Title IX Discrimination and Harassment Policies For Students and Staff Members

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 NCS that students should not be subjected to forms of unlawful discrimination or harassment, while at school or school-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 NCS regarding the identification, prevention, intervention, and reporting of such anti-social acts. NCS 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. NCS strives to model an inclusive environment and prohibits discrimination and harassment on the basis of gender or sex, including sexual orientation and LGBTQ+ identification. NCS 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.

Prohibited Behaviors and Consequences

Discrimination or Harassment

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

Retaliation

NCS 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, NCS 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 Superintendent 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.

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 NCS's "education program or activity," which includes, but is not necessarily limited to, behavior:

1. in any school building or on any school premises before, during or after school hours;
2. on any bus or other vehicle as part of any school activity;
3. at any bus stop;
4. during any school-sponsored activity or extracurricular activity;
5. at any time or place when the individual is subject to the oversight and authority of school personnel;
6. at any time or place when the behavior has a direct and immediate effect on maintaining order and discipline in NCSs; and
7. while using school 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).

Definitions

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

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.

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:

1. 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)
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to an education program, employment, or activity (i.e., hostile environment)
3. 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.

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 NCS's Title IX Policy or any reporting/grievance procedures that govern Title IX matters. However, such conduct may still constitute a violation of other School policy, including NCS'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 NCSS TITLE IX REPORTING AND GRIEVANCE POLICY.

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

Title IX Coordinator's Duties, Notice, Reporting, and Grievance Policy

This Policy sets forth NCS's Notice, Reporting, and Grievance policy for Title IX matters and should be read in conjunction with NCS'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 NCS's other policies, including the Non-Discrimination and Harassment Policy, and student conduct policies when Title IX does not apply.

NCS's Title IX Coordinator is Mrs. Amanda Highfil, 909 M. Durwood Stephenson Parkway, Smithfield, NC 27577, 919-626-2300, ahighfil@neusecharterschool.org.

Training and Programs

The designated Title IX Coordinator 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 NCS 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 NCS'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 prejudgment 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. NCS will post materials used to train Title IX personnel on their websites for a minimum of seven (7) years after posted, if any, or make materials available for members of the public to inspect.

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 NCS'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.

Title IX Coordinator

The Title IX Coordinator is responsible for monitoring the overall implementation of Title IX for NCS 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 NCS'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 NCS'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)

Evaluation

The Superintendent or designee shall evaluate the effectiveness of efforts to correct or prevent unlawful sex/gender discrimination and harassment and shall share these evaluations periodically with NCS's Board.

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 NCS to provide an environment free of unlawful discrimination or harassment. The Superintendent shall report to the Board all verified cases of unlawful discrimination or harassment under NCS's Title IX Policy.

Reporting Title IX Violations

For Students:

1. To report discrimination, harassment, and sexual harassment/misconduct based on sex/gender, students or their parents should contact a trusted teacher or advisor, grade-level Academy Director, Superintendent, and/or Title IX coordinator immediately and file a complaint.
2. 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, grade-level Principal, or Superintendent, as soon as possible and within 24 hours.
3. If the Superintendent is involved in the allegation, then another administrator will immediately inform the Chair of the Board of Directors.

For Employees:
For discrimination, harassment, and sexual harassment complaints based on sex/gender, employees should contact the Title IX coordinator immediately and follow NCS's harassment and discrimination policy as well as its Title IX Reporting and Grievance policy.

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.

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.

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.

Definitions

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

- "Complainant" is 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.
- "Respondent" is an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.
- "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 NCS 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 NCS 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 NCS.
- "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 NCS) 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.
- "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. NCS's selection of supportive measures and remedies shall be based on what is not clearly unreasonable in light of the known circumstances.

Mandatory Response and Procedural Obligations

NCS 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 School employee, board member, or official with authority to institute corrective measures on NCS's behalf, charges NCS with actual knowledge and triggers NCS's response obligations under Title IX.

NCS 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. NCS shall also comply with the following mandates:

1. NCS 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. NCS 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. NCS 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. NCS will investigate allegations of sexual harassment 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 NCS investigates should be respected unless NCS 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 NCS's Title IX policy, or the alleged conduct did not occur in NCS's education program or activity, against a person in the United States, NCS must dismiss such allegations for purposes of Title IX. However, NCS may still address the allegations in any manner NCS deems appropriate under NCS'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, and 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. NCS'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 a faculty member).

Supportive Measures, Remedies, and Disciplinary Sanctions

Supportive measures include: services, accommodations, and/or other assistance that NCS 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. NCS 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, NCS will provide the complainant, or their advocate, with a written explanation of the interim measures available at the School and through local community resources and shall ask complainants, or their advocates, what measures are sought. Some possible interim measures are listed below, and NCS 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 NCS, NCS will consider whether the request can be granted. In those instances where interim measures affect both a complainant and the respondent, NCS 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. NCS, 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 a 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

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

- Training or retraining school employees on NCS'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 NCS 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 NCS is free from sexual violence, and using that information to inform future proactive steps that NCS 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 receives a general report of sexual violence without any personally identifying information), it should consider remedies for the broader student population in response.

Disciplinary Sanctions

- 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 a formal written warning to dismissal.

Investigations

NCS shall investigate the allegations in any formal complaint and send a written notice to both parties (complainants and respondents) of the allegations upon receipt of a formal complaint. NCS, 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. NCS may choose an outside investigator, a school employee, or a 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 the burden of proof must remain on NCS, not on the parties.
2. NCS must provide equal opportunity for the parties to present facts and expert witnesses and other inculpatory and exculpatory evidence.
3. NCS 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. NCS shall send a written notice to the parties (complainant and respondent) of any investigative interviews, meetings, or hearings.
6. NCS shall send the parties and their advisors evidence directly related to the allegations, in electronic format or hard copy, with at least 10 calendar days for the parties to inspect, review, and respond to the evidence.

7. NCS 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 calendar days for the parties to respond.
8. NCS shall dismiss allegations of conduct that do not meet the definition of sexual harassment set forth in NCS's 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 NCS from addressing the conduct in any manner NCS deems appropriate.
9. NCS 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 NCS, or if specific circumstances prevent NCS from gathering sufficient evidence to reach a determination.
10. NCS shall give the parties written notice of a dismissal (mandatory or discretionary) and the reasons for the dismissal.
11. NCS may, in its discretion, consolidate formal complaints where the allegations arise out of the same facts.
12. NCS shall protect the privacy of a party's medical, psychological, and similar treatment records and shall not access or use such records unless NCS obtains the party's voluntary, written consent to do so.

Decision-Maker

NCS, 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.

Grievance Process

Prompt Filing

The Complainant must file a formal complaint within a reasonable time, ideally within 10 school 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 NCS to conduct a thorough investigation. There may also be instances where NCS has a legal obligation to report certain information it receives to state or local authorities or to protect NCS 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) school days of the filing of a complaint. The timeline may be extended where appropriate at the discretion of NCS. 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 calendar days after a decision is made or NCS 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.

Informal Resolution Process for Students

After a formal Complaint is filed, NCS 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. NCS 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.

NCS does not require, as a condition of enrollment or continuing enrollment, 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. NCS will not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student. Finally, NCS 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.