

## Title IX Policy

### **A. Nondiscrimination Policy & Notice of Nondiscrimination ((§ 106.8(b)–(c))**

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.”

NGA 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, including in admissions and employment.

It is the policy of NGA that students should not be subjected to forms of unlawful discrimination or harassment, while at NGA or NGA-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 NGA regarding the identification, prevention, intervention, and reporting of such anti-social acts. NGA acknowledges the dignity and worth of all students and strives to create a safe, orderly, caring and inviting NGA environment to facilitate student learning and achievement. NGA strives to model an inclusive environment and prohibits discrimination and harassment on the basis of gender or sex, including sexual orientation and LGBTQ+ identification. NGA 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.

Inquiries about Title IX may be referred to NGA’s Title IX Coordinator (Dawn Moreland, Counselor), the U.S. Department of Education’s Office for Civil Rights, or both.

NGA’S Title IX Coordinator is Dawn Moreland, Counselor, and can be reached at [morelandd@nextgenerationacademy.net](mailto:morelandd@nextgenerationacademy.net); 336.271.9030.

NGA’s nondiscrimination policy and grievance procedures can be located at: <https://www.ngagso.org/titleix>.

To report information about conduct that may constitute sex discrimination or make a complaint of sex discrimination under Title IX, please go to <https://www.ngagso.org/titleix>.

### **B. Purpose**

NGA prohibits discrimination on the basis of sex and gender, including any form of sexual harassment as that term is defined under Title IX, in any education program or activity of NGA. NGA takes seriously all reports and Formal Complaints of sexual harassment. NGA does not discriminate on the basis of sex and gender in its education programs or activities, including admission and employment, in accordance with Title IX of the Education Amendments Act of 1972 and federal regulations.

Any person with questions about this policy should contact NGA’s Title IX Coordinator, Dawn Moreland, [morelandd@nextgenerationacademy.net](mailto:morelandd@nextgenerationacademy.net) whose information is listed at <https://www.ngagso.org/titleix>.

### **C. Prohibited Behaviors**

Students, employees, contractors, volunteers and visitors are expected to behave in a civil and respectful manner. In accordance with Title IX, NGA 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, NGA 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 NGA 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.

#### **D. Retaliation Prohibited**

NGA 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, NGA 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 Head of NGA or 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.

#### **E. 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 NGA's "education program or activity," which includes, but is not necessarily limited to, behavior:

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

**F. Title IX Coordinator, Dawn Moreland, Counselor**

The Title IX Coordinator is responsible for monitoring the overall implementation of Title IX for NGA and coordinating the institution's compliance with Title IX in all areas covered by the implementing regulations. The major responsibility is the prevention of sexual harassment and discrimination. Other major monitoring duties include, but are not limited to, the following recruitment and admissions, educational programs and activities, hiring and employment. Other areas of consideration include:

- Participating in the development and implementation of NGA's sexual harassment policy.
- Assisting faculty, counselors and administrators in complying with Title IX, and when a need arises, planning remedial actions.
- Making your presence known in the community by disseminating civil rights information or by speaking at parent-teacher group meetings, social or professional organization meetings, and other community functions.
- Serving as a resource on Title IX/gender issues.
- Monitoring and evaluating NGA's Title IX compliance efforts and making recommendations for any appropriate changes.
- Providing updated information to NGAs on Title IX implementation and issues.
- Identifying and disseminating information about Title IX educational resources (organizations, individuals, print, internet, and audio-visual)

**G. Notice of Nondiscrimination**

The designated Title IX Coordinator (Dawn Moreland) is responsible for providing effective notice to job applicants, student applicants, students, parents, and employees of the procedures for reporting and investigating complaints of unlawful sex/gender discrimination and harassment. This policy will be posted on NGA's website, and copies of the policy are available at the front office. Notice of this policy will appear in all job applicant information, admissions information, student and employee handbooks, and in any NGA publication that sets forth the comprehensive rules, procedures, and standards of conduct for students and employees.

## **H. Confidentiality**

The recipient, whether a NGA employee, staff member, contractor, or the Title IX Coordinator, must keep confidential the identity of any individual who has made a report or complaint of sex/gender discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the FERPA or as required by law, or to carry out the purposes of Title IX, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder. Complaints alleging retaliation may be filed according to the Title IX grievance procedures.

The Title IX Coordinator (Dawn Moreland) shall maintain confidential records of complaints or reports of unlawful discrimination or harassment. The records will identify the names of all individuals accused of such offenses and the resolution of such complaints or reports. The Title IX Coordinator also shall maintain records of training conducted and corrective action(s) or other steps taken by NGA to provide an environment free of unlawful discrimination or harassment. The CEO shall report to the Board all verified cases of unlawful discrimination or harassment under NGA's Title IX Policy.

## **I. Remedies and Disciplinary Sanctions**

When a Respondent is found responsible for sexual harassment, NGA will offer all remedies needed to eliminate the harm to the Complainant and NGA community and prevent the recurrence of sexual harassment. Simply sanctioning a Respondent found responsible, in some cases, may be insufficient to eliminate a hostile environment. Rather, in addition to sanctions, NGA may consider offering appropriate remedies for the broader student/staff population after the final outcome, including the following:

- Training or retraining NGA employees on NGA's responsibilities to address allegations of sexual violence and how to conduct Title IX investigations;
- Developing materials on sexual harassment, which should be distributed to all staff and students;
- Conducting bystander intervention and sexual harassment prevention programs with students and/or staff;
- Issuing policy statements or taking other steps that clearly communicate that NGA does not tolerate sexual harassment and will respond to any incidents and to any student who reports such incidents;
- Conducting, in conjunction with student leaders, NGA climate check to assess the effectiveness of efforts to ensure that NGA is free from sexual violence, and using that information to inform future proactive steps that NGA will take;
- Targeted training for a group of students if, for example, the sexual harassment created a hostile environment (i.e., on an athletic team);
- When NGA is unable to conduct a full investigation into a particular incident (i.e., when it received a general report of sexual violence without any personally identifying information), it should consider remedies for the broader student population in response.

### **Disciplinary sanctions include:**

- A. **For Students found responsible:** verbal warning, written warning, interim suspension, restitution, suspension, exclusion, expulsion, required participation in

appropriate training, counseling, required completion of a probationary period without additional infractions, or requiring the respondent to stay away from the complainant for a period of time.

B. For Employees found responsible: sanctions for violations of Title IX vary depending on severity from formal written warning to dismissal.

**J. Policy Application**

This policy shall remain in effect as long as required by law.

# Title IX Grievance Procedures

## I. Introduction and Scope

NGA has adopted grievance procedures that provide for the prompt and equitable resolution of complaints made by students, employees, or other individuals who are participating or attempting to participate in its education program or activity, or by the Title IX Coordinator, alleging an action that would be prohibited by Title IX or the Title IX regulations.

These procedures apply to complaints involving alleged violations of Title IX occurring within the NGA's education programs or activities. These procedures shall be used to address incidents occurring on or after August 1, 2024. This procedures may be modified to comply with the law or regulations.

## II. Definitions.

The terms below have the following definitions:

*Complainant* means 1) A student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or its regulations; or (2) A person other than a student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or its regulations and who was participating or attempting to participate in the recipient's education program or activity at the time of the alleged sex discrimination.

*Complaint* means an oral or written request to the recipient (i.e., NGA) that objectively can be understood as a request for the recipient to investigate and make a determination about alleged discrimination under Title IX or its regulations).

*Decisionmaker* means an individual or individuals who assess the relevant evidence, including party and witness credibility, to determine whether NGA has met its burden of proof showing the respondent to be responsible for the alleged sex-based discrimination.

*Disciplinary sanctions* mean consequences imposed on a respondent following a determination under Title IX that the respondent violated the recipient's prohibition on sex discrimination.

*Recipient* means any State or political subdivision thereof, or any instrumentality of a State or political subdivision thereof, of any public or private agency, institution, or organization, or other entity, or any person, to whom Federal financial assistance is extended directly or through another recipient and that operates an education program or activity that receives such assistance.

*Remedies* means measures provided as appropriate, to a complainant or any other person the recipient identifies as having had their equal access to the recipient's education program or activity limited or denied by sex discrimination. These measures are provided to restore or preserve that person's access to the recipient's education program or activity after a recipient determines that sex discrimination occurred.

*Respondent* means an individual who has been alleged to have violated the recipient's prohibition on sex discrimination.

*Retaliation* means intimidation, threats, coercion, or discrimination against any person by the recipient, a student, or an employee or other person authorized by the recipient to provide aid, benefit, or service under the recipient's education program or activity, for the purpose of interfering with any right or privilege secured by Title IX or its regulations, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under the Title IX regulations.

*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 recipient to provide an aid, benefit, or service under the recipient'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 recipient's education program or activity (i.e., creates a hostile environment); or

(3) Sexual assault as defined in the Clery Act, or dating violence, domestic violence, or stalking as defined in the Violence Against Women Act.

*Supportive Measures* are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, without fee or charge, to the complainant or respondent to restore or preserve the party's right to access the education program/activity or to provide support during the grievance procedures or during an informal resolution process.

*Title IX Coordinator (Dawn Moreland)* is the employee designated by NGA to coordinate its efforts to comply with the Title IX responsibilities.

*Days* shall be NGA days.

### **III. Requirements of Title IX Grievance Procedures**

- A. NGA will treat complainants and respondents equitable.
- B. NGA requires that any Title IX Coordinator, investigator, or decisionmaker not have a conflict of interest or bias for or against complainants or respondents generally or an individual; complainant or respondent. The decisionmaker may be the same person as the Title IX Coordinator or Investigator.
- C. NGA presumes that the respondent is not responsible for the alleged sex discrimination until a determination is made at the conclusion of the grievance procedures.

- D. NGA has established timeframes for the major stages of the grievance procedures set forth below.
- E. NGA has also established process that allows for the reasonable extension of timeframes on a case-by-case basis for good cause with notice to the parties that include the reason for the delay.
- F. NGA will take reasonable steps to protect the privacy of the parties and witnesses during the grievance procedure. These steps will not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses; consulting with their family members, confidential resources, or advisors; or otherwise prepare for or participate in the grievance procedures. The parties cannot engage in retaliation, including against witnesses.

#### **IV. Timeframes and Extensions of Time.**

Generally, NGA will adhere to the following timelines for the major stages of grievance process:

1. Evaluation - The Title IX Coordinator (Dawn Moreland) will determine whether to dismiss a complaint or investigate it within 10 days of receiving the complaint.
2. Investigation - The investigator will generally complete the investigation within 30 days of the Title IX Coordinator's decision to investigate the complaint. Once the Title IX Coordinator or investigator provides the parties with access to the evidence or description of the evidence, the parties will have 5 days to respond to the evidence.
3. Determination - After the parties submit their response or the 5-day timeline for doing so expires, the appointed decisionmaker will have 10 days to consider the relevant (and not impermissible) evidence and issue a determination as to whether sex discrimination occurred.
4. Appeal - Either party may appeal the decisionmaker's determination, in writing, within 5 days of receiving the determination. Appeals of dismissal of the complaint must be filed within 5 days of receiving notice of dismissal. Whether the respondent will be notified of the dismissal and the right to appeal will depend on whether the dismissal occurs before or after the respondent receives notice of the allegations.

The above timelines may be extended for good cause, with approval from the Title IX Coordinator and written notice to both parties. The notice to the parties will include the reason for the delay. Thereafter, the Title IX Coordinator will keep the parties informed on a regular basis.

Whether there is good cause for an extension is determined at the discretion of the Title IX Coordinator. An ongoing criminal investigation involving the conduct that is the subject of the complaint may be good cause to extend the above timelines. While NGA will not wait for the conclusion of a criminal investigation or criminal proceeding to being its own Title IX investigation, it may temporarily delay the investigation while the police are gathering evidence and actively investigating.



## **V. Evidence.**

The following types of evidence and questions seeking that evidence are impermissible, meaning regardless of whether they are relevant, they will not be accessed or considered, except by NGA to determine whether one of the exceptions listed below applies:

- Evidence that is protected under a privilege recognized by Federal or State law or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
- A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless [NGA] obtains that party's or witness's voluntary, written consent for use in its grievance procedures; and
- Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.

## **VI. Filing a Complaint**

The following people have a right to make a complaint of sex discrimination, including complaints of sex-based harassment, requesting that NGA investigate and make a determination about alleged discrimination under Title IX:

- A "complainant," which includes:
  - a student or employee of NGA who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX;
  - a person other than a student or employee of NGA who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX at a time when that individual was participating or attempting to participate in NGA education program or activity;
  - A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant; or
  - NGA's Title IX Coordinator, Dawn Moreland.

Reports can be made in person, via telephone, or by emailing the Title IX Coordinator (Dawn Moreland). Formal complaints can be made by emailing Dawn Moreland at [morelandd@nextgenerationacademy.ent](mailto:morelandd@nextgenerationacademy.ent).

NGA may consolidate complaints of sex discrimination against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, when the allegations of sex discrimination arise out of the same facts or circumstances.

## **VII. Notice of Allegations**

Upon initiation of the Title IX grievance procedures, NGA will notify both parties of the following:

- Title IX grievance procedures and any informal resolution process;
- Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), the conduct alleged to constitute sex discrimination, and the date(s) and location(s) of the alleged incident(s);
- Retaliation is prohibited; and
- The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an accurate description of this evidence.

If, in the course of an investigation, NGA decides to investigate additional allegations of sex discrimination by the respondent toward the complainant that are not included in the notice provided or that are included in a complaint that is consolidated, NGA will notify the parties of the additional allegations.

### **VIII. Dismissal of a Complaint**

NGA may dismiss a complaint of sex discrimination if:

- NGA is unable to identify the respondent after taking reasonable steps to do so;
- if the respondent is not participating in NGA's education program or activity and is not employed by NGA;
- the complainant voluntarily withdraws any or all of the allegations in the complaint, the Title IX Coordinator declines to initiate a complaint, and NGA determines that without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination under Title IX, even if proven; or
- NGA determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination under Title IX. Before dismissing the complaint, NGA will make reasonable efforts to clarify the allegations with the complainant.

Upon dismissal, NGA will promptly notify the complainant of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, NGA will also notify the respondent of the dismissal and the basis for dismissal promptly following notification to the complainant, or simultaneously if notification is in writing.

NGA will also notify the complainant that a dismissal may be appealed and will provide the complainant with an opportunity to appeal the dismissal of the complaint. If the dismissal occurs after the respondent has been notified of the allegations, then NGA will also notify the respondent that the dismissal may be appealed.

Dismissals may be appealed on the following grounds:

- A procedural irregularity that would change the outcome;
- New evidence that would change the outcome and that was not reasonably available when the dismissal was made; and/or
- The Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.

If the dismissal is appealed, NGA will do the following:

- Notify the parties of any appeal, including noticed of the allegations, if notice was not previously provided to the respondent;
- Implement appeal procedures equally for all parties;
- Ensure that the decisionmaker for the appeal has been trained consistent with the Title IX regulations;
- Provide the parties a reasonable and equitable opportunity to make a statement in support of, or challenging, the outcome; and

- Notify the parties of the result of the appeal and the rationale for the results.

When a complaint is dismissed, NGA will, at a minimum:

- Offer supportive measures to the complainant as appropriate;
- If the respondent has been notified of the allegations, also offer supportive measures to the respondent as appropriate; and
- Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that sex discrimination does not continue or recur with NGA's education program or activity.

### **IX. Investigation**

NGA will provide for adequate, reliable, and impartial investigation of complaints. The burden is on NGA—not the parties—to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred. The investigation may include but is not limited to documentary evidence, interviews, statements, video, photos and any other relevant information not otherwise impermissible.

NGA will provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and not otherwise impermissible.

NGA will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance.

NGA will provide each party with an equal opportunity to access the evidence that is relevant to the allegations of sex discrimination and not otherwise impermissible, in the following manner:

- NGA will provide an equal opportunity to access either the relevant and not otherwise impermissible evidence, or an accurate description of this evidence. [If NGA provides a description of the evidence, NGA will provide the parties with an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party;
- NGA will provide a reasonable opportunity to respond to the evidence or the accurate description of the evidence; and
- NGA will take reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained solely through the grievance procedures. Disclosures of such information and evidence for purposes of administrative proceedings or litigation related to the complaint of sex discrimination are authorized.

### **X. Questioning the Parties and Witnesses**

Nothing in this provision shall require an Investigator who is also serving as the Decisionmaker to reinterview any party or witnesses.

If the investigator and decisionmaker are two separate individuals, the decisionmaker will have the opportunity to question the parties and witnesses to adequately assess a party's or witness' credibility, to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex discrimination. If the investigator and decisionmaker are the same person, then the decisionmaker will have already had the opportunity to question the parties and witnesses during the investigation.

## **XI. Determination**

Following an investigation and evaluation of all relevant and not otherwise impermissible evidence, NGA will:

- Use the preponderance of the evidence standard to determine whether sex discrimination occurred. The decisionmaker must evaluate relevant and not otherwise impermissible evidence for its persuasiveness. If the decisionmaker is not persuaded under the applicable standard by the evidence that sex discrimination occurred, whatever the quantity of the evidence is, the decisionmaker must not determine that sex discrimination occurred.
- Notify the parties in writing of the determination of whether sex discrimination under Title IX occurred, including the rationale for such determination, and the procedures and permissible bases for the complainant and respondent to appeal, if applicable:
- Not impose discipline on a respondent for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the grievance procedures that the respondent engaged in prohibited sex discrimination.
- If there is a determination that sex discrimination occurred, the Title IX Coordinator will, as appropriate:
  - Coordinate the provision and implementation of remedies to a complainant and other people NGA identifies as having had quality access to NGA's education program or activity limited or denied by sex discrimination;
  - Coordinate the imposition of any such disciplinary sanctions on a respondent, including notification to the complainant of any such disciplinary sanctions; and
  - Take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur with NGA's education program or activity.
- Comply with the grievance procedures before the imposition of any disciplinary sanctions against a respondent, and
- Not discipline a party, witness, or others participating in the grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the determination of whether sex discrimination occurred.

## **XII. Appeal of Determination**

NGA offers the following process for appeals from a determination of whether sex discrimination occurred.

If either party disagrees with the decisionmaker's determination, the party may file an appeal, in writing, within 5 NGA days of receiving the written determination.

A party may appeal the determination only on the following bases:

1. Procedural irregularity that would change the outcome;
2. New evidence that would change the outcome and that was not reasonably available when the determination was made; and
3. The Title IX Coordinator (Dawn Moreland), investigator, or decisionmaker had a conflict of interest or bias for or against complainants or respondents generally, or bias for or against the individual complainant or respondent, which would change the outcome.

The complainant may not challenge the ultimate disciplinary sanction/consequence imposed. No new evidence may be submitted during the appeal process.

If a party appeals the determination, the Title IX Coordinator (Dawn Moreland) will:

1. Notify the parties of the appeal;
2. Implement appeal procedures equally for the parties;
3. Appoint an appeal decisionmaker, who shall not be the same person as the Title IX Coordinator, investigator, or decisionmaker;
4. Provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the determination;
5. Provide the appeal decisionmaker with relevant and not otherwise impermissible evidence, any responses submitted to the investigator related to the evidence, and the decisionmaker's written determination; and
6. Notify the parties, in writing, of the result of the appeal and the appeal decisionmaker's rationale. If a party files an appeal, the appeal decisionmaker will establish a timeline for each party to submit a statement in support of their position that they want the appeal decisionmaker to consider in making a decision. Once the appeal decisionmaker receives the statements or the timeline for submitting such statements expires, the appeal decisionmaker will have 10 days to issue a decision. The decision will be issued in writing and sent to the parties and Title IX Coordinator.

### **XIII. Informal Resolution**

In lieu of resolving a complaint through NGA's Title IX grievance procedures, the parties may instead elect to participate in an informal resolution process. NGA does not offer informal resolution to resolve a complaint that includes allegations that an employee engaged in sex-based harassment of an elementary or secondary NGA student, or when such a process would conflict with federal, state or local law.

Before initiating the process, NGA must provide notice to the parties that explains:

1. The allegations;
2. The requirements of the informal resolution process;
3. That prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and initiate or resume NGA's grievance procedures;
4. That the parties' agreement to a resolution at the conclusion of the informal resolution process would preclude the parties from initiating or resuming grievance procedures arising from the same allegations;
5. The potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the parties; and
6. What information NGA will maintain and whether and how NGA may disclose such information for use in grievance procedures, if the grievance procedures are initiated or resumed.

The person who facilitates the informal resolution process shall not be the same person who serves as the investigator, decisionmaker, or appeal decisionmaker with respect to this particular complaint. Any person designated to facilitate an informal resolution process must not have a conflict of interest or bias for or against complainants or respondents generally or for or against an individual complainant or respondent.

Potential terms that may be included in an informal resolution agreement include, but are not limited to: 1. Restrictions on contact; and 2. Restrictions on the respondent's participation in one or more of NGA's programs or activities, including restrictions NGA

could have imposed as remedies or disciplinary sanctions had NGA determined at the conclusion of the grievance process that sex discrimination occurred. Even if the parties reach an informal resolution agreement, the Title IX Coordinator must, to the extent necessary, also take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within NGA's education program or activity.

#### **XIV. Emergency Removal and Administrative Leave**

NGA may remove a respondent from NGA's education program or activity on an emergency basis during the grievance process or informal resolution process, if NGA undertakes an individualized safety and risk analysis, determines that an imminent and serious threat to the health or safety of a complainant or any students, employees, or other persons arising from the allegations of sex discrimination justifies removal, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal. NGA's authority to remove a respondent on an emergency basis does not modify any rights the respondent may have under Section 504 of the Rehabilitation. NGA may place an employee respondent on administrative leave during the grievance process.

#### **XV. Disciplinary Sanctions and Remedies**

Following a determination that sex-based harassment occurred, NGA will take prompt and reasonable steps to end the sex discrimination, prevent its recurrence, and remedy its effects.

NGA may impose disciplinary sanction as set forth in the Student Code of Conduct, NGA policy, and state and federal laws, as applicable. For Employees, NGA may impose the full range of discipline, including nonrenewal or termination, as set forth in the Employee Handbook, NGA Policy, and state and federal laws, as applicable.

#### **XVI. Students with Disabilities**

If a party to a complaint is a student with a disability, the Title IX Coordinator must consult with one or more members of the IEP Team or Section 504 Team throughout the grievance process, including before any emergency removal of the student and when determining appropriate supportive measures and remedies. NGA will comply with the requirements of the IDEA and Section 504 in implementing this Policy, including the requirement that a manifestation determination review be conducted within 10 days of a decision to change the placement of a student with a disability because of a violation of a code of student conduct. See 34 CFR § 300.530.

#### **XVII. Training**

*1. All employees* – All NGA employees must be trained on:

- a. NGA's obligation to address sex discrimination in its education program or activity;
- b. The scope of conduct that constitutes sex discrimination under Title IX;
- c. All applicable notification and information requirements under Title IX, including:
  - (i) When a student or a person with the legal right to act on behalf of the student informs any employee of the student's pregnancy or related conditions, the employee's responsibility to provide the person with the Title IX Coordinator's contact information and inform the person that the Title IX Coordinator can coordinate specific actions to prevent sex discrimination and ensure the student's equal access to NGA's education program or activity; and
  - (ii) The employee's responsibility to notify the Title IX Coordinator when the employee has information about conduct that reasonably may constitute sex discrimination under Title IX.

*2. Investigators, decisionmakers, and other persons who are responsible for implementing the grievance procedures or who have the authority to modify or terminate supportive measures* – In addition to the training for all employees, these individuals must be trained on the following topics to the extent related to their responsibilities, including:

- a. NGA’s obligations under § 106.44, including the obligation to respond promptly and effectively when NGA has knowledge of conduct that reasonably may constitute sex discrimination in its education program or activity;
- b. NGA’s grievance procedures;
- c. How to serve impartially, including avoiding prejudgment of the facts at issue, conflicts of interest, and bias; and
- d. The meaning and application of the term “relevant” in relation to questions and evidence, and the types of evidence that are impermissible regardless of relevance.

*3. Facilitators of informal resolution* – In addition to the training for all employees, all facilitators of informal resolution must be trained on the rules and practices associated with NGA’s informal resolution process and on how to serve impartially, including by avoiding conflicts of interest and bias.

*4. Title IX Coordinators and designees* – In addition to the training for all employees, the Title IX Coordinator and designees must be trained on their specific responsibilities under Title IX, NGA’s recordkeeping system, the recordkeeping requirements under Title IX, and any other training necessary to coordinate NGA’s compliance with Title IX.

#### **XVIII. Recordkeeping Requirements**

NGA must maintain for a period of at least 7 years:

1. For each complaint of sex discrimination, records documenting the informal resolution process or the grievance procedures and the resulting outcome;
2. For each notification the Title IX Coordinator receives of information about conduct that may reasonably constitute sex discrimination under Title IX, records documenting the actions NGA took to meet its obligations under Title IX; and
3. All training materials must also be made available to members of the public upon request.

# Title IX Notice

Title IX of the Education Amendments of 1972 (“Title IX”) prohibits discrimination on the basis of sex in any federally funded education program or activity. Sexual harassment, which includes sexual assault and other sexual misconduct, is a form of sex discrimination. Under the Next Generation Academy’s Policy, NGA prohibits sexual harassment, sexual assault, sexual exploitation, stalking and retaliation. NGA complies with Title IX and has appointed **Ms. Dawn Moreland, Counselor**, as the Title IX Coordinator with overall responsibility for Title IX compliance. She can be reached at 336.271.9030 and/or [morelandd@nextgenerationacademy.net](mailto:morelandd@nextgenerationacademy.net).

Any student, employee, or applicant for employment or admission to NGA who believes that he or she has been discriminated against on the basis of sex, in violation of Title IX, or has been a victim of sexual assault, sexual harassment, or other sexual misconduct, may file a complaint with the Title IX Coordinator, Ms. Dawn Moreland. The Title IX Coordinator will assist the complainant in identifying the appropriate NGA’s policy (with its grievance procedure) to resolve the complaint in a prompt and equitable manner. The Title IX Coordinator may consult with other School administrators, as needed, to resolve the complaint in the most effective manner.

The Title IX Coordinator is knowledgeable and trained in state and federal laws that apply to matters of sexual assault, sexual harassment, and other sexual misconduct, as well as School policy and procedure.



# **TITLE IX FACT SHEET**

## **NEXT GENERATION ACADEMY (NGA)**

**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. Next Generation Academy is governed by Title IX.

### **TITLE IX COORDINATOR FOR NEXT GENERATION ACADEMY (NGA)**

**The Title IX Coordinator** at Next Generation Academy (NGA) is:

NAME: **Dawn Moreland**

ADDRESS: 3740 S. Holden Road, Greensboro, NC 27406

PHONE: 336.271.9030

EMAIL: [morelandd@nextgenerationacademy.net](mailto:morelandd@nextgenerationacademy.net)

### **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 of the programs within the institution must comply with Title IX regulations.

### **FACTS ABOUT TITLE IX**

Athletic departments are not the only component of Next Generation Academy governed by Title IX. The regulations prohibit sex discrimination with regard to all 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 NGA’s Title IX Policy located on its website and in its student, faculty, 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 NGA. NGA 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 employees of NGA 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, Dawn Moreland.** It is essential that institutions receiving federal financial assistance operate in a nondiscriminatory manner. To ensure the NGA'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 an NGA employee or severe consequences for a student.

### **REPORTING COMPLAINTS UNDER TITLE IX**

**Any member of NGA's 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 NGA's Title IX Coordinator. While there is no required format for making a report, forms for this purpose are available on the NGA'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 NGA 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 NGA's Title IX 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 (Dawn Moreland), to

his/her supervisor, to Human Resources, the CEO, or to the principal with whom the individual feels comfortable. Employees should also follow NGA's harassment and discrimination policy.

### **IMPORTANT FACTS**

1. NGA will utilize its best efforts to protect all NGA community members from sex discrimination, gender-based harassment, sexual harassment, sexual assault, and sexual violence.
2. NGA 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 NGA 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 NGA'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, NGA'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 NGA 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 NGA's *Title IX Policy and Procedures Governing the Reports and Investigation of Title IX Complaints*, can be found in the NGA's student, faculty and employee handbooks, as well as on the NGA'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](http://www.ed.gov/about/offices/list/ocr/index.html).

# TITLE IX

## COORDINATOR'S DUTIES, NOTICE, REPORTING AND GRIEVANCE POLICY

This Policy sets forth NGA's Notice, Reporting and Grievance policy for Title IX matters and should be read in conjunction with NGA's Title IX policy. This Policy only pertains to Title IX and alleged violations of Title IX. It does not apply to any other type of discrimination, harassment or bullying. Please refer to NGA's other policies, including Non-Discrimination and Harassment Policy, and student conduct policies when Title IX does not apply.

NGA's Title IX Coordinator is: **Ms. Dawn Moreland, Counselor**  
[morelandd@nextgenerationacademy.net](mailto:morelandd@nextgenerationacademy.net). 336.271.9030

### A. TRAINING AND PROGRAMS

The designated Title IX Coordinator (*Ms. Dawn Moreland*) shall establish training and other programs that are designed to help eliminate unlawful discrimination or harassment and foster an environment of understanding and respect for all members of the school community. Information about this policy and the related complaint procedure must be included in the training plan. The training or programs should:

- (1) provide examples of behavior that constitutes unlawful discrimination or harassment;
- (2) teach employees to identify groups that may be the target of unlawful discrimination, or harassment; and
- (3) train school employees to be alert to locations where such behavior may occur, including locations within school buildings, at school bus stops, on cell phones and on the Internet.

In addition, training of Title IX personnel, including the Title IX Coordinator, Investigator(s) and Decision-maker(s), must include training:

1. On the definition of the definitions of prohibited conduct, including sexual harassment;
2. The scope of NGA's education program or activity;
3. How to conduct an investigation;
4. The grievance process including appeals, and informal resolution processes;
5. How to serve impartially, including by avoiding prejudice of the facts at issue, conflicts of interest, and bias;

6. Relevance, including how to apply the rape shield protections provided only for complainants.

Moreover, training for Title IX personnel, including the Coordinator, Investigator(s), Decision-makers, and any person who facilitates an informal resolution process, must not rely on sex stereotypes and must promote impartial investigations and adjudications of sexual harassment. NGA will post materials used to train Title IX personnel on the website for a minimum of seven (7) years after posted, if any, or make materials available for members of the public to inspect.

## **B. NOTICE**

The designated Title IX Coordinator is responsible for providing effective notice to job applicants, student applicants, students, parents, and employees of the procedures for reporting and investigating complaints of unlawful sex/gender discrimination and harassment. This policy will be posted on NGA's website, and copies of the policy are available at the front office. Notice of this policy will appear in all job applicant information, admissions information, student and employee handbooks, and in any School publication that sets forth the comprehensive rules, procedures, and standards of conduct for students and employees.

## **C. TITLE IX COORDINATOR**

The Title IX Coordinator is responsible for monitoring the overall implementation of Title IX for NGA and coordinating the institution's compliance with Title IX in all areas covered by the implementing regulations. The major responsibility is the prevention of sexual harassment and discrimination. Other major monitoring duties include, but are not limited to, the following recruitment and admissions, educational programs and activities, hiring and employment. Other areas of consideration include:

- Participating in the development and implementation of NGA's sexual harassment policy.
- Assisting faculty, counselors and administrators in complying with Title IX, and when a need arises, planning remedial actions.
- Making your presence known in the community by disseminating civil rights information or by speaking at parent-teacher group meetings, social or professional organization meetings, and other community functions.
- Serving as a resource on Title IX/gender issues.
- Monitoring and evaluating NGA's Title IX compliance efforts and making recommendations for any appropriate changes.
- Providing updated information to schools on Title IX implementation and issues.
- Identifying and disseminating information about Title IX educational resources (organizations, individuals, print, internet, and audio-visual)

## **D. EVALUATION**

The Principal or CEO shall evaluate the effectiveness of efforts to correct or prevent unlawful sex/gender discrimination and harassment and shall share these evaluations periodically with NGA Board.

## **E. CONFIDENTIALITY**

The recipient, whether a School employee, staff member, contractor, or the Title IX Coordinator, must keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the FERPA or as required by law, or to carry out the purposes of Title IX, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder. Complaints alleging retaliation may be filed according to the Title IX grievance procedures.

The Title IX Coordinator shall maintain confidential records of complaints or reports of unlawful discrimination or harassment. The records will identify the names of all individuals accused of such offenses and the resolution of such complaints or reports. The Title IX Coordinator also shall maintain records of training conducted and corrective action(s) or other steps taken by the School to provide an environment free of unlawful discrimination or harassment. The CEO shall report to the Board all verified cases of unlawful discrimination or harassment under NGA Title IX Policy.

## **F. REPORTING TITLE IX VIOLATIONS**

### **1. For Students:**

- a. To report discrimination, harassment, and sexual harassment/misconduct based on sex/gender, students or their parents should contact a trusted teacher or advisor. Notify the Principal, CEO, and/or Title IX coordinator immediately and file a complaint.
- b. Employees are required to report any actual or suspected violations of this policy. When anyone reports harassment and/or discrimination to a school employee, that employee shall notify the Title IX Coordinator, Principal, or CEO, as soon as possible and within 24 hours.
- c. If the Principal is involved in the allegation, the CEO will immediately inform the Chair of the Board of Directors.

2. For Employees: for discrimination, harassment, and sexual harassment complaints based on sex/gender, employees should contact the Title IX coordinator immediately and follow

NGA's harassment and discrimination policy as well as its Title IX Reporting and Grievance policy.

3. Students, parents, volunteers, visitors or others are also strongly encouraged to report any actual or suspected incidents of discrimination or harassment based on sex/gender under this policy. Reports may be made anonymously, and all reports shall be investigated in accordance with that policy.

4. Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by e-mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report.

5. Reporting may be made at any time, including during non-business hours, by using the telephone number or e-mail address, or by mail to the office address, listed for the Title IX Coordinator.

## **G. DEFINITIONS**

As used in this and all other Title IX related policies, the following definitions shall apply.

1. "Complainant" is as an individual who is alleged to be the victim of conduct that could constitute sexual harassment. This means that any third party as well as the complainant may report sexual harassment. While parents and guardians do not become complainants (or respondents), parents and guardians have a right to act on behalf of parties (including by filing formal complaints) in Title IX matters.
2. "Respondent" is as an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.
3. "Formal complaint" is as a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the school investigate the allegation of sexual harassment and state that at the time of filing a formal complaint, a complainant was participating in or attempting to participate in the education program or activity of the School with which the formal complaint is filed. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information required to be listed for the Title IX Coordinator, and by any additional method designated by the school.
4. "Document filed by a complainant" means a document or electronic submission (such as by e-mail or through an online portal provided for this purpose by the school) 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 a party during

a grievance process, and must comply with requirements for Title IX personnel to be free from conflicts and bias.

5. “Supportive measures” are individualized services reasonably available that are non-punitive, non-disciplinary, and not unreasonably burdensome to the other party while designed to ensure equal educational access, protect safety, or deter sexual harassment. NGA’s selection of supportive measures and remedies shall be based on what is not clearly unreasonable in light of the known circumstances.

## **H. MANDATORY RESPONSE AND PROCEDURAL OBLIGATIONS**

NGA is required to respond whenever any employee has notice of sexual harassment, including allegations of sexual harassment or allegations relevant to mandatory reporting laws in North Carolina. Notice to the Title IX Coordinator or to any NGA employee, board member, or official with authority to institute corrective measures on NGA’s behalf, charges NGA with actual knowledge and triggers NGA’s response obligations under Title IX.

NGA will respond promptly to Title IX sexual harassment or discrimination in a manner that is not deliberately indifferent, which means a response that is not clearly unreasonable in light of the known circumstances. The School shall also comply with the following mandates:

1. NGA will offer supportive measures to the person alleged to be the victim (referred to as the “complainant”).
2. The Title IX Coordinator will promptly contact the complainant confidentially to discuss the availability of supportive measures, consider the complainant’s wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint.
3. NGA will follow the grievance process set forth herein before the imposition of any disciplinary sanctions or other actions that are not supportive measures, against a respondent.
4. NGA will not restrict rights protected under the U.S. Constitution, including the First Amendment, Fifth Amendment, and Fourteenth Amendment, when complying with Title IX.
5. NGA will investigate sexual harassment allegations in any formal complaint, which can be filed by a complainant, or signed by a Title IX Coordinator.
6. A complainant’s wishes with respect to whether the school investigates should be respected unless the school determines that not pursuing an investigation would be deliberately indifferent (or that pursuing an investigation is necessary for community safety or similar reasons), in which case the Title IX Coordinator may sign complaint even if the complainant does not file a formal complaint (doing so will not be viewed as adversarial toward the respondent).
7. If the allegations in a formal complaint do not meet the definition of sexual harassment as defined in NGA’s Title IX policy, or the alleged conduct did not occur in



NGA education program or activity, against a person in the United States, NGA must dismiss such allegations for purposes of Title IX. However, NGA may still address the allegations in any manner NGA deems appropriate under NGA's code of conduct or other policies.

8. Treat complainants equitably by providing remedies any time a respondent is found responsible, and treat respondents equitably by not imposing disciplinary sanctions without following the grievance process set forth herein.

9. Remedies, which are required to be provided to a complainant when a respondent is found responsible, must be designed to maintain the complainant's equal access to education and may include supportive measures; however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the respondent.

10. All Title IX personnel (Title IX Coordinators, investigators, decision-makers, people who facilitate any informal resolution process) shall be free from conflicts of interest or bias for or against complainants or respondents.

11. There is a presumption that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

12. NGA's grievance process shall not use, rely on, or seek disclosure of information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

13. Any provisions, rules, or practices that a school adopts as part of its grievance process for handling formal complaints of sexual harassment must apply equally to both parties (complainant and respondent).

14. The standard of evidence to determine responsibility is the preponderance of the evidence standard for all formal complaints of sexual harassment, whether the respondent is a student or an employee (including faculty member).

## **I. SUPPORTIVE MEASURES, REMEDIES AND DISCIPLINARY SANCTIONS**

Supportive measures include: services, accommodations, and/or other assistance that the School puts in place for a complainant after receiving notice of alleged sexual misconduct but before any final outcomes – investigatory, disciplinary, or remedial – have been determined. The School wants students and employees to be safe, to receive appropriate medical attention, and to get the help they need to heal and to continue to access their educational opportunities. We also want students and employees to understand their reporting options and how to access available interim measures.

Upon receiving a report of sexual harassment, NGA will provide the complainant, or their advocate, with a written explanation of the interim measures available at NGA and through local community resources and shall ask complainants, or their advocates, what measures are sought. Some possible interim measures are listed below, and NGA determines which measures are appropriate for a particular complainant on a case-by-case basis. Not all of the measures listed below will be necessary in every case to keep victims safe and ensure their equal access to educational programs and activities. If the complainant or advocate identifies an interim measure that is not already provided by NGA, NGA will consider whether the request can be granted. In

those instances where interim measures affect both a complainant and the respondent, NGA will minimize the burden on the complainant wherever appropriate while ensuring that the measures are non-disciplinary and non-punitive prior to reaching a determination regarding responsibility.

A complainant or their advocate may request the interim measures listed below. NGA— after consulting with the complainant and/or their advocate – will determine which measures are appropriate to ensure the complainant’s safety and equal access to educational programs and activities:

- Academic accommodations, including change in classes, testing, or assignments;
- Medical and mental health services, including counseling;
- Modifications to extracurricular activities, field trips or on or off-campus activities;
- A “no contact” directive pending the outcome of an investigation. Such a directive serves as notice to both parties that they must not have verbal, electronic, written, or third party communication with one another;
- Providing an escort to ensure that the student can move safely between school programs and activities;
- Transportation accommodations; and
- Assistance identifying an advocate to help secure additional resources or assistance including off-campus and community advocacy, support, and services.

#### Remedies Include:

Depending on the specific nature of the problem, remedies for the complainant may include, but are not limited to:

- Providing an effective escort to ensure that the complainant can move safely between classes and activities;
- Ensuring the complainant and perpetrator do not share classes or extracurricular activities;
- Moving the perpetrator or complainant (if the complainant requests to be moved) to a different residence hall or, in the case of an elementary or secondary school student, to another school within the district;
- Providing comprehensive, holistic victim services including medical, counseling and academic support services, such as tutoring;
- Arranging for the complainant to have extra time to complete or re-take a class or withdraw from a class without an academic or financial penalty; and
- Reviewing any disciplinary actions taken against the complainant to see if there is a causal connection between the sexual violence and the misconduct that may have resulted in the complainant being disciplined.

When a respondent is found responsible for sexual harassment, NGA will offer all remedies needed to eliminate the harm to the complainant and the school community and prevent the recurrence of sexual harassment. Simply sanctioning a respondent found responsible, in some cases, may be insufficient to eliminate a hostile environment. Rather, in addition to sanctions, the

School may consider offering appropriate remedies for the broader student/staff population after the final outcome, including the following:

- Training or retraining school employees on NGA's responsibilities to address allegations of sexual violence and how to conduct Title IX investigations;
- Developing materials on sexual harassment, which should be distributed to all staff and students;
- Conducting bystander intervention and sexual harassment prevention programs with students and/or staff;
- Issuing policy statements or taking other steps that clearly communicate that the school does not tolerate sexual harassment and will respond to any incidents and to any student who reports such incidents;
- Conducting, in conjunction with student leaders, a School climate check to assess the effectiveness of efforts to ensure that the school is free from sexual violence, and using that information to inform future proactive steps that the school will take;
- Targeted training for a group of students if, for example, the sexual harassment created a hostile environment (i.e., on an athletic team);
- When a school is unable to conduct a full investigation into a particular incident (i.e., when it received a general report of sexual violence without any personally identifying information), it should consider remedies for the broader student population in response.

Disciplinary sanctions include:

- For Students found responsible: verbal warning, written warning, interim suspension, restitution, suspension, required participation in appropriate training, counseling, required completion of a probationary period without additional infractions, or requiring the respondent to stay away from the complainant for a period of time.
- For Employees found responsible: sanctions for violations of Title IX vary depending on severity from formal written warning to dismissal.

## **J. INVESTIGATIONS**

NGA shall investigate the allegations in any formal complaint and send written notice to both parties (complainants and respondents) of the allegations upon receipt of a formal complaint.

NGA, through the Title IX Coordinator or other authorized School official, shall designate an impartial individual to serve as the Investigator and conduct an investigation. The Investigator may be the Title IX Coordinator. However, the Investigator shall not be someone with a conflict of interest or bias. NGA may choose an outside investigator, School employee or contractor to conduct the investigation. During the grievance process and when investigating, the Investigator shall comply with the following:

1. The burden of gathering evidence and burden of proof must remain on the School, not on the parties.
2. NGA must provide equal opportunity for the parties to present fact and expert witnesses and other inculpatory and exculpatory evidence.

3. NGA must not restrict the ability of the parties to discuss the allegations or gather evidence (e.g., no “gag orders”).
4. Parties must have the same opportunity to select an advisor of the party’s choice who may be, but need not be, an attorney.
5. NGA shall send a written notice to the parties (complainant and respondent) of any investigative interviews, meetings, or hearings.
6. NGA shall send the parties, and their advisors, evidence directly related to the allegations, in electronic format or hard copy, with at least 10 days for the parties to inspect, review, and respond to the evidence.
7. NGA shall send the parties, and their advisors, an investigative report that fairly summarizes relevant evidence, in electronic format or hard copy, with at least 10 days for the parties to respond.
8. NGA shall dismiss allegations of conduct that do not meet the definition of sexual harassment set forth in NGA Title IX policy or did not occur in a school’s education program or activity against a person in the U.S. Such dismissal is only for Title IX purposes and does not preclude the School from addressing the conduct in any manner the school deems appropriate.
9. NGA may, in its discretion, dismiss a formal complaint or allegations therein if the complainant informs the Title IX Coordinator in writing that the complainant desires to withdraw the formal complaint or allegations therein, if the respondent is no longer enrolled or employed by the school, or if specific circumstances prevent the school from gathering sufficient evidence to reach a determination.
10. NGA shall give the parties written notice of a dismissal (mandatory or discretionary) and the reasons for the dismissal.
11. NGA may, in its discretion, consolidate formal complaints where the allegations arise out of the same facts.
12. NGA shall protect the privacy of a party’s medical, psychological, and similar treatment records and shall not access or use such records unless the School obtains the party’s voluntary, written consent to do so.

#### **K. DECISION-MAKER**

NGA, through the Title IX Coordinator or other authorized School official, shall designate a Decision-maker with regard to a Title IX complaint. The Decision-maker shall not be the Title IX Coordinator or Investigator, and shall not be someone with a conflict of interest or bias. The Decision-maker shall comply with the following rules:

1. Start with the presumption that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.
2. All Complainants are afforded rape shield protections, deeming questions and evidence about a complainant’s prior sexual behavior irrelevant, unless offered to prove that

someone other than the respondent committed the alleged misconduct or offered to prove consent.

3. Use the preponderance of the evidence standard in reaching her/his decision.
4. Require objective evaluation of all relevant evidence, inculpatory and exculpatory, and avoid credibility determinations based on a person's status as a complainant, respondent, or witness.
5. After sending the investigative report to the parties and before reaching a determination regarding responsibility, the decision-maker(s) must afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party.
6. Issue a written determination regarding responsibility with findings of fact, conclusions about whether the alleged conduct occurred, rationale for the result as to each allegation, any disciplinary sanctions imposed on the respondent, and whether remedies will be provided to the complainant.
7. The written determination must be sent simultaneously to the parties along with information about how to file an appeal.

## **L. GRIEVANCE PROCESS**

Prompt Filing. The Complainant must file a formal complaint within a reasonable time, ideally within 10 days of the alleged incident. A complaint will not be disallowed solely because of the passage of time. The Title IX coordinator is charged with ensuring that all such complaints are timely, impartially, and appropriately investigated in accordance with applicable law.

Confidentiality. Every effort will be made to ensure the confidentiality of the complainant. There may be times where confidentiality may not be possible for the School to conduct a thorough investigation. There may also be instances where the School has a legal obligation to report certain information it receives to state or local authorities or to protect the School community.

Timeline. While the timeframe for completing an investigation into individual complaints may vary depending on the circumstances, the Title IX coordinator will ensure that timeframes are reasonable and endeavor to complete any investigation, including any decision, within sixty (60) days of the filing of a complaint. The timeline may be extended where appropriate at the discretion of the School. Include reasonably prompt time frames for conclusion of the grievance process, including appeals and informal resolutions, with allowance for short-term, good cause delays or extensions of the time frames.

Investigation. The Title IX coordinator or other School official shall designate an impartial Investigator to conduct the investigation. The Investigator shall have full authority to investigate, including the authority to interview witnesses. The Investigator shall follow the guidance/mandates set forth above in this policy in conducting the investigation.

Decision-Maker. The Decision-maker shall follow the guidance/mandates set forth above in this policy and shall use the preponderance of the evidence standard in reaching her/his decision. The Decision-maker shall timely provide written notice of the outcome of the complaint to the relevant parties.

Appeal. Either party may appeal the Decision-maker's decision to the Board of Directors within 14 days after a decision is made or the School dismisses a formal complaint in a Title IX proceeding, on the following bases:

1. Procedural irregularity that affected the outcome of the matter,
2. Newly discovered evidence that could affect the outcome of the matter, and/or
3. Title IX personnel had a conflict of interest or bias, that affected the outcome of the matter.

The Board of Directors will appoint a panel of three board members to serve as the impartial review panel. The review will be conducted in accordance with all applicable laws and the panel may, but is not required to, request information directly from the parties. The three-member review panel will make a decision and will provide written notice of the outcome of the appeal to the parties within fourteen (14) school days, unless circumstances require more time.

#### **M. INFORMAL RESOLUTION PROCESS FOR STUDENTS**

After a formal Complaint is filed, NGA may, in its discretion, offer and facilitate informal resolution options, such as mediation or restorative justice, so long as both parties give voluntary, informed, written consent to attempt informal resolution. NGA will not require participation in an informal process. And, at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint.

NGA does not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to a formal investigation and adjudication of formal complaints of sexual harassment. Any person who facilitates an informal resolution must be well-trained. NGA will not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student. Finally, NGA may not offer an informal resolution process unless a formal complaint is filed.

#### **N. POLICY APPLICATION**

This policy shall remain in effect as long as required by law.