

Policy © 1-203 Equal Opportunity - Prohibited Sex Discrimination (Title IX)

Non-discrimination Policy - Prohibited Sex Discrimination

The District does not discriminate on the basis of sex and prohibits sex discrimination in any education program or activity that it operates, as required by Title IX, including in admissions and employment.

Definitions

The following definition of sexual harassment has been established by the Title IX regulations and implemented by the District regarding this Policy.

“Complaint” means an oral or written request that objectively can be understood as a request that the District investigate the allegations of sex discrimination and make a determination about alleged discrimination under Title IX.

“Complainant” means any person who is participating in or attempting to participate in the District’s education or employment programs and/or activities and who is alleged to be the victim of conduct that could constitute sex discrimination under Title IX.

“Respondent” means a person who has been reported to be the perpetrator of conduct that could constitute sex-based discrimination.

“Party/parties” means all Complainant(s) and Respondent(s).

“Program or activity” means all of the operations of a local educational agency.

“Consent” is informed, freely, and affirmatively given through mutually understandable words or actions that indicate a willingness to participate in the sexual activity. Consent can be withdrawn at any time. There is no consent when there is force, expressed or implied, or when coercion, intimidation, threats, or duress is used. Whether a person has taken advantage of a position of influence over another person may be a factor in determining consent. Silence or absence of resistance does not imply consent. Consent to one type of sexual activity does not amount to consent to another type of activity. Prior consent or sexual relations with the same person do not imply future consent. The fact that both people are in a relationship does not, by itself, establish consent. A person cannot consent if they are unconscious, asleep, or impaired to the extent that they do not understand what is going on. Minors under the age of 16 are incapable of giving consent to sexual activity with a person more than four years older than the minor. Consent may never be given by mentally disabled persons if their disability was reasonably knowable to a sexual partner who is not mentally disabled. Consent between parties engaging in sexual activity does not prevent the school system from taking disciplinary action against the parties for violation of any other board Policy.

"Fondling," means the touching of a person's genitalia, anus, buttocks, or breasts without the consent of the victim for purposes of sexual gratification.

"Sex-based harassment" means conduct based on sex that satisfies one or more of the following:

- a. Quid pro quo harassment. An employee, agent, or other person authorized by the District to provide an aid, benefit, or service under the District's education program or activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct;
- b. Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive, that it limits or denies a person's ability to participate in or benefit from the District'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\(a\)\(30\)](#).

"Supportive measures" means individualized measures offered are appropriate, as reasonability available, without unreasonably burdening a complainant or respondent, not for punitive or disciplinary reasons, and without fee or charge to the complainant or respondent to:

- a. Restore, or preserve that party's access to the District's education program or activity, including measures that are designed to protect the safety of the parties or the District's educational environment; or
- b. Provide support during the District's grievance procedures or during an informal resolution process.

Purpose of Title IX

Title IX of the Federal Education Amendments Act protects people from discrimination based on sex in education programs, or activities that receive Federal financial assistance. The District does not discriminate based on sex and adheres to all conditions established by Title IX by recognizing the right of every student who attends the District to do so without the fear of sexual harassment.

Title IX Coordinator

The District is obligated to identify an employee to serve as the Title IX Coordinator and authorize that individual to coordinate and facilitate the District's compliance efforts regarding its responsibilities under Title IX, including inquiries about the application of Title IX or formal complaints. The District's Title IX Coordinator is:

Mike Vogler
3285 East Sparrow Ave.
Flagstaff, AZ 86004
mvogler@fUSD1.org
928-527-6143

Notices

The contact information for the Title IX Coordinator, and the District's nondiscrimination notice will be prominently posted on the District's website and in any student, or employee handbooks.

Any documents used to train the Title IX Coordinator, investigators, decision makers, and others involved in the grievance process will be available upon request. In addition, the District will notify students, parent(s)/legal guardian(s) of students, employees, applicants for admission and employment, and unions, or similar employee professional organizations that have an agreement with the District (if applicable) of this Policy and the grievance procedures included in this Policy, including how to report sexual harassment and how the District will respond to such reports. The required notification may be accomplished in any way that the District deems appropriate and effective.

Reporting

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. Complaints of sex discrimination that are not sexual harassment will be handled pursuant to the District's regular procedures for resolving student or employee grievances promptly and equitably. Formal complaints of sexual harassment will be handled using the grievance procedure set forth in this Policy.

Supportive Services

The District is committed to offering supportive services to every Complainant, to investigating each formal complaint submitted, and to taking appropriate action on all confirmed violations of Policy.

Supportive measures may include, but are not limited to counseling, class modifications or class schedule changes, and/or increased monitoring and supervision, as deemed appropriate by the Title IX Coordinator.

Allegations of Sexual Discrimination

Upon receiving notification of alleged sexual harassment, the Title IX Coordinator shall promptly and confidentially contact the Complainant to discuss the availability of supportive measures, consider the Complainant's wishes with respect to supportive measures, and explain the process for filing a formal complaint, if applicable.

Retaliation Prohibited

Any retaliatory action or conduct taken by any person against a person who has sought relief or filed a complaint under the Districts Title IX is strictly prohibited and will be regarded as a violation of District Governing Board policy. Retaliation against any person(s) who reports a complaint, is witness to an event, or participates in an investigation or proceeding is strictly prohibited and will not be tolerated. Students or employees who retaliate will face disciplinary action.

Adopted: Mar. 28, 2023 Effective: July 1, 2023

Legal Authority:

[20 U.S.C. § 1681](#), Education Amendments of 1972, Title IX

Flagstaff Unified School District