



**An Arizona Charter School Guided by the Core Principles of
Public Waldorf Education**

Established in 1995

1120 W. Kaibab Lane, Flagstaff, AZ 86001, 928-779-9880, Fax 928-779-9792

Pine Forest School Title IX Policy

Title IX states:

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.

Pine Forest School Title IX Compliance Officer

Executive Director:

Cindy Roe

928-779-9880

2257 E. Cedar Avenue

Flagstaff, AZ 86004

Title IX Discrimination or Sexual Harassment: Employees

Pine Forest Education Association, Inc. (PFEA) dba Pine Forest Charter School (PFS) provides equal employment opportunities for all employees and prohibits any form of discrimination/harassment in all facets of employment including, but not limited to, recruitment, job advertisement, employment, compensation, promotion, transfer, demotion, layoff, termination/discharge, or selection for School-sponsored training programs. These prohibitions apply to all employees (and students, as covered in a separate Directive) and to third parties not directly subject to School-sponsored control. Examples of third parties include audiences and competitors at inter-School athletic competitions, service contractors, school visitors, and employees of businesses or organizations participating in cooperative work or school programs with the School.

Title IX of the Educational Amendments of 1972, Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act and the PFEA policies including the Title IX board policy prohibit discrimination or harassment based on disability, race, ethnicity, color, gender, sexual orientation, national origin or ancestry, religion, age, veteran status or any other protected category as defined by law. Questions or concerns regarding discrimination or harassment should be directed to the PFEA Executive Director, who is the Title IX Compliance Officer, or the PFEA Governing Board President.

Definition and Examples of Harassment as Defined by Law

Generally, harassment is considered to have occurred when conduct:

1. has the intent or effect of creating an intimidating, hostile or offensive educational environment, or
2. has the intent or effect of substantially or unreasonably interfering with an employee's workplace opportunities.

Individuals or groups are in violation of School policy if they engage in the following types of behavior (not an all-inclusive list) toward an individual on school grounds, in the workplace, at school/work-sanctioned activities or in vehicles owned/dispatched by the School:

1. making demeaning or derogatory remarks or comments directly to an individual or group because of his/her/their disability, race, ethnicity, color, gender, sexual orientation, national origin or ancestry, religion, age, veteran status or any other protected status as defined by law,
2. displaying suggestive visual or written material of a sexual nature,
3. defacing PFS property or materials by writing demeaning or derogatory words, letters, names or the like directly or indirectly to an individual or group because of his/her/their disability, race, ethnicity, color, gender, sexual orientation, national origin or ancestry, religion, age, veteran status or any other protected status as defined by law,
4. staring or glaring or showing obscene gestures or suggestive gestures (such as touching your private parts in front of others),
5. repeatedly asking someone for a date when he/she is not interested, or
6. damaging, defacing, or destroying private property of any individual or group because of his/her/their disability, race, ethnicity, color, gender, sexual orientation, national origin or ancestry, religion, age, veteran status or any other protected status as defined by law.

Definition and Examples of Disability Harassment

Discriminatory behavior toward an individual with a disability may be considered harassment when that disability-focused behavior is sufficiently severe, pervasive or persistent so as to interfere with or limit the ability of the individual to participate in or benefit from the School's programs or activities.

Examples of possible disability harassment are: excluding an individual from activities because of appearance related to disability; severe, pervasive or persistent name-calling based on disability or perceived disability; and attempting to involve a student with a disability in antisocial, dangerous or criminal activity when the student, because of disability, is unable to comprehend fully or consent to the activity.

Definition and Examples of Racial and National Origin and Ancestry Harassment

Harassment based on race or national origin may be oral, written, graphic or physical conduct relating to an individual's race, color, ethnicity or national origin (including an individual's ancestry, country of origin, or country of origin of a student's parents, family members, or ancestors that is sufficiently severe, pervasive, or persistent that it interferes with or limits the ability of an individual to participate in or benefit from the School's programs or activities. Harassment of an immigrant or of someone who speaks another language or has a foreign accent may constitute discrimination based on national origin or race or both, depending on the circumstances. A racial or national origin basis for acts of harassment may be evident from the explicit statements of an individual or may be inferred from the surrounding circumstances.

Examples of possible race or national origin harassment are: physical acts of aggression or assault upon another or damage to another's property that is motivated by the individual's race, color ethnicity or national origin; depending on the circumstances and context, demeaning racial jokes, taunting, racial slurs and derogatory racial "nicknames" innuendos, or other negative or derogatory remarks of a racial nature or relating to national origin; depending on the circumstances and context, graffiti and/or slogans or visual displays such as cartoons or posters depicting racial/ethnic slurs or racial/ethnically derogatory origin.

Definition and Examples of Sexual Harassment

Sexual harassment is a form of gender discrimination that generally is considered a misuse of power. Sexual harassment generally may fall under one of two categories: *quid pro quo* and *hostile environment*. *Quid pro quo* sexual harassment generally occurs when an individual explicitly or implicitly conditions an individual's participation in an activity or program or bases a decision on the individual's submission to unwelcome sexual advances, requests for sexual favors, or other verbal, nonverbal or physical conduct of a sexual nature, whether or not the individual submits to the conduct. This generally involves a person in authority position over a subordinate.

Hostile environment harassment occurs when unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal or physical conduct of a sexual nature by a student, and employee or a third party are sufficiently severe, persistent or pervasive so as to limit the individual's ability to participate in or benefit from a program or activity of the School or to create a hostile or abusive educational or work environment.

Sexual harassment includes conduct that is also criminal in nature such as rape, sexual assault, stalking, and similar offenses. Although sexual misconduct may also be considered sexual harassment, criminal sexual behavior should be reported to the PFEA Executive Director, who acts as the Title IX Compliance Officer and may be reported to the local police.

If behavior toward another individual result in that individual feeling intimidated, uncomfortable or threatened, that behavior may be considered sexual harassment even if the alleged harasser did not intend for his/her actions to be offensive. This prohibition against sexual harassment applies whether the harassment is between people of the same or different gender.

Examples of possible sexual harassment are: unwelcome pressure for sexual activity; unwelcome, sexually motivated or inappropriate physical contact; unwelcome verbal or written words or symbols directed at an individual because of gender (whether that gender is the

same as the harasser or aimed at the opposite sex); and use of authority to coerce sexual favors.

Definition and Examples of Harassment Based on Sexual Orientation

Targeting a gay or lesbian individual for physical or sexual advances may constitute sexual harassment. Calling individuals "queer," "gay boy or girl," "fag," "faggot," "lezzie," or "lesbo," or gestures such as making a "limp wrist" are also examples of behavior that may be considered harassment based on sexual orientation.

Definition and Examples of Harassment Based on Religion

Targeting an individual or individuals because of his/her/their religion or religious beliefs may be a form of harassment. Examples of possible harassment based on religion are: making derogatory jokes regarding a particular religion and verbal, physical or written intimidation of an individual because of his/her religion.

Definition of Harassment Based on Age

Targeting an individual or individuals because of his/her/their age may be a form of harassment. Generally, the law prohibits discrimination against and harassment of individuals over the age 40. Examples of harassment based on age might include pervasive heckling of an individual by verbal negative references to age or pervasive name-calling using terminology such as "grandpa" or "old fogey," if this behavior creates a hostile environment for the individual.

Complaint Procedures

Any employee who believes he/she has been subjected to discrimination and/or harassing behavior by a student, teacher, administrator or other school personnel should report the incident(s) immediately to the Executive Director, who is the Title IX Compliance Officer.

Who may file a complaint

PFS encourages employees to report incident(s) of discrimination/harassment to the PFEA Executive Director. Assistance may also be sought and a complaint filed with the PFEA Governing Board President.

How to file a complaint

Complaints may be filed with the Executive Director through the PFS Main Administrative Office and must be submitted in writing. A complaint form must be completed within 180 days from the date of alleged discrimination. All inquiries and discrimination complaints filed with the PFEA Executive Director are CONFIDENTIAL. Confidentiality also applies to the investigations conducted by the Executive Director or PFEA Governing Board President.

Where to file a complaint

PFS Main Administrative Office, 2257 E. Cedar Avenue, Flagstaff, AZ 86004. Please contact the Executive Director, Cindy Roe who is the Title IX Compliance Officer at 928-779-9880

Investigative Process

The PFEA Executive Director (Title IX Compliance Officer) will conduct the investigation. The Officer will have (10) working days from the date the complaint was filed to make a determination. Both the complainant and respondent will have the opportunity to present witnesses. Based on the preponderance of the evidence, the Title IX Compliance Officer will determine if the investigation indicates that there was sufficient evidence to determine there was a violation of School policies and procedures and/or sufficient evidence to support a finding that there was a violation of School policies and procedures and/or insufficient evidence to support the allegations made. The Executive Director (Title IX Compliance Officer) will inform the complainant and respondent of the determination of the investigation in writing.

Appeal Process

The complainant (individual filing the complaint) and respondent (individual responding to the complaint) have the right to appeal the Title IX Compliance Officer's determination. If the complainant or respondent is not in agreement with the determination, he/she will have (15) working days from the date of the Title IX Compliance Officer's determination to submit an appeal in writing to the PFEA Governing Board President. The Governing Board President will convene an Executive Session of the Board within (10) working days of receipt of the appeal to consider the appeal and will inform the complainant and respondent of the Board's appeal decision in writing.

After the Governing Board's review, the internal complaint process has concluded.

Mediation

The complainant and respondent may also voluntarily choose to participate in mediation to resolve the dispute. Mediation may minimize the need for a lengthy investigation and may help to resolve disputes in a faster time frame.

Disciplinary Consequences

Any employee who violates this policy by engaging in conduct defined throughout the policy that directly or indirectly causes intimidation, harassment, or physical harm to another individual will be subject to disciplinary action as specified in the PFEA Policies and Procedures Manual.

Retaliation

No individual will suffer retaliation or intimidation for participating in the internal complaint process. Retaliation means some type of adversarial or punitive action taken against an individual or individuals as a result of filing a complaint or participating in the complaint process. Retaliation against any individual seeking assistance at his/her work site, filing a complaint, or participation in the investigation process is grounds for a subsequent retaliation/harassment complaint.

Confidentiality

PFS will respect the privacy of the complainant, the individual(s) against whom the complaint is filed and witnesses as much as possible, consistent with our legal obligations to investigate, take appropriate action, and conform to any legal discovery or disclosure obligations.

Legal Compliance

The PFEA Executive Director has the responsibility to monitor the compliance of School policies and procedures, which follow requirements under State and Federal Laws, and Regulations related to discrimination and harassment. The school coordinators for Title VI of the Civil Rights Act, Title IX of the Education Amendments, Age Discrimination Act, Section 504 of the Rehabilitation Act and the Americans with Disabilities Act will report directly to the Executive Director of the Pine Forest Education Association, Inc., who will report directly to the PFEA Governing Board President.