

## **Title IX Prohibition of Sex-Based Discrimination and Harassment**

Title IX of the Education Amendments of 1972 (“Title IX”) is a federal law that prohibits sex-based discrimination in all educational programs and activities. No person 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 operated by the school. Title IX protects all participants in the school's educational programs and activities, including students, parents/guardians, employees, and job applicants. The school does not discriminate on the basis of sex. Discrimination on the basis of sex can include sexual harassment and sexual violence. In addition to Title IX, the California Education Code prohibits discrimination on the basis of sex in schools. (California Education Code §§ 220-221.1.) Other state and federal laws also prohibit discrimination and ensure equality in education.

To learn more about Title IX visit <http://www2.ed.gov/about/offices/list/ocr/index.html>, the website of the United States Department of Education Office for Civil Rights, <https://www.cde.ca.gov/re/di/or/oeo.asp>, the website of the California Department of Education Office for Equal Opportunity, or <http://www2.ed.gov/policy/rights/guid/ocr/sex.html>, the webpage on sex discrimination.

If you have any questions, concerns, or need to file a grievance, please contact our Title IX Coordinator and Compliance Officer and use the Uniform Complaint Procedures indicated below and/or use the complaint form on the United States Department of Education Office for Civil Rights website <http://www.ed.gov/about/offices/list/ocr/complaintintro.html>.

### **Uniform Complaint Procedures**

Tree of Life Charter School recognizes that it has primary responsibility for ensuring that it complies with applicable state and federal laws and regulations governing educational programs. The school shall investigate and seek to resolve complaints at the local level. It shall follow the Uniform Complaint Procedures (UCP) when addressing complaints alleging:

- Unlawful discrimination based on ethnic group identification, religion, age, sex, sexual orientation, color, ancestry, national origin, physical or mental disability, or any other criteria protected by law, including Title IX of the Education Amendments of 1972;
- Failure to comply with state and/or federal laws in adult education, consolidated categorical aid programs, migrant education, vocational education, childcare and development programs, child nutrition programs, and special education programs.

The school acknowledges and respects students’ and employees’ rights to privacy. Discrimination complaints shall be investigated in a manner that protects the confidentiality of the parties and the facts. This includes keeping the identity of the complainant confidential except to the extent necessary to carry out the investigation, as determined by the Board of Directors or its designee on a case-by-case basis. The Board shall ensure that employees designated to investigate complaints are knowledgeable about the laws and programs for which they are responsible. Such employees may have access to legal counsel as determined by the Board or designee. Tree of Life Charter School recognizes that a neutral mediator can often suggest an early compromise that is agreeable to all parties in a dispute. The Board shall ensure that the mediation results are consistent with state and federal laws and regulations.

## **Compliance Officer**

Tree of Life Charter School designates the Principal and/or the Chair of the Board of Directors as the Compliance Officer and Title IX Coordinator. The Compliance Officer shall receive and investigate complaints and ensure compliance with law. The designee appointed by the Compliance Officer may conduct the investigation.

The following is the contact information for the persons designated to handle inquiries regarding the non-discrimination policies and complaints:

Principal and/or Chair of the Board of Directors

Tree of Life Charter School

PO Box 966

241 Ford Rd

Ukiah, CA 95482

707-462-0913

[treeoflifeschool@pacific.net](mailto:treeoflifeschool@pacific.net)

## **Procedures**

The following procedures shall be used to address all complaints that allege that the school has violated federal or state laws or regulations governing educational programs. The Compliance Officer shall maintain a record of each complaint as required for compliance with the California Code of Regulations, Title 5, Section 4632.

### **Level I**

Any person expressing a complaint relating to a program activity, a possible violation of federal or state law, or the school's personnel policies is encouraged to discuss the matter with the individual allegedly responsible for the inappropriate activity, or to discuss the matter with the Compliance Officer. This should occur within three working days of the alleged act, and must be initiated no later than six months from the date when the alleged discrimination occurred or when the complainant first obtained knowledge of the facts of the alleged discrimination. (Title 5, Section 4630)

- If such a discussion does not resolve the matter or a discussion appears to be impractical, the complaint should be submitted in writing to the Compliance Officer.
- The written complaint should be filed within five working days of the alleged incident or knowledge of the incident. The written complaint should contain the specific details describing the alleged violation of the program, law or personnel policy, and the desired remedy.
- Within five working days of receipt of the written complaint, the Compliance Officer shall hold an investigative meeting and attempt to locally mediate the complaint.

### **Level II**

If the complainant is dissatisfied with the response or mediation attempt:

- The complainant should then, within three working days, request an appeal or direct intervention to the Board of Directors in writing, with copies to the Principal. Upon receipt of the complaint, the Board of Directors shall investigate and determine if inappropriate activity has occurred.

- Within sixty working days after receipt of the complaint, unless the parties have agreed to mediate and extend the timelines, the Board of Directors will respond in writing to the complainant with a report of their investigation and decision.
- The report, based on the investigation, shall state the findings of the complaint, what steps shall be undertaken to resolve or correct the problem, if any, notice of the complainant's right to appeal the decision to the California Department of Education, a detailed statement of all specific issues that were brought up during the investigation, and, in a discrimination complaint, notice of the right to seek civil law remedies no sooner than sixty days after filing an appeal with the California Department of Education.

### **Level III**

If the complainant is not satisfied with the resolution of the complaint by the Board of Directors, the complainant may wish to contact a national or state agency. If so, the school will terminate the internal complaint procedure. The complainant may appeal in writing to the California Department of Education (CDE) within fifteen days of receiving the written report from the Board of Directors. An appeal to the CDE is accepted on a case-by-case basis. The CDE accepts appeals based on one or more of the following:

- Tree of Life Charter School (TOL) failed to comply with complaint procedures
- TOL failed to implement its final decision from a local investigation
- TOL failed to respond to CDE's request for information regarding the complaint
- No action was taken by TOL within sixty days of receipt of the complaint
- All concerned persons are not in substantial agreement with the facts or conclusions relating to the allegations in the report
- TOL refuses to conduct an on-site investigation
- Documents regarding the complaint indicate that TOL officials interpreted and applied pertinent governing statutes inappropriately
- Another compelling rationale

### **Civil Law Remedies**

Nothing in this policy precludes a complainant from pursuing available civil law remedies outside of the school's complaint procedures. Such remedies may include mediation centers, public/private interest attorneys, injunctions, restraining orders, etc. For discrimination complaints, however, a complainant must wait until sixty days has elapsed from the filing of an appeal with the California Department of Education before pursuing civil law remedies. The moratorium does not apply to injunctive relief and is applicable only if the agency has appropriately, and in a timely manner, apprised the complainant of his/her right to file a complaint.