

TITLE IX SEXUAL HARASSMENT POLICY

Policy Statement

This Title IX Sexual Harassment Policy (this “Policy”), as adopted by Heritage Elementary School (the “School”), is designed to address conduct that falls within Title IX of the Education Amendments of 1972 and other federal and state laws and regulations, which protects people from discrimination based on sex in education programs or activities that receive Federal financial assistance. The School does not discriminate on the basis of sex and is required by Title IX not to discriminate in such a manner.

The School is committed to maintaining a safe and healthy educational and work environment in which no member of the School community is, on the basis of sex, including sexual orientation or gender identity, excluded from participation in, denied the benefits of, or subjected to discrimination in any School program or activity. Sexual harassment, including sexual violence, is a form of sex discrimination in that it denies an individual equal access to the School’s programs or activities.

The School adheres to all conditions established by Title IX by recognizing the right of every student who is enrolled at the School, and every employee who works at or for the School to do so without the fear of sexual harassment. The School accepts and shall employ the definition of sexual harassment as established by the Title IX regulations. Sexual harassment means conduct on the basis of sex that satisfies one (1) or more of the following:

A. An employee of the School conditioning the provision of an aid, benefit, or service of the School on an individual's participation in unwelcome sexual conduct;

B. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the School's education program or activity; or

C. "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30) (*See attached Appendix A for definitions*).

The School also accepts and shall employ the definition of a complainant as an individual who is alleged to be the victim of conduct that could constitute sexual harassment, and a respondent as an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment. The School shall designate and authorize an employee as the "Title IX Coordinator" to comply with its responsibilities pertaining to sexual harassment under Title IX. Inquiries about the application of Title IX may be referred to the School's Title IX Coordinator.

Any person may report sex discrimination, including sexual harassment, regardless of whether the person reporting is the person alleged to be the victim of the reported conduct or not. A report may be made in person, by mail, by telephone, or by electronic mail, using the contact information

listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address, listed for the Title IX Coordinator. The School shall notify students, parents or legal guardians of students, employees, applicants for employment, and all unions (as applicable) or professional organizations holding collective bargaining or professional agreements with the School, of the name or title, office address, electronic mail address, and telephone number of the Title IX Coordinator. The School will respond promptly when any School employee has notice of sexual harassment. Upon receipt of notice of sexual harassment, the School shall notify all affected students, parents or legal guardians of students, employees, applicants for employment, and all unions or professional organizations holding collective bargaining or professional agreements with the School, of the School's grievance procedures and grievance process, including how to report or file a complaint of sex discrimination, how to report or file a formal complaint of sexual harassment, and how the School shall respond. The School is committed to investigating each formal complaint submitted and to taking appropriate action on all confirmed violations of policy. The School shall follow grievance procedures that provide for the prompt and equitable resolution of complaints from students and employees alleging sexual harassment.

The School shall, to the extent reasonably feasible, keep confidential the identity of any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as is necessary to carry out the grievance process and as may otherwise be permitted by law.

Title IX sexual harassment complaints may include violations covered by Arizona's mandatory reporting statute (A.R.S. § 13-3620). Any abuses classified by statute as "reportable offenses" must be reported as such to the authorities because not reporting a reportable offense is classified as a Class 6 Felony.

Retaliation Prohibited

Neither the School nor any person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has in good faith made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing. Intimidation, threats, coercion, or discrimination, including charges against an individual for violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX, constitutes retaliation.

Jurisdiction

This Policy applies to sexual harassment that is committed by School students, faculty, staff, School appointees, or third parties against a person in the United States, whenever the misconduct occurs: (i) on School property; or (ii) off School property, provided that the conduct was in connection with the School, or in connection with a School-recognized and approved program or activity, which includes locations, events, or circumstances over which the School exercised substantial control over both the person accused of the conduct and the context in which the sexual harassment occurred.

Adopted this 15th day of December, 2020.

LEGAL REF.:

A.R.S. § 13-3620

20 U.S.C. 1092

20 U.S.C. 1681, Education Amendments of 1972, Title IX

34 U.S.C. 12291

CROSS REF.:

AC - Nondiscrimination/Equal Opportunity

JB - Equal Educational Opportunities

Appendix A

Current Definitions in Federal Law of Sexual Assault, Dating Violence, Domestic Violence, and Stalking

- Sexual assault, including: (i) rape, defined as the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. Attempts or assaults to commit rape, per this definition, are also included; (ii) fondling, defined as the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of that person, including instances where that person is incapable of giving consent because of his/her/their age or because of her/his/their temporary or permanent mental incapacity; (iii) incest, defined as sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law; and (iv) statutory rape, defined as sexual intercourse with a person who is under the statutory age of consent.

- Dating violence: violence committed by a person (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the length and type of relationship, as well as the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual abuse, physical abuse of a sexual nature, or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence, below.

- Domestic violence: felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the relevant jurisdiction, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the relevant jurisdiction.

- Stalking: engaging in a course of conduct directed at a specific person that would cause a reasonable person to (A) fear for his or her safety or the safety of others; or (B) suffer substantial emotional distress. For the purposes of this definition, "course of conduct" means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.