

## **NOTICE PROHIBITING SEXUAL HARASSMENT**

The Merced Union High School District is committed to providing educational programs, activities and services that are free from unlawful discrimination, harassment, intimidation, or bullying 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 California law and Title IX of the Education Amendments of 1972. Districts receiving federal funding are required to adhere to Title IX regulations, and Districts receiving state funding are required to adhere to Title 5 regulations.

Inquiries on all matters, including complaints, regarding the implementation of Title IX in the District may be referred to the District official(s) listed below at the following addresses and telephones:

### **Title IX Coordinator/Compliance Officer: For issues involving Students with Disabilities:**

Debbie Glass  
Director of Equity and Accountability  
3105 "G" Street, Merced, CA 95340  
Phone: 209-325-2130  
E-mail: [dglass@muhsd.org](mailto:dglass@muhsd.org)

Cristi Hinds  
Director of Student Support  
3105 "G" Street, Merced, CA 95340  
Phone: 209-325-2121  
E-mail: [chinds@muhsd.org](mailto:chinds@muhsd.org)

**You can report discrimination and harassment based on sex** to any district staff member or to the District's Title IX Coordinator, listed above. You also have the right to file a complaint (see below). For a copy of your District's nondiscrimination policy and procedure, contact your school, the District Office or view it online here: [Click here to view policy on MUHSD website](#)

## **DEFINITION OF SEXUAL HARASSMENT**

Students are protected against sexual harassment committed by anyone, including third parties, in any school program or activity, including on the school campus, on the school bus, or off-campus during a school-sponsored activity.

**Sexual harassment is unwelcome verbal, visual, or physical behavior that is sexual in nature when:**

- A student is led to believe that he or she must submit to unwelcome sexual conduct or communications as a condition of the student's academic status or progress, or the conduct is used as a basis for any decision affecting the student regarding a benefit or service, honors, a place on a sports team, programs, or other District activities, or
- The conduct has the purpose or effect of having a negative impact on a student's educational performance, or creates an intimidating, hostile or offensive educational environment.

### **Examples of Sexual Harassment:**

- Pressuring a person for sexual favors
- Unwelcome leering, sexual flirtations or propositions
- Unwelcome touching of a sexual nature such as massaging, grabbing, fondling, stroking or brushing the body, or touching an individual's body or clothes in a sexual manner
- Impeding or blocking movements or any physical interference with school activities when directed at an individual on the basis of sex

In its written response, the District will include a summary of the results of the investigation. If it is determined that discrimination or harassment occurred, the report shall also include any corrective actions that have or will be taken to address the misconduct, to prevent any retaliation or further misconduct, and to inform you about any sanction imposed on the respondent which relates directly to you as the complainant.

**Appeal Options.** If you do not agree with the District's decision, state law provides the option to file a formal appeal with the California Department of Education - Office of Equal Opportunity. This is a separate process that can take place if one of these two conditions has occurred: (1) you have completed the District's complaint and appeal process (if any) and you disagree with the decision, or (2) the District has not followed its complaint and appeal process correctly.

You have 20 calendar days to file an appeal with the California Department of Education - Office of Equal Opportunity from the day you received the decision of the District.

You can send your written complaint to:

**California Department of Education - Office of Equal Opportunity:**

**Email:** [oeoinfo@cde.ca.gov](mailto:oeoinfo@cde.ca.gov) | **Phone:** 916-445-9174 | **Fax:** 360-664-2967

**Mail or hand deliver:** 1430 N Street, Suite 5602, Sacramento, CA 95814-5901

#### **Complaint to the Office of Civil Rights (OCR)**

A student may also file a sex discrimination or sexual harassment complaint with OCR. Instructions for filing a complaint can be found at <https://www2.ed.gov/about/offices/list/ocr/docs/howto.html>.

#### **OTHER FORMS OF DISCRIMINATION, HARASSMENT, BULLYING AND INTIMIDATION**

The Merced Union High School District Board of Trustees prohibits unlawful discrimination, harassment, intimidation or bullying against any protected group as identified under Education Code 200 and 220 and Government Code 11135, including actual or perceived sex, sexual orientation, gender, ethnic group identification, race or ethnicity, ancestry, national origin, nationality, religion, immigration status, color, mental or physical disability, age, marital or parental status, gender identity, gender expression, or genetic information, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics in any District program or activity that receives or benefits from state financial assistance.

Students are protected against discrimination, including discriminatory harassment, bullying or intimidation by anyone in any school program or activity, including on the school campus, on the school bus, or off-campus during a school-sponsored activity. Discriminatory harassment, bullying or intimidation includes: physical, written, or verbal conduct, threats, cyberbullying, causing bodily injury to, or committing hate violence against any other student or school personnel based on the targeted person's actual, perceived, or association with a protected characteristic, as listed above.

Cyberbullying includes the transmission of harassing communications, direct threats or other harmful texts, sounds, or images on the Internet, social media or other technologies using a telephone, computer or any wireless communication device. It also includes breaking into another person's electronic account and assuming that person's identity in order to damage that person's reputation. (See BP 5131- Conduct; BP 5131.2- Bullying). Cyberbullying will be investigated and may result in disciplinary action, even when the act occurs off campus, if it relates to a school activity or school attendance or causes a substantial disruption, or reasonably foreseeable risk of substantial disruption of school activities.