

TITLE IX NONDISCRIMINATION POLICY

Title IX of the Education Amendment Act of 1972 (Title IX), 20 U.S.C. 1681 et seq., prohibits sex discrimination in education programs or activities in federally funded schools at all levels.

- A. Title IX protects students, staff members, applicants for admission and employment, and other persons from all forms of sex discrimination based on sex based harassment, sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation and gender identity.
- B. This protection extends to all academic, educational, extracurricular, athletic, and other programs of the Academy, that take place on Academy premises, in an Academy vehicle, or at any other Academy-sponsored activities or events, including events that take place off of Academy's premises, and conduct subject to the Academy's disciplinary authority.
- C. *Sex based harassment* is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity, that is:
 - 1. *Quid Pro Quo Harassment*- An employee, agent, or other person authorized by the Academy to provide an aid, benefit, or service under the Academy'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;
 - 2. *Hostile Environment Harassment*- 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 Academy's education program or activity, i.e., creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:
 - a. The degree to which the conduct affected the complainant's ability to access the Academy's education program or activity;
 - b. The type, frequency, and duration of the conduct;
 - c. The parties' ages, roles with the Academy's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
 - d. The location of the conduct and the context in which the conduct occurred; and
 - e. Other sex-based harassment in the Academy's education program or activity.
 - 3. *Specific Offenses*
 - a. Sexual assault meaning an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;
 - b. Dating violence meaning violence committed by a person:
 - 1) Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
 - 2) Where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - a) The length of the relationship;

- b) The type of the relationship; and
- c) The frequency of interaction between the person involved in the relationship.
- c. Domestic violence meaning a felony or misdemeanor crimes committed by a person who:
 - 1) Is a current or former spouse or intimate partner of the victim under the family or domestic violence law of the jurisdiction of the Academy, or a person similarly situated to a spouse of the victim;
 - 2) Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;
 - 3) Shares a child in common with the victim; or
 - 4) Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction; or
- d. Stalking meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
 - 1) Fear for the person's safety or the safety of others; or
 - 2) Suffer substantial emotional distress
- D. The Academy must not discriminate in its education program or activity against any student based on the student's current, potential, or past pregnancy or related conditions.
- E. Sexual harassment may involve the behavior of a person of any gender against a person of the same or another gender.
- F. Staff members, students, third-party vendors, visitors, Board members and other members of the Academy community who engage in sex discrimination are subject to this policy.
- G. Sex discrimination is a serious violation of the Academy's policies, and will subject the student or staff member to discipline, up to and including discharge from employment, or suspension or expulsion from the Academy.
- H. The Title IX Coordinator shall be designated each year at the annual organizational meeting.
- I. The Academy shall adopt, publish, and implement grievance procedures that provide for the prompt and equitable resolution of complaints made by students, staff, or other individuals who are participating or attempting to participate in the Academy's education program or activity.
- J. The Academy will provide notice of nondiscrimination to students, parents, guardians, or other authorized legal representatives, staff, and applicants for admission and employment. The notice will be prominently published on the Academy's website, student handbook, and application form that it makes available to persons entitled to notice.
- K. Sexual conduct/relationships with students by Academy staff or any other adult member of the Academy community, such as, but not limited to, coaches, volunteers, contractors, etc. are prohibited regardless of age or consent and subject to criminal charges.
- L. The Academy prohibits intentionally making a false report of alleged sexual harassment, submitting a false complaint, or making or submitting false statements or information during the Title IX grievance process. Violation of this prohibition will result in disciplinary action.

M. The Academy prohibits retaliation, including peer retaliation, in its education program or activities. Upon receiving a complaint alleging retaliation, the Academy will initiate its grievance procedures or informal resolution process, as appropriate.