



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

Established in 1995

2257 E. Cedar Ave., Flagstaff, AZ 86004, 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

Discrimination or Sexual Harassment: Students

Pine Forest Education Association, Inc. (PFEA) dba Pine Forest Charter School (PFS) affords all students equal educational opportunities, as well as, equal opportunities to participate in extracurricular activities and prohibits discrimination or harassment in any program or activity of or sponsored by the PFEA and PFS.

Title IX of the Educational Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act and the Pine Forest Education Agency's (PFEA) policies including the Title IX 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.

A. DISCRIMINATION AND HARASSMENT BASED ON GENDER, SEXUAL ORIENTATION OR PREGNANCY

Discrimination or harassing behaviors based on gender, sexual orientation or pregnancy violate federal and/or state civil rights law and deny equal educational opportunities for all

students. Discrimination may occur when an individual or individuals are treated differently specifically because of his/her/their gender, sexual orientation or pregnancy. Additionally, unintended behavior or action that ultimately results in treating a group differently because of their gender, sexual orientation or pregnancy may be a form of gender discrimination. Also making comments, name-calling, conduct of a physical nature, or other expressive behavior directed at an individual or group on the basis of gender, sexual orientation or pregnancy are prohibited behaviors. Discriminatory and harassing behavior creates a demeaning, intimidating, and hostile educational environment.

Discrimination/Harassment is considered to have occurred when such conduct:

- has the purpose or effect of creating an intimidating, hostile or offensive academic environment,
- has the purpose or effect of substantially or unreasonably interfering with a student's academic performance, or
- otherwise adversely affects an individual's academic opportunities.

Individuals or groups are in violation of this policy if they engage in the following behavior (not all inclusive) toward a student, teacher, administrator, other school personnel, or any other individual on school grounds, at school sanctioned activities or in vehicles dispatched by the school:

- making demeaning remarks directly or indirectly to an individual or group based upon his/her/their gender, sexual orientation or pregnancy,
- displaying suggestive visual or written material or defacing PFS property or materials to demean an individual or group based upon gender, sexual orientation or pregnancy,
- staring, glaring, obscene gestures, suggestive gestures (touching your private intimate parts in front of others),
- repeatedly asking someone out when he/she is not interested.

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.

B. SEXUAL HARASSMENT

Sexual harassment is a form of gender discrimination as defined in Title IX of the Education Amendments of 1972. Sexual harassment is a violation of federal and state law as well as PFEA policy. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, written or verbal conduct of a sexual nature.

If behavior toward another student(s) makes him/her feel intimidated, uncomfortable or threatened, it may be considered sexual harassment even if the harasser did not intend for his/her actions to be offensive.

Sexual harassment may also be considered a criminal offense under state and local assault and child abuse laws.

C. SEXUAL MISCONDUCT

Sexual misconduct may include, but is not limited to, physical act(s) of aggression, force or threats against another individual of the same or opposite sex, threatening to force or coerce sexual acts, including the touching of private/intimate parts, and coercing, forcing or attempting to coerce or force sexual intercourse.

Although sexual misconduct may also be considered sexual harassment, these acts must be reported to the PFEA Executive Director who acts as the Title IX Compliance Officer.

D. COMPLAINT PROCEDURES

- **Who may file a complaint**

Students, or parent(s) or legal guardian(s) who believe his/her student has been subjected to discrimination and/or harassing behavior based on gender, sexual orientation or pregnancy by a student, teacher, administrator or other school personnel should report the incident(s) immediately to the PFEA Executive Director (Title IX Compliance Officer), PFS Principal, teacher or a counselor. Assistance may also be sought, or a complaint filed with the PFEA Governing Board President.

- **How to file a complaint**

Complaints may be filed with the PFEA Executive Director or PFS Principal in the PFS main administrative office and must be submitted in writing within 180 days from the date of alleged act(s). All inquiries and discrimination complaints filed with the PFS Main Administrative Office are confidential to the extent possible as described below. Confidentiality also applies to the investigative process of all investigations conducted by the main administrative office.

- **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 Compliance 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 Coordinator 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**

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

- **Retaliation**

No student, parent, community member or anyone involved with the complaint 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 student, parent, community member or anyone seeking assistance at the school, filing a complaint, or participating in the investigative 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 the witnesses as much as possible, consistent with our legal obligations to investigate, take appropriate action, and conform to any legal discovery or disclosure obligations.

E. 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.

Revised 6/19
