals who believe they have been discriminated against in violation of Title IX may file a complaint with the Title IX Coordinator. If a crime is involved, such as sexual assault, individuals may also file a report with the local police department. A person may pursue one or all of these avenues at the same time. Below is a summary of each process.

Title IX complaints may be filed by calling or emailing the Title IX Coordinator at:

Gabriela Herrera, Director of Compliance and Risk  
Para Los Niños  
5000 Hollywood Blvd, Los Angeles, CA 90027  
Phone 213-250-4800 x536  
Fax: (213) 250-4900  
Email: [gherrera@paralosninos.org](mailto:gherrera@paralosninos.org)

and completing the [Uniform Complaint Procedure](#) (UCP)

### **Time Requirement**

A complaint with PLN must be filed within six (6) months of the discrimination occurring or your awareness of the discrimination (5 CCR 4630(b)). Upon written request setting forth the reasons for an extension, the Title IX Coordinator or designee may extend the time for filing a discrimination complaint by up to ninety (90) days for good cause (5 CCR 4630(b)). If you have any questions about this time limit, or if you believe your complaint may be outside this time requirement but want to explore other options, please contact the Title IX Coordinator.

### **Investigation Procedure**

Upon receipt of any complaint related to a potential Title IX violation, PLN will ensure every allegation is investigated promptly, adequately, and impartially. PLN will also take steps to protect complainants from retaliation and ensure all parties are treated fairly throughout the school's investigation process. As part of its Title IX obligations, PLN also takes steps to prevent recurrence of any unlawful discrimination, harassment, or sexual violence and remedy discriminatory effects on the complainant and others, as appropriate. PLN's procedure for investigating a Title IX complaint can be found in the *Procedures* section of the UCP. Please contact the Title IX Coordinator if you have any questions.

### **Office of Equal Opportunity or Office of Civil Rights Complaint**

The complainant has a right to appeal the school's decision to the California Department of Education's Office of Equal Opportunity by filing a written appeal within 15 days of receiving the findings. A discrimination complaint may also be filed directly with the U.S. Department of Education's Office of Civil Rights.

[OCR Online Complaint Filing System](#)

[United States Department of Education OCR Complaint Form](#)

For information regarding filing a complaint with OCR, please contact the California regional office at:

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)

## Title IX Complaint Form

**Instructions:** This form can be completed to request that Para Los Niños (“PLN”) investigate and make a determination about actual discrimination under Title IX. Please complete the information below. Should you need additional space or would like to provide documentation to support the complaint, you can attach those to this complaint form. If you have any questions, please contact PLN’s Title IX Coordinator listed below.

### Contact Information and Complainant’s (Victim) Information

Full Name of Person Filing the Complaint: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Complainant’s (Victim) Full Name (if different from above): \_\_\_\_\_

### Respondent’s (Accused) Information

Respondent’s Full Name: \_\_\_\_\_

Is the accused a PLN student?  No  Yes

If yes, what is the student’s grade and relation to complainant: \_\_\_\_\_

Is the accused a PLN staff member?  No  Yes

If yes, what is the staff member’s relation to the complainant (e.g., teacher)? \_\_\_\_\_

If no, what is the accused’s affiliation to PLN? \_\_\_\_\_

### Details of Complaint

Date of the actual Incident(s): \_\_\_\_\_ Location of actual Incident(s): \_\_\_\_\_

Please describe the facts underlying your complaint. Provide details such as the names of those involved, the dates of the incident(s), whether witnesses were present and the names of any witnesses, etc. Please provide any details which you feel might be helpful to a complaint investigator.

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Did the sex discrimination occur at PLN or during a PLN activity? If so, please describe:

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Did this incident interfere with your ability to access or participate in PLN programs or activities? If so, please describe:

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List the individuals involved in the relevant incident(s):

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List any witnesses to the incident(s):

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**Acknowledgements**

By submitting this form to PLN's Title IX Coordinator, I wish to initiate PLN's Title IX Grievance Procedures.

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Signature of Complainant

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Date

**Once you have completed this form, please submit it to the Title IX Coordinator:**

Gabriela Herrera, Director of Compliance and Risk  
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5000 Hollywood Blvd, Los Angeles, CA 90027  
Phone 213-250-4800 x536  
Fax: (213) 250-4900  
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