

## Title IX Policy and Procedures

NOMMA does not discriminate on the basis of sex in its education programs and activities and, accordingly, requires its staff, teachers, employees and students to abide by the requirements of Title IX of the Educational Amendments of 1972 and its implementing regulations. Sexual harassment is a form of sex discrimination and is explicitly prohibited, whether such conduct occurs on or off campus during or after school hours during or directly related to school-sponsored activities, or at a time and/or place directly related to school functions or an employee's school-related duties. It is the intent of NOMMA to maintain an environment free from sexual assault and sexual harassment of any kind; therefore, this policy commands that no student shall be subjected to sexual misconduct, sexual assault, or sexual harassment by other students or NOMMA staff or employees. This policy shall be enforced and the accompanying procedures shall be implemented regardless of whether a complaint has been filed with or an investigation has been instituted by any law enforcement agency.

Sexual harassment occurs when: education benefits are conditioned upon participation in unwelcome sexual conduct (i.e., Quid Pro Quo); unwelcome conduct occurs that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school's education program or activity; and/or sexual assault (as defined in the Clery Act), dating violence, domestic violence, or stalking as defined in the Violence Against Women Act (VAWA).

Title IX requires NOMMA to take steps to prevent and remedy two forms of sex-based harassment: sexual harassment (including sexual violence) and gender-based harassment. Sexual harassment is unwelcome conduct of a sexual nature. It includes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Sexual violence is a form of sexual harassment. Sexual violence, as the Office of Civil Rights uses the term, 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. Title IX also prohibits gender-based harassment, which is unwelcome conduct based on a student's sex, or 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, LGBT 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.

Sex-based harassment creates a hostile environment if the conduct is sufficiently serious that it denies or limits a student's ability to participate in or benefit from the school's program. When a school knows or reasonably should know of possible sex-based harassment, it must take immediate and appropriate steps to investigate or otherwise determine what occurred. If an investigation reveals that the harassment created a hostile environment, the school must take prompt and effective steps

reasonably calculated to end the harassment, eliminate the hostile environment, prevent its recurrence, and, as appropriate, remedy its effects.

Questions regarding Title IX may be referred to the U. S. Department of Education, Office of Civil Rights (OCR) or to **NOMMA's Title IX Coordinator, Ms. Jennifer Dotson at phone number: (504) 227-3810; or email: jdotson@nomma.net.**

### **Definition of Sexual Harassment**

- 1) Sexual assault or sexual harassment is unwelcome conduct of a sexual nature.
- 2) Sexual harassment may include, but is not limited to, unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature when at least one (1) of the following occurs:
  - a) Submission to such conduct is made, either implicitly or explicitly, a term or condition of the student's grades, academic status, or progress or is used to deprive the student of access to the educational opportunities and benefits provided by the NOMMA School.
  - b) Submission to or rejection of such conduct is used as the basis for academic or other school-related decisions affecting the student.
  - c) Such conduct of a sexual nature is sufficiently severe, persistent, or pervasive and has the purpose or effect of unreasonably interfering with the student's academic performance or of creating an intimidating, hostile, or offensive educational environment for the student.

Extended Definition of Sexual Harassment which may include but is not limited to:

- Verbal harassment or abuse;
- Uninvited letters, telephone calls, or materials of sexual nature;
- Uninvited or inappropriate leaning over, cornering, patting or pinching;
- Uninvited sexually suggestive looks or gestures;
- Intentional brushing against a student's or school employee's body;
- Uninvited pressure for dates;
- Uninvited sexual teasing, jokes, remarks or questions;
- Any sexually motivated unwelcome touching;
- Any conduct resulting in an intimidating, hostile or offensive educational environment; or
- Attempted or actual rape or sexual assault or sexual battery.

### **No Retaliation**

Retaliation of any nature against any student or teacher, staff, or employee who makes a report or complaint or who participates in any investigation under this policy is a serious violation of NOMMA sexual harassment policy. Such retaliation is considered an act of sexual discrimination itself; therefore, reports and complaints of such retaliation are handled in the same manner as those of sexual harassment. A

reference to “sexual harassment” in this policy and the related procedures shall also include retaliation. As such, retaliation against any employee or student who brings sexual harassment charges or who assists in investigating such charges shall be prohibited. Any employee or student bringing a sexual harassment complaint or assisting in the investigation of such a complaint will not be adversely affected, discriminated against, or punished because of the complaint.

### **Violations**

- 1) Students and employees are encouraged and expected to immediately report incidences of alleged sexual discrimination or harassment and/or retaliation in accordance with these regulations and procedures.
- 2) A report or complaint – written or verbal – of an alleged violation of this policy must be sufficiently clear and explicit so that it can be recognized as a legitimate report of sexual discrimination or harassment or retaliation. This means that a report or complaint must, at a minimum, include: (1) a description of an alleged act of sexual discrimination or harassment or retaliatory conduct, including the date, time, and place it allegedly occurred; (2) identity of the alleged victim; (3) identity of the alleged harasser; and (4) identity of the reporting person.
- 3) All alleged violations of this policy shall be handled seriously and according to these regulations and procedures.
- 4) Discipline/Consequences.
  - a) Any student who is determined to have engaged in a sexual assault, sexual discrimination, or harassment or retaliation against another individual in violation of this policy may be subject to disciplinary action, up to and including expulsion.
  - b) Any employee who is determined to have permitted, engaged in, or failed to report sexual assault, sexual harassment or retaliation in violation of this policy and the related procedures may be subject to disciplinary action, up to and including termination.

### **Enforcement**

Each Principal, staff member, and teacher has the responsibility of taking such reasonable steps necessary and practicable to maintain a work environment and educational environment free of sexual assault and sexual discrimination or harassment. Such steps shall include implementation of the following:

- 1) All teachers, other staff members, and all employees shall cooperate, as needed, in any formal and informal investigations instituted under this policy. The Title IX Investigator is responsible for investigating any report of sexual discrimination or harassment involving student on student in coordination with the Title IX Coordinator. Reports involving an employee shall also be immediately reported to the Title IX Coordinator.

- 2) All principals, administrators, and staff in charge of discipline of students shall, in accordance with policy and law, take such disciplinary action against any student found to be in violation of the sexual harassment policy as may be appropriate under the circumstances.
- 3) Within the first week of school each school year, the Title IX Coordinator through each Principal or Building Site coordinator, shall ensure that an in-service program addressing the sexual harassment policy and procedures is provided for all teachers, staff, and employees.
- 4) During orientation at the beginning of each school year or at the time of a new student's enrollment, the Principal of the school shall ensure that instruction about sexual harassment, NOMMA policy, and its procedures are provided to students.
- 5) Teachers, counselors, and administrators shall instruct students on the sexual assault, dating violence, or sexual harassment report and complaint procedures within the educational setting on an as-needed basis.
- 6) The Title IX Coordinator shall ensure that the sexual assault, dating violence, or sexual harassment policy and procedures are provided to all students, parents, and employees by:
  - a) Including a restatement of the policy and procedures in the student handbook;
  - b) Posting an age-appropriate restatement of the policy against sexual assault and sexual harassment, the report and complaint procedures, and notice of the Title IX Coordinator at visible and accessible sites for students, for parents, and for employees;
  - c) Making a copy of the complete policy and procedures available on request for students, parents, and employees at the school office and the central office; and
  - d) Maintaining the policy and procedures on NOMMA School website.

**\*\*The Title IX Coordinator for NOMMA School is:**

Ms. Jennifer Dotson; Assistant Principal; (504) 227-3810; jdotson@nomma.net.

**Appeal of Title IX Finding**

Any appeal or grievance related to a Title IX Investigation shall be sent in writing to the NOMMA Commandant at the following address: 425 O'Bannon St, New Orleans, LA 70114 and emailed to: info@nomma.net

In reviewing the decision, the NOMMA Commandant may uphold, modify, or reverse the decision of the Title IX Coordinator; however, the NOMMA Commandant's review of the Title IX Investigative findings is final.