

NONDISCRIMINATION STATEMENT

Penrose Academy does not discriminate on the basis of sex and prohibits sex discrimination in any education program or activity that it operates. Individuals may report concerns or questions to the Title IX Coordinator. The notice of nondiscrimination is located at penrose.edu.

NOTICE OF NONDISCRIMINATION

Penrose Academy complies with Title IX of the Education Amendments of 1972 and its implementing regulations, which prohibit discrimination based on sex, gender identity, and sexual orientation in any education program or activity receiving federal financial assistance. This includes admissions and employment.

Inquiries about Title IX may be referred to Penrose Academy's Title IX Coordinator, the U.S. Department of Education's Office for Civil Rights, or both.

TITLE IX COORDINATOR AND CONTACT INFORMATION

Title IX Coordinator: Andria Young, Director of Student Services

Deputy Coordinators: Haleigh Trout, Steffi Toth

Location: 13402 N Scottsdale Road, Suite B-160

Email: [Penrose Compliance](mailto:PenroseCompliance@penrose.edu)

Phone: (480) 222-9540 ext. 204

Contact details are also located at penrose.edu/consumer-disclosures.

PURPOSE

This policy outlines Penrose Academy's procedures to prevent and respond to sex-based discrimination, including sexual harassment, sexual violence, dating and domestic violence, and stalking, in compliance with Title IX regulations.

SCOPE

This policy applies to all members of the Penrose Academy community—students, faculty, staff, vendors, and visitors—within the United States, in connection with any Academy program or activity.

DEFINITIONS

- **Complainant:** An individual who is alleged to be the victim of conduct that could constitute sex discrimination.
- **Respondent:** An individual who is reported to be the perpetrator of conduct that could constitute sex discrimination.
- **Formal Complaint:** A document filed by a complainant or signed by the Title IX Coordinator alleging sex discrimination and requesting an investigation.

- Supportive Measures: Non-disciplinary, non-punitive services offered to the complainant or respondent to ensure equal access to education.
- Consent: A knowing, voluntary, and mutual agreement to engage in sexual activity. Consent must be clear, ongoing, and cannot be obtained by force, coercion, or incapacitation.

PROHIBITED CONDUCT

- Quid Pro Quo Harassment: When an employee conditions the provision of an educational benefit or service on an individual's participation in unwelcome sexual conduct.
- Hostile Environment: Unwelcome conduct that is so severe, pervasive, and objectively offensive that it denies a person equal access to an education program or activity.
- Sexual Assault, Dating Violence, Domestic Violence, and Stalking** as defined in the Violence Against Women Act (VAWA).
- Sexual Misconduct: Includes inappropriate or unwanted sexual behavior, including nonconsensual sexual contact or intercourse.
- Retaliation: Intimidation, threats, coercion, or discrimination against any person for the purpose of interfering with any right or privilege under Title IX.
- Hazing: Conduct that endangers the health or safety of a student for initiation or membership in a group. When sex-based, this may constitute discrimination under Title IX.

FALSE REPORTS

Knowingly making a false report or providing false information in a Title IX matter is a violation of Penrose Academy policy and may lead to disciplinary action.

CONFIDENTIAL RESOURCES

Confidential resources are available and are not required to report disclosures to the Title IX Coordinator. These may include counselors, health service providers, and certain designated staff. See penrose.edu for contacts.

SUPPORTIVE MEASURES

Supportive measures may include academic adjustments, schedule changes, counseling referrals, and mutual no-contact orders. These are available to either party and provided regardless of whether a formal complaint is filed, to preserve equal access without unreasonably burdening the other party.

EMERGENCY REMOVAL

A respondent may be removed on an emergency basis after an individualized safety and risk analysis determines an immediate threat to health or safety. The respondent will be notified and given an opportunity to challenge the removal immediately afterward.

MANDATORY & DISCRETIONARY DISMISSAL

Mandatory dismissal:

- The alleged conduct, even if proven, does not constitute sexual harassment.
- The conduct did not occur in the Academy's program or activity.
- The conduct occurred outside the United States.

Discretionary dismissal:

- The complainant withdraws the complaint in writing.
- The respondent is no longer enrolled or employed.
- Circumstances prevent sufficient evidence collection.

Dismissals will be communicated to all parties, who will be given the opportunity to appeal.

GRIEVANCE PROCEDURES

- Written notice of allegations to both parties.
- Presumption of non-responsibility.
- Opportunity to present evidence and identify witnesses.
- Equal access to evidence and findings.
- Impartial decisionmaker, separate from investigator or Coordinator.
- Rape shield protections limiting irrelevant sexual history evidence.
- Protection of privileged records unless written consent is provided.
- Written outcome determination and rationale.
- Right to appeal based on procedural error, new evidence, or bias.

HEARING PROCEDURES AND REQUIREMENTS**1. Hearing Format**

- A live hearing is held after the investigation.
- May occur in person or via video.
- Overseen by a neutral decisionmaker.

2. Notice of Hearing

- Parties will receive date, time, location, and participant info.
- May object to conflict of interest.

3. Advisors

- Each party may bring an advisor (including attorney).
- If no advisor, one will be provided for cross-examination.

4. Cross-Examination

- Conducted only by advisors.
- Irrelevant questions excluded by decisionmaker with rationale.
- Refusal to answer will not imply guilt.

5. Evidence and Records

- Only relevant, permissible evidence considered.
- Hearing recordings or transcripts maintained.

STANDARD OF EVIDENCE

Penrose Academy uses the ****clear and convincing evidence**** standard for all Title IX complaints and applies this standard consistently across all comparable proceedings.

APPEALS

Appeals may be submitted based on:

- Procedural irregularity
- New evidence
- Conflict of interest or bias

INFORMAL RESOLUTION

Informal resolution may be offered if both parties voluntarily agree in writing. Not available where the respondent is an employee and the complainant is a student.

DISCIPLINARY SANCTIONS AND REMEDIES

Sanctions may include:

- Warning
- Schedule modifications
- Suspension or expulsion
- Termination of enrollment or employment

Remedies for complainants may include:

- Academic or housing adjustments
- Counseling or medical services
- No-contact orders or schedule changes

RECORDKEEPING

Records related to complaints, investigations, outcomes, supportive measures, and training are kept for a minimum of seven years.

TRAINING

All Title IX personnel receive training on:

- Sexual harassment definitions
- Grievance procedures, including investigations, hearings, and appeals
- Impartiality, avoiding bias or conflicts of interest

Training materials are publicly posted at penrose.edu or available upon request.

HEARING RULES OF DECORUM

- Advisors may not speak outside of cross-examination.
- All participants must act professionally.
- The decisionmaker may remove or mute disruptive participants.

These standards apply equally to all participants, including parents or guardians.

RETALIATION

Retaliation against individuals who report concerns or participate in Title IX processes is strictly prohibited and may result in disciplinary action.