



## TITLE IX SEX DISCRIMINATION / HARASSMENT: GENERAL POLICY

### General Terms

The School is committed to providing an environment free from all forms of sex discrimination, including sexual harassment and violence, as required by law. Title IX of the Education Amendments of 1972 to the Civil Rights Act provides that “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.”

This policy and its associated procedures (see School policy, "Title IX Sex Discrimination / Harassment: Procedures," a/k/a "T.IX Complaint Procedures") shall apply in all instances to prohibit and address allegations of such misconduct.

### Prohibited Behavior

The School and the law strictly prohibit the following behaviors, collectively referred to as “misconduct” under this policy.

1. **Sex discrimination (unequal treatment).** Sex discrimination **typically involves some form of conduct that denies a student equal participation in or the benefits of any education program or activity or denies an employee equal workplace access or opportunity of the student’s or employee’s gender, respectively.**
2. **Sexual harassment.** Sexual harassment, a form of discrimination, is any sexually-oriented conduct aimed at or negatively impacting a person, and which conduct is motivated by the victim's gender. Such conduct can take many forms, including verbal, nonverbal, physical, or other behaviors that fall under one or more of the following categories:
  - a. **Quid Pro Quo Harassment.** Typically involves a person in authority conditioning education or workplace benefits on the victim’s willingness to engage in some type of sexual conduct. This kind of exchange or transaction in benefits for sexual favors involves a *quid pro quo* (i.e., “you do something for me, I do something for you.”)
  - b. **Hostile Environment Harassment.** Typically involves some form of unwelcome and unpleasant conduct; conduct that is so severe, pervasive, and objectively offensive to a

reasonable person that it effectively denies a person equal access to the School's education program or activity or some regular workplace benefit or opportunity. Examples of sexual harassment, if motivated because of a victim's gender, may include, but are not limited to, the following:

- Implied or express threats, aggression, or interference with normal conduct or movement
- Deliberate, unwelcome touching of a sexual nature
- Requests, express or implied, for sexual favors or activity
- Taunting, agitating, or criticizing, including the use of epithets, derogatory comments, slurs, or lewd statements
- Flirtations, advances, or propositions

**c. Sexual Violence.** This includes sexual assault, dating violence, domestic violence, or stalking within the School or affecting a School program or activity, and defined as follows.

- **Sexual assault** is any non-consensual sexual act prohibited by law.
- **Dating violence** is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. Such a relationship is determined based on its length, type, and frequency of interaction.
- **Domestic violence** includes such things as violent sexual crimes by a current or former spouse or intimate partner, or by any other person against an adult or youth victim who is protected from that person's acts by law.
- **Stalking** means engaging in the course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others, or suffer substantial emotional distress.

**3. Retaliation.** Retaliation involves any action against an individual because the individual has made a report or complaint; has testified, assisted, or participated (or refused to participate) in a sex discrimination/harassment investigation, proceeding, or hearing. Retaliation can take many forms, including, but not limited to, intimidation, threats, coercion, disciplinary action, or discrimination.

## **Addressing Misconduct Under This Policy**

The School has the authority to independently address misconduct whenever aware of its existence, regardless of whether a complaint has been filed or whether the conduct violates any other School policy.

When misconduct occurs under this policy, the School Title IX Complaint Procedures shall be as follows. Any person believing they are a victim of misconduct is urged to file a complaint with the School's Title IX Coordinator.

## **Publication and Notice of Policy and Procedures**

This policy and the associated Title IX Procedures shall be posted prominently on the School's website and in the School's office. The School shall also notify applicants for admission and employment, students, parents, employees, and persons providing applicant referrals for employment that the School does not discriminate based on one's sex in its educational programs or activities under Title IX. The notification shall be made in the form and manner required by law or regulation.

## **Conflicts of Interest**

For purposes of this policy and the related Title IX Procedures, if any person normally responsible for some role or duty in the complaint process is the alleged perpetrator of misconduct, then that person's supervisor or another comparable person of authority shall serve in the alleged perpetrator's role. In the case of allegations against the Head of School, the School's Executive Director or School Board president (or designee who is not a subordinate of the Head of School) shall serve in place of the Head of School.

## **Available Assistance**

Any individual, who believes they may have experienced any form of sex discrimination or sexual harassment, or who believes that they have observed such actions taking place, may receive information and assistance regarding the School's policies and reporting procedures from any of the following:

- The School's Title IX Coordinator:  
Erinn Otten, [eotten@thefsi.us](mailto:eotten@thefsi.us), 828-318-8140
- The United States Department of Education, Office of Civil Rights: 1-800-421-3481.