

## **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 of the Education Amendments of 1972 (Title IX), including in admissions and employment.

### Definitions

“Actual knowledge” means notice of sexual harassment or allegations of sexual harassment to the District’s Title IX coordinator or to any employee of a District elementary and secondary school if the allegations of sexual harassment occurred in a District education program or activity and the alleged sexual harassment occurred within the United States.

“Formal complaint” means a document filed by a complainant or signed by the Title IX coordinator against a respondent and requesting that the District investigate the allegation of sexual harassment. A formal complaint may be filed with the Title IX coordinator by mail, email, through an online portal, or by contacting the Title IX coordinator as directed on the District website or other communications to students, staff, and parents.

“Complainant” means any person who is alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment under Title IX which occurred in a District education program or activity..

"Respondent" means a person who is reported to be the perpetrator of conduct that could constitute sexual harassment.

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

“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 Consent can be withdrawn at any time.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<sup>7</sup>" means the touching of a person's genitalia, anus, buttocks, or breasts without the consent of the victim for purposes of sexual gratification

"Education program or activity" means locations, events, or circumstances over which the District exercises substantial control over both the respondent and the context in which the sexual harassment occurs.

"Sexual harassment" means conduct based on sex that is one or more of the following:

- a. An employee of the District conditioning the provision of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct;
- b. Unwelcome sex-based conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive it effectively denies a person equal access to 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 non-disciplinary, non-punitive, individualized services offered as appropriate, as reasonably available, and without fee or charge before or after the filing of a formal complaint, or where no formal complaint has been filed, designed to restore or preserve equal access to the District's education program or activity.

“Deliberately indifferent” means a response to sexual harassment that is clearly unreasonable in light of the known circumstances.

### Title IX Coordinator

The District must identify at least one 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](mailto: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 Title IX grievance process will be posted on the District's website and available upon request.

### Supportive Measures

The District will provide supportive measures as appropriate and available.

### District's Response to Sexual Harassment

When the District receives actual knowledge of sexual harassment in a District education program or activity, the District will respond promptly in a manner that is not deliberately indifferent.

Adopted: April 8, 2025

Legal Authority:

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

34 C.F.R. Part 106

**Flagstaff Unified School District**