

EQUITY COMPLAINT AND APPEAL PROCEDURE

The following is a model for schools, leagues and Sections which describes a process for responding to a grievance filed by a student, employee, parent/guardian, or general public, alleging gender discrimination under the Title IX regulation. Districts are required to have a Title IX coordinator who should be utilized to resolve complaints at the local level.

COMPLAINT PROCEDURE FOR SCHOOLS AND DISTRICTS

Complaints related to sports equity should be resolved at the level closest to the school site. First, at the local school district, the person who has a concern should speak with district administrators or the local Title IX coordinator. The Title IX coordinator's role is to investigate local complaints of gender discrimination or refer it to the appropriate level (if the complaint is a league or Section problem, the appeal should be directed to that league or Section for initial resolution.) Districts are required to distribute or post the name, business address and telephone number of the Title IX coordinator. Investigations of athletic programs are frequently difficult, lengthy, and sometimes expensive primarily because of the considerable amounts of information that must be collected, analyzed and evaluated to determine compliance. The decision regarding compliance involves determining which benefits and services are provided to males and which are provided to females, whether there are any differences between benefits and services for males and females, whether these differences have a negative impact on athletes of one gender, and thus, may result in noncompliance.

1. DEFINITION AND INTERPRETATION

- A. Students, parents, district employees, and the general public may use this complaint procedure.
- B. Any claim by a student, parent, general public, or employee that there has been a violation or misinterpretation of Title IX shall be a gender equity complaint.
- C. The term "complainant" means any student, parent, from the general public, or employee filing a complaint.
- D. The term "days" means any calendar day, except Saturday, Sunday or legal holidays.
- E. The filing or service of any notice shall be timely if it bears a postmark of the U.S. mail, or a date stamp from the responsible agency, within the time period.
- F. The time limits provided in this complaint procedure shall be strictly observed, but may be extended by written mutual agreement between the complainant and the body investigating the complaint.
- G. In computing any period of time prescribed or allowed by procedures herein, the date of the act, event, or default for which the designated period of time begins to run shall not be included. The last day of the period as computed shall be counted, unless it is a Saturday, Sunday, or legal holiday, in which event, the period runs until the end of the next day, which is not a Saturday, Sunday, or legal holiday.
- H. The report of findings and proposed resolution at all levels, shall not conflict with state law and local policy governing employee discipline.
- I. The services of a fact finder are available to any level to which the appeal is directed, i.e., school, district, league, and Section. The CIF also encourages the use of a mediator and/or arbitrator to bring about resolution of problems.
- J. Jurisdiction means that:
 - (1) the complainant has filed a complaint within 360 days from the date of the alleged violation or from the date when the complainant knew or should have known of the violation.
 - (2) the level (district, league, Section, State) has the authority to resolve the complaint.

2. COMPLAINT PROCEDURE FOR LOCAL LEVELS

The sports-related gender equity complaint should be processed using the local School District's Uniform Complaint Procedures as adopted by the local governing board or similar process as adopted by a private school governing board. The School District Uniform Complaint Procedures should include all sports-related issues. If the complaint is a league or Section issue, the appeal should be directed to that league or Section for initial resolution. After completing all steps outlined in the district process if the complainant is not satisfied with the disposition of the complaint, the complainant may appeal as applicable to the California Department of Education, or use the procedures in Section 3 or 4 if the complaint has an effect or falls within the jurisdiction of the CIF.

NOTE: For private schools, the procedure may be an appeal to the Office For Civil Rights.

Examples of a possible local complaint may include, but are not limited to, discrepancies in the baseball vs. softball diamonds at a local school site or discrepancies between boys' and girls' locker rooms, etc.

It is noted that the Office For Civil Rights requires filing a complaint within six months of the knowledge of such a violation. Concurrent complaint filings with the Office For Civil Rights are at the discretion of the complainant.

3. **COMPLAINTS TO CIF LEAGUES**

The following is a model for CIF Leagues which provides a process for responding to a complaint not applicable or able to be resolved at the local school, district, or board of education levels, i.e. the matter falls within the jurisdiction of a league.

- A. The complaint shall be filed with the State CIF office on a CIF form available from that office. A copy of the complaint shall be delivered to the Commissioner of that CIF Section in which the league is located. Copies shall also be forwarded to all other agencies or persons named in the complaint.
- B. The CIF Section shall review the complaint for initial jurisdiction **within 10 days** and shall inform the complainant in writing as to whether or not the league/Section has jurisdiction. A copy of the Section decision on jurisdictional review shall be forwarded to the State CIF office.
- C. If the league has jurisdiction, the league shall present a written report of findings and proposed resolutions, if applicable, on the complaint **within a 60-day period** from receipt of the complaint. Copies of the findings shall also be forwarded to the CIF Section and to all other agencies or persons named in the complaint. The CIF Section shall forward the league findings to the State CIF.

Examples of a possible league complaint may include, but are not limited to, discrepancies between genders in the number or quality of league awards or discrepancies in equal opportunity in the number or levels of sports.

4. **APPEALS TO THE CIF SECTION**

A complaint from the league level may be appealed to the CIF Section.

- A. The CIF Section shall review the complaint for initial jurisdiction and shall inform the complainant as to whether or not the Section/State has initial jurisdiction.
- B. If the complainant is not satisfied with a league decision, the complaint may be appealed to the Section **within 30 days** of the league's written decision being sent to the complainant. If a complaint is appealed to the CIF Section, the Section shall notify the State CIF. The Section may request that the State CIF provide a fact finder/investigator who shall be responsible for making *findings of facts* and proposed resolution to the Section.
- C. The Section shall present a written report of findings on the grievance **within 60 days** from receipt of said complaint. The fact finder may also assist the parties in reaching a resolution through mediation.

Examples of a possible Section complaint may include but not limited to, a discrepancy between genders involving Section season of sport, awards, tournament facilities and/or locations, etc.

5. **STATE CIF APPEAL PROCESS**

- A. If the complainant is not satisfied with the decision of the Section, the complainant may appeal to the State CIF **within 30 days** of the Section's decision being sent to the complainant. If the State CIF receives the appeal, the CIF shall refer the matter to a neutral mediator and/or proceed directly to a final, neutral hearing panel, which will render a decision **within 60 days**.
- B. A complaint about a decision, not related to an appeal regarding a decision of a Section under this complaint and appeal procedure, but related to a decision or practice of the Executive Director, the State staff, or directly related to any regional or State championship event, must be filed with the State Executive Director and/or the President of the Federated Council within 30 days following the decision or event. The Executive Director shall reply within 30 days of reception of the complaint. If the complainant is not satisfied with the reply, the complainant may appeal to the CIF Federated Council President within 30 days of the receipt of the reply. The CIF Federated Council President shall refer the matter to a neutral mediator, to a final neutral hearing panel or employ the procedure within Article 3, Section 34, J. A final decision will be rendered in 60 days.
(Approved February 2001 Federated Council)

6. **RIGHT TO PARTICIPATE**

- A. No reprisal of any kind will be taken by the Board, an administrator, or any employee of any District or CIF against any person bringing a complaint under this procedure.
- B. Exhaustion of these procedures is NOT a prerequisite to filing of complaints with the office of Civil Rights. The grievant may at any time during or concurrently with this procedure, file a complaint with the Office For Civil Rights or with the California Department of Education.

It is noted that the Office For Civil Rights requires filing a complaint within six months of the knowledge of such a violation. Concurrent complaint filings with Office For Civil Rights are at the discretion of the complainant.

ALL LEVELS (SCHOOLS, LEAGUES, AND SECTIONS) MUST DEVELOP PROCEDURES WHICH ENSURE THAT ALL INVOLVED PARTIES, INCLUDING THE COMPLAINANT, HAVE THE OPPORTUNITY TO PROVIDE EVIDENCE, TESTIMONY, AND INFORMATION, AS NEEDED. PROCEDURES SHOULD ALSO INCLUDE PROVISIONS FOR WRITTEN NOTICE OF HEARINGS AND OF THE FORMAT IN WHICH ANY HEARING WILL BE HELD.