

# POLICY GBAA

**Board of Education  
Las Cruces Public Schools**

**Related Entries:** AC, ACA, ACA-R, GBAA-R; [cross-reference all Title VII policies], JBA, JBA-R, JBB, JBB-R, JICK, JICK-R, JICKA, JICKA-R

**Responsible Office:** Chief Academic Officer

## **TITLE IX / GENDER EQUITY (STAFF)**

### **I. PURPOSE**

The purpose of Policy GBAA is to affirm the Board of Education’s commitment to gender equity in all programs, activities, services and practice, and to ensure that the Las Cruces Public Schools shall comply with Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 et seq.), which prohibits discrimination on the basis of gender.

### **II. BACKGROUND**

- A. The Board of Education is committed to the philosophy of equal employment opportunity. The Board is equally committed to a positive and productive working environment free of sex or gender discrimination.
- B. In addition to a Title IX/Gender Equity Policy, the Board also expresses its commitment to nondiscrimination through the following Policies: Nondiscrimination Policy (AC); Sexual Harassment (ACA); Section 504 of the Rehabilitation of Act of 1973 (JBB); Sexual Harassment of Students (JICK); and Student Harassment Based on Protected Characteristics (JICKA).
- C. To ensure ongoing compliance with Title IX, the School District shall continuously self-evaluate its processes and practices.

### **III. POSITION**

- A. The School District must provide equivalence of employment opportunity, including with respect to compensation, terms, conditions, and privileges of employment as required by Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 *et seq.*), which prohibits discrimination on the basis of gender by educational institutions that directly or indirectly receive federal funds.
- B. A copy of this Policy shall be available in each school principal’s office, in the Human Resources Development office, on the LCPS website (lcps.k12.nm.us), and shall be referenced in the employee handbook.
- C. **Nondiscrimination Policy Under Title IX**  
No person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination in employment

including recruitment, consideration, or selection, whether full-time or part-time, under any education program or activity operated by the School District. [Also see Policy AC – Non-Discrimination]

D. **Sexual Harassment Policy under Title IX**

1. The School District prohibits sexual harassment of its employees, whether committed by a co-worker, supervisor, subordinate, contractor, volunteer or student. Such behavior may constitute a basis for disciplinary action up to and including termination, discharge, long-term suspension or expulsion. Whereas sexual harassment substantially compromises the workplace, the Las Cruces Public Schools will not tolerate such behavior between members of the same or opposite sex. [Also see Policy ACA – Sexual Harassment]
2. The Las Cruces Public Schools also prohibits retaliation against:
  - a. any employee or person for having made a report of alleged sexual harassment; and
  - b. any employee or person who has testified, assisted or participated in the investigation of a report of sexual harassment or who has acted in opposition to sexual harassment.
3. Retaliation is itself a violation of state and federal regulations prohibiting discrimination and may constitute a basis for disciplinary action up to and including termination, discharge, long-term suspension or expulsion.

E. **Title IX Coordinator and Grievance Procedures**

1. The Superintendent shall designate a Title IX Compliance Officer for the school district. All contact information for the Title IX officer shall be posted on the LCPS website, in the employee handbook, and be available in the Human Resources Development office.
2. The Title IX Compliance Officer shall:
  - a. be given sufficient authority to continuously evaluate the School District's compliance with Title IX, conduct necessary investigations and issue reports to the Superintendent regarding the School District's compliance with Title IX, and report on all written complaints of alleged violations of Title IX;
  - b. be responsible for coordinating the School District's responses to all complaints involving possible sex discrimination, including monitoring outcomes, identifying

and addressing any patterns, and assessing effects on the District and campus climate; and

- c. be trained and possess comprehensive knowledge in all areas over which the Title IX Coordinator has responsibility in order to effectively carry out those responsibilities, including the District's policies and procedures on sex discrimination and all complaints raising Title IX issues throughout the District, and overlapping Federal and State laws, regulations and policies.
3. Grievance Procedures
- a. The Superintendent or designee shall promulgate grievance procedures that allow any employee of the school district who believes he/she has been, on the basis of sex, excluded from participation in, denied the benefits of, or subjected to discrimination in employment including recruitment, consideration, or selection, whether full-time or part-time, under any education program or activity operated by the School District, to file a written complaint with the Title IX Coordinator.
  - b. The grievance procedures shall provide:
    - i. a thorough and objective investigation and review of all written complains submitted to the School District's Title IX Coordinator;
    - ii. notice and an opportunity for a hearing on all written complaints; and
    - iii. a final appeal of all unresolved matters to the Board of Education.

#### IV. REVIEW

This Policy shall be reviewed on an ongoing basis in accordance with the Board of Education policy review process.

*Maria A. Flores*

*Board of Education, President*

July 12, 2016

*Date Approved*

**History:** Formerly Policy #480, Equal Educational Opportunities, and Policy #268, Federal Grievance; New Policy May 2016, Cuddy Review; 07.12.16, Walsh Gallegos Review.

**Legal Reference:** 20 U.S.C. § 1681