

Sexual Harassment and Title IX

The School is committed to providing a working and learning environment based on dignity and respect, free of harassment or intimidation. All those associated with the school are expected to foster a climate that is supportive, respectful and conducive to teaching and learning, Title IX of the Education Amendments of 1972 (Title IX) and the Department of Education's implementing regulations prohibit discrimination on the basis of sex in federally assisted education programs and activities and Hillsdale Prep conforms with these requirements. Sexual harassment during a school program or activity shall not be tolerated and any report of such conduct shall be investigated.

Definitions:

"Sexual harassment" is conduct on the basis of sex that satisfies one or more of the following:

1. An employee of the school conditioning a provision of aid, benefit, or services of the school on an individual's participation in unwelcome sexual conduct.
2. Unwelcome conduct that is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school's education, program, or activity as determined by a reasonable person standard.
3. Other "sexual offenses" defined by federal law" "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).

Sexual harassment, as defined above, may include, but is not limited to, the following:

- verbal or written harassment or abuse,
- pressure for sexual activity,
- repeated remarks to a person with sexual or demeaning implications,
- unwelcome touching,
- suggesting or demanding sexual involvement accompanied by implied or explicit threats concerning one's grades, job. etc.
- display of lewd or sexually explicit materials, inappropriate jokes, or language of a sexual nature.

The school will review matters where the individual reported to have been subject to the conduct is a student, employee or third party participating in a school program or activity and the conduct occurred in the context of a school program or activity, i.e., location and circumstance where the school exercises control over all parties to the reported conduct.

The school may also address sexual harassment affection its students or employees that falls outside these definitions, including through student conduct or informal investigation, providing supportive measures, informal resolution or discipline. The school notes that under its own policy, sexual harassment and sexually harassing conduct that occurs outside of a school program or activity, but which has continued adverse effects within school programs and activities, may constitute a violation of this policy and will be investigated.

Reporting Responsibilities:

All persons associated with the school and its programs and activities (leadership, staff, and Board members) are responsible for: (1) Ensuring that their behavior does not sexually harass any other person associated with the school; (2) Promptly reporting any observed or experienced harassment or mistreatment immediately to the Title IX Coordinator and cooperating fully in the investigation of alleged sexual harassment; and (3) Actively participating in the school's effort to prevent sexual harassment in the school.

School staff are not confidential resources and will be required to report any sexual harassment of which they come aware, Staff who fail to report to the Title IX Coordinator will be subject to discipline up to and including termination.

While reports and complaints of sexual harassment will be kept as confidential as possible, consistent with the rights of the parties, there can be no promise of complete confidentiality.

Complaint Procedures:

In any investigation involving a student that becomes a formal complaint, the student's parents will be notified of the reported conduct and, upon the initiation of a formal or informal investigation process, the student reported to have engaged in misconduct's parents will also be notified.

1. Formal Complaint

Upon notice of a report of sexual harassment, the Title IX Coordinator shall assign the matter to an investigation for review. The investigator may be a school staff member or a neutral third party investigator. From there, the investigator shall meet with the individual reported to have experienced the conduct to learn about the conduct, provide the individual with an understanding of their rights and available resources, and to determine whether the individual would like to initiate a formal complaint and investigation. The school at all times reserves the right to initiate a formal complaint with the school as the named party as well, the Title IX Coordinator signing the complaint.

Regardless of whether a formal complaint is initiated, the school reserves the right to offer supportive non-punitive measures to ensure equal educational access, protect safety, or deter sexual harassment.

If a formal complaint is initiated, all parties will receive notice of the process and an opportunity to respond. The school will seek to finalize any investigation within 60 days, if not sooner. The complaint process includes the following rights:

- All parties will receive written notice of the allegations (if a formal complaint is initiated), an understanding of the investigation process, an opportunity to select an advisor, and an opportunity to submit and review evidence throughout the investigation.
- An individual reported to have engaged in misconduct will be assumed not to have violated policy unless and until the investigation is complete and there is a finding based on the preponderance of the evidence.

- All parties will be provided time to inspect, review, and respond to all evidence directly related to the allegations as well as the investigative report prepared, prior to the completion of a final investigative report.
- All parties have the opportunity to appeal a final determination.
- Protection from retaliation for any individual that participates in a Title IX grievance process.
- The possibility of informal resolution, so long as the parties agree to such resolution.

After the investigation is conducted by the investigator and an investigation report is prepared concerning all relevant evidence, a second individual (the decision maker) shall prepare a final report and determine whether it is more likely than not that a violation of this policy has occurred. School leadership will ultimately determine the issuance of a discipline, if any, is required.

2. Informal Complaint

The school always reserves the right to review and investigate reports of harassment that do not ultimately lead to a formal complaint informally and in such cases, the Title IX Coordinator or an investigator will review any report provided. Depending on the circumstances, the investigation may encompass any or all of the following:

- The claimant (person reporting conduct) may write a letter to the respondent (person reported to have engaged in misconduct) describing the offensive behavior, the circumstances under which it took place, the way the behavior made the claimant feel, and requesting that the respondent apologize and promise not to repeat the behavior. The Title IX Coordinator will then meet with the respondent, hear their account of the situation, present the claimant's letter, and discuss the matter.
- Where appropriate in the opinion of the Title IX Coordinator (or where voluntarily agreed upon), a meeting will be held between the parties (with or without parents) to clarify the facts and to attempt to mediate a resolution.
- Other individuals may be interviewed concerning the conduct reported.

Discipline

Disciplinary consequences such as detention, suspension, or expulsion consistent with school rules may be implemented for violations of this policy. Repeated or extreme forms of harassment, violence, or civil rights infringements will result in a recommendation for expulsion or termination from the school. In cases of employee/staff respondents, disciplinary action up to and including termination of employment may be deemed appropriate.

In formal investigations, copies of the reports of facts and the written decision will go to all parties. If there is a finding of a violation, it shall be placed in the student or employee's file.

In informal investigations, if disciplinary steps are taken, a summary of the report and a written decision will go to the respondent (and their parents) and in the student's file or in the personnel file in cases of employee/staff respondents.

The Title IX Coordinator will maintain records of all complaints, facts, steps taken, determinations, and resolutions, and those records will be kept in a central file for no less than three years.