

TITLE IX FACT SHEET

Title IX requires that “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...” As such, Title IX of the Education Amendments of 1972 prohibits discrimination based on sex of students and employees of educational institutions that receive federal financial assistance. HILL LEARNING CENTER (“HILL”) is governed by Title IX.

TITLE IX COORDINATOR FOR HILL

The Title IX Coordinator at Hill is:

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WHO IS COVERED BY TITLE IX?

All educational institutions that receive federal financial assistance are affirmatively required to adhere to Title IX regulations. Even if only one of the institution’s programs or activities receives federal funding, all the programs within the institution must comply with Title IX regulations.

FACTS ABOUT TITLE IX

The regulations prohibit sex discrimination with regard to all Hill programs, including:

- Course offerings, classroom access, grading, and other academics
- Student counseling and academic support
- Hiring and retention of employees (staff, faculty, and administration)
- Job related benefits and leave
- Pregnancy

In addition to sex discrimination, Title IX also prohibits sexual misconduct (which includes sexual harassment, gender-based harassment, and sexual violence). Additional information regarding what behaviors may constitute sexual harassment and other forms of sexual misconduct is available in Hill’s Title IX Policy located on its website and in its student and employee handbooks.

Title IX serves to protect the rights of men and women. Title IX requires that males and females receive fair and equal treatment in all educational and employment areas.

Title IX also protects individuals who report sex discrimination and sexual misconduct from retaliation by individuals or by institutions. The reporting of incidents of discrimination is integral to the effective enforcement of Title IX law. Therefore, the protection of complainants, as well respondents, is important. *Retaliation against any individual who reports or makes a complaint about a Title IX violation will not be tolerated at Hill. Hill will impose appropriate corrective action against any individual found to have engaged in acts or threats of retaliation.*

COMPLIANCE WITH TITLE IX – WHO IS RESPONSIBLE?

All Hill employees are required to report instances of alleged violations of Title IX. Without exception, if an employee is not sure if a situation warrants reporting, he/she must seek guidance from the Title IX Coordinator. It is essential that institutions receiving federal financial assistance operate in a nondiscriminatory manner. To ensure Hill's compliance with the law, adherence to Title IX regulations is everyone's responsibility. The penalty for failure to comply with Title IX, in the most extreme circumstances, can include the termination of all or part of an institution's federal funding including grants and student loans. It can also result in the termination of a Hill employee or severe consequences for a student.

REPORTING COMPLAINTS UNDER TITLE IX

Any member of the Hill community who believes he/she has been the victim of sex discrimination, sexual misconduct, or who has witnessed such conduct, should report such misconduct or file an informal or formal complaint with the Hill's Title IX Coordinator. While there is no required format for making a report, forms for this purpose are available on the Hill's website or from the Title IX Coordinator. Any victim of sexual misconduct who would prefer to speak with someone and have them complete a form on their behalf should contact the Title IX Coordinator.

Students who are, or believe they have been, victims of sex discrimination or sexual harassment, including sexual assault or sexual violence on or off campus, whether by Hill employees, contracted services employees, other students or non-community members, are encouraged to request immediate personal support and assistance from the Title IX Coordinator or any other staff member or administrator with whom they feel comfortable. Student complaints concerning sexual assault, sexual violence, or other sexual misconduct may be made on an informal or formal basis with Hill's Title IX Coordinator or with any staff member or administrator with whom they feel comfortable. All complaints filed with or received by any staff or administrator will be forwarded to the Title IX Coordinator, who will direct that an appropriate investigation be conducted.

Employees who believe they are being harassed or discriminated against on account of their sex or gender should promptly make a report to the Title IX Coordinator, to his/her manager, to Human Resources, the Head of School, the Executive Director or to an administrator with whom the individual feels comfortable. Employees should also follow Hill's harassment and discrimination policy.

IMPORTANT FACTS

1. Hill will utilize its best efforts to protect all Hill community members from sex discrimination, gender-based harassment, sexual harassment, sexual assault, and sexual violence.
2. Hill will take affirmative, corrective (but non-punitive or non-disciplinary, at least prior to a formal disposition regarding responsibility), and supportive action whenever it becomes aware of possible sex discrimination, sexual assault, sexual violence, or other sexual misconduct within the Hill community, whether or not a complaint has been made.
3. In order to meet its Title IX obligations and to the extent possible, every effort will be made to keep the details of complaints confidential if requested to do so by a victim of sexual misconduct and to follow Hill's procedures for conducting an investigation and recommendations. As such, every effort should be made to keep the identity of the involved parties confidential to avoid retaliation. However, Hill's ability to strictly observe confidentiality may be compromised where the safety of members of the community is judged to be at risk.
4. The safety and security of all members of the Hill community is a priority matter.
5. The internal investigation of a complaint will be conducted, and a decision rendered, no matter the timeline or outcome of case adjudication by external authorities.

Expanded information concerning sex discrimination, sexual harassment, sexual assault/violence, and Hill's *Title IX Policy and Procedures Governing the Reports and Investigation of Title IX Complaints*, can be found in the 's student and employee handbooks, as well as on the Hill's website.

WHICH FEDERAL AGENCY ENFORCES TITLE IX?

The United States Department of Education's Office for Civil Rights (OCR) is in charge of enforcing Title IX. Information regarding OCR can be found at www.ed.gov/about/offices/list/ocr/index.html.

Title IX Discrimination and Harassment Policies For Students and Employees

Title IX provides that “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.”

It is the policy of Hill Learning Center that students should not be subjected to forms of unlawful discrimination or harassment, while at Hill or Hill-sponsored activities. Furthermore, the policy’s intent is to address the issue in a proactive manner through the establishment of a system for educating students and staff at Hill regarding the identification, prevention, intervention, and reporting of such anti-social acts. Hill acknowledges the dignity and worth of all students and strives to create a safe, orderly, caring and inviting school environment to facilitate student learning and achievement. Hill strives to model an inclusive environment and prohibits discrimination and harassment on the basis of gender or sex, including sexual orientation and LGBTQ+ identification. Hill will not tolerate any form of unlawful discrimination or harassment in any of its educational or employment activities or programs based on such protected classifications.

A. PROHIBITED BEHAVIORS AND CONSEQUENCES

1. Discrimination or Harassment

Students, employees, contractors, volunteers, workshop participants and visitors are expected to behave in a civil and respectful manner. In accordance with Title IX, Hill expressly prohibits discrimination or harassment, based on sex or gender and prohibits sexual harassment (including sexual violence) and gender-based harassment. Sexual harassment is unwelcome conduct of a sexual nature. It includes unwelcome conduct on the basis of sex, requests for sexual favors in exchange for benefits (quid pro quo), and other verbal, nonverbal, or physical conduct of a sexual nature. Sexual violence is a form of sexual harassment. Sexual violence refers to physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent. A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, sexual abuse, and sexual coercion. In accordance with Title IX, Hill also prohibits gender-based harassment, which is unwelcome conduct based on a student’s sex, harassing conduct based on a student’s failure to conform to sex stereotypes.

Sex-based harassment can be carried out by Hill employees, other students, and third parties. All students can experience sex-based harassment, including male and female students, LGBTQ+ students, students with disabilities, and students of different races, national origins, and ages. Title IX protects all students from sex-based harassment, regardless of the sex of the parties, including when they are members of the same sex.

2. Retaliation

Hill prohibits intimidation, threats, coercion, or discrimination against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in

any manner in an investigation, proceeding, or hearing under Title IX. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX, constitutes retaliation. As such, Hill prohibits reprisal or retaliation against any person for reporting or intending to report violations of this policy, supporting someone for reporting or intending to report a violation of this policy, or participating in the investigation of reported violations of this policy. After consideration of the nature and circumstances of the reprisal or retaliation and in accordance with applicable laws, policies, and regulations, the Executive Director or Head of School or their designee shall determine the consequences and remedial action for a person found to have engaged in reprisal or retaliation.

The exercise of rights protected under the First Amendment does not constitute retaliation. Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under Title IX does not constitute retaliation prohibited under this policy, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

B. APPLICATION OF POLICY

This policy prohibits unlawful discrimination or harassment by students, employees, volunteers, contractors, and visitors. This policy is intended to apply to student's vis a via other students, faculty, staff, volunteers/visitors, or contractors. This policy also applies to employees, volunteers/visitors, and contractors. This policy applies to behavior that takes place within Hill's "education program or activity," which includes, but is not necessarily limited to, behavior:

1. in any Hill building or on Hill's premise before, during or after school hours;
2. on any bus or other vehicle as part of any Hill activity;
3. during any Hill-sponsored activity or extracurricular activity;
4. at any time or place when the individual is subject to the oversight and authority of school personnel;
5. at any time or place when the behavior has a direct and immediate effect on maintaining order and discipline in the schools; and
6. while using Hill or personal electronic communications, including employee and student emails, text messaging, instant messaging, chat rooms, blogging, websites and social networking websites (i.e., Snapchat, Instagram or Tik Tok).

C. DEFINITIONS

For purposes of this policy ONLY, the following definitions apply:

1. Discrimination

Discrimination means any act or failure to act that unreasonably and unfavorably differentiates treatment of others based solely on the basis of gender or sex (including transgender and LGBTQ+ identification). Discrimination may be intentional or unintentional.

2. Harassment

Prohibited harassment, including sexual harassment, under this policy means conduct on the basis of sex/gender that satisfies one or more of the following:

- An employee conditioning the provision of an aid, benefit or service on an individual's participation in unwelcome sexual conduct (i.e., quid pro quo)
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to an education program, employment, or activity (i.e., hostile environment)
- Sexual assault (as defined by Clery Act), or "dating violence," "domestic violence" and "stalking" (as defined by Violence Against Women Act).

For purposes of this policy, "hostile environment" means that the harassment is objectively severe and pervasive enough that a reasonable person would agree that it is harassment and must be based on sex or gender. A hostile environment may be created through pervasive or persistent misbehavior if sufficiently severe.

Examples of behavior that may constitute harassment include, but are not limited to, verbal taunts, name-calling and put-downs, epithets, derogatory comments or slurs, lewd propositions, exclusion from peer groups, extortion of money or possessions, implied or stated threats, assault, impeding or blocking movement, offensive touching or any physical interference with normal work or movement, and visual insults, such as derogatory posters or cartoons. Legitimate age-appropriate pedagogical techniques are not considered harassment. Harassment, including sexual or gender-based harassment, is not limited to specific situations or relationships. It may occur between fellow students or co-workers, between supervisors and subordinates, between employees and students, or between non-employees, including visitors, and employees or students. Harassment may occur between members of the opposite sex or the same sex.

Examples of sexually harassing conduct includes, but is not limited to, deliberate, unwelcome touching that has sexual connotations or is of a sexual nature, suggestions or demands for sexual involvement accompanied by implied or overt promises of preferential treatment or threats, pressure for sexual activity, continued or repeated offensive sexual flirtations, advances or propositions, continued or repeated verbal remarks about an individual's body, sexually degrading words used toward an individual or to describe an individual, sexual violence, or the display of sexually suggestive drawings, objects, pictures or written materials. Acts of verbal, nonverbal, or physical aggression, as well as intimidation or hostility based on sex, but not involving sexual activity or language, may be combined with incidents of sexually harassing conduct to determine if the incidents of sexually harassing conduct are sufficiently serious to create a sexually hostile environment.

Gender-based harassment is also a type of harassment. Gender-based harassment may include acts of verbal, nonverbal, or physical aggression, as well as intimidation or hostility based on sex or sex-stereotyping but not involving conduct of a sexual nature.

3. Conduct Not Covered by This Policy

Conduct that does not meet the definitions set forth above in this Title IX Policy are not subject to Hill's Title IX Policy or any reporting/grievance procedures that govern Title IX matters.

However, such conduct may still constitute a violation of other Hill policy, including Hill's Code of Conduct, non-discrimination policy, and bullying policy. Please refer to and follow those policies for such conduct.

TO REPORT A VIOLATION OF THIS POLICY: PLEASE REFER TO THE SCHOOLS TITLE IX REPORTING AND GRIEVANCE POLICY.

This Policy as it pertains to Title IX shall remain in effect to the extent required by law.