

TRINITY BASIN PREPARATORY

SEXUAL HARASSMENT PROHIBITED – TITLE IX POLICY

a) *Definitions for Title IX Terms*

i. Actual Knowledge

“Actual knowledge” means notice of sexual harassment or allegations of sexual harassment to Trinity Basin Preparatory’s Title IX Coordinator or any Trinity Basin Preparatory official who has authority to institute corrective measures on behalf of Trinity Basin Preparatory, or to any employee of an elementary and secondary school. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. This standard is not met when the only official of Trinity Basin Preparatory with actual knowledge is the respondent (as that term is defined below). The mere ability or obligation to report sexual harassment or to inform a student about how to report sexual harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of Trinity Basin Preparatory. “Notice” as used in this definition includes, but is not limited to, a report of sexual harassment to the Title IX Coordinator. *34 C.F.R. 106.30(a)*.

ii. Complainant

“Complainant” means an individual who is alleged to be the victim of conduct that could constitute sexual harassment. *34 C.F.R. 106.30(a)*.

iii. Consent

“Consent” is not currently defined by the Title IX regulations, nor do the regulations require Trinity Basin Preparatory to adopt a particular definition of consent with respect to sexual assault. *34 C.F.R. 106.30(a)*.

iv. Deliberate Indifference Standard

If Trinity Basin Preparatory has actual knowledge of sexual harassment in an education program or activity of Trinity Basin Preparatory against a person in the United States, it must respond promptly in a manner that is not deliberately indifferent. Trinity Basin Preparatory is deliberately indifferent only if its response to sexual harassment is clearly unreasonable in light of the known circumstances. *34 C.F.R. 106.44*.

v. Education Program or Activity

For purposes of this Title IX policy, “education program or activity” includes locations, events, or circumstances over which Trinity Basin Preparatory exercised substantial control over both the respondent and the context in which sexual harassment occurs. *34 C.F.R. 106.44*.

vi. Formal Complaint

“Formal complaint” means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that Trinity Basin Preparatory investigate the allegation of sexual harassment. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in Trinity Basin Preparatory’s education program or activity. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by email, by using the contact information for the Title IX Coordinator provided by Trinity Basin Preparatory, and by any additional method designated by Trinity Basin Preparatory. As used in this definition, the term “document filed by a complainant” means a document or electronic submission that contains the complainant’s physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint. Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or otherwise a party to the Title IX formal complaint and must comply with the requirements of the Title IX formal process, including the informal resolution process. *34 C.F.R. 106.30(a)*.

vii. Respondent

“Respondent” means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment. *34 C.F.R. 106.30(a)*.

viii. Sexual Harassment

“Sexual harassment” means conduct on the basis of sex that satisfies one or more of the following:

1. An employee of Trinity Basin Preparatory conditioning the provision of an aid, benefit, or service of Trinity Basin Preparatory on an individual’s participation in unwelcome sexual conduct;
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to Trinity Basin Preparatory’s education program or activity; or
3. “Sexual assault” as defined in [20 U.S.C. 1091\(f\)\(6\)\(A\)\(v\)](#); “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\(a\)\(30\)](#).

34 C.F.R. 106.30(a).

ix. Supportive Measures

“Supportive measures” means nondisciplinary, nonpunitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to Trinity Basin Preparatory’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or Trinity Basin Preparatory’s educational environment,

or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. Trinity Basin Preparatory must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair Trinity Basin Preparatory's ability to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures. *34 C.F.R. 106.30(a)*.

b) *Requirement to Designate Title IX Coordinator*

Trinity Basin Preparatory must designate at least one employee as a Title IX Coordinator to coordinate Trinity Basin Preparatory's efforts to comply with its requirements under Title IX.

Trinity Basin Preparatory has designated as the following individual as the Title IX Coordinator:

Leah Tucker, General Counsel
2730 N. Hwy. 360
Grand Prairie, Texas 75050
(214) 946-9100
ltucker@trinitybasin.net

c) *Reporting Sex Discrimination / Sexual Harassment*

Any person may report sex discrimination, including sexual harassment, whether or not the reporting person is the person alleged to be the victim of conduct that may constitute sex discrimination or sexual harassment. Reports may be made in person, by mail, by telephone, or by email through the contact information listed for Trinity Basin Preparatory's Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Reports may be made at any time (including during nonbusiness hours) by using the telephone number or email address, or by mail to the office address, listed for the Title IX Coordinator. *34 C.F.R. 106.8(a)*.

d) *Notification of Title IX Policy*

Trinity Basin Preparatory must notify applicants for admission and employment, students, parents or legal guardians of students, and all professional organizations holding professional agreements with Trinity Basin Preparatory of the name or title, office address, email address, and telephone number of the employee or employees designated as the Title IX Coordinator.

Trinity Basin Preparatory must also notify the individuals noted above that Trinity Basin Preparatory does not discriminate on the basis of sex in the education program or activity that it operates, and that it is required under Title IX not to discriminate in such a manner. The notification must also state that the requirement not to discriminate in the education program or activity extends to admission and employment, and that inquiries about the application of Title IX to Trinity Basin

Preparatory may be referred to the designated Title IX Coordinator, to the assistant secretary for civil rights of the Department of Education, or both.

34 C.F.R. 106.8(a), (b)(1).

e) *Handbook Information and Website Postings*

Trinity Basin Preparatory must prominently display the contact information required to be listed for the Title IX Coordinator and the nondiscrimination policy described in “Notification of Title IX Policy,” above, on the Trinity Basin Preparatory website, if any, and in the Employee Handbook and Student / Parent Handbook.

Trinity Basin Preparatory may not use or distribute a publication stating that Trinity Basin Preparatory treats applicants, students, or employees differently on the basis of sex except when such treatment is permitted by Title IX.

34 C.F.R. 106.8(b)(2).

f) *Complaint Procedures*

Trinity Basin Preparatory must adopt and publish procedures that provide for the prompt and equitable resolution of student and employee complaints alleging any action that would be prohibited by Title IX, and a formal Title IX complaint process that complies with applicable federal regulations.

Trinity Basin Preparatory must provide notice to the individuals identified above of the school’s procedures and Title IX formal complaint process, including how to report or file a complaint of sex discrimination, how to report or file a formal complaint of sexual harassment, and how Trinity Basin Preparatory will respond.

The requirements of this provision apply only to sex discrimination occurring against a person in the United States.

34 C.F.R. 106.8(c)-(d).

g) *Relationship to General Non-Discrimination Policy*

The formal complaint investigation and resolution process outlined above applies only to formal complaints alleging sexual harassment under Title IX, but not to complaints alleging sex discrimination that do not constitute sexual harassment. Complaints of sex discrimination that do not constitute sexual harassment may be filed with the Title IX Coordinator and will be handled under Trinity Basin Preparatory’s general process for receiving reports of suspected discrimination and harassment.