

**NORTH CAROLINA AGRICULTURAL AND TECHNICAL STATE UNIVERSITY
AGGIE ACADEMY**

**TITLE IX SEX-BASED MISCONDUCT – PROHIBITED CONDUCT AND SCHOOL
RESPONSE**

I. Discrimination Prohibited

- A. North Carolina Agricultural and Technical State University’s Aggie Academy acknowledges the dignity and worth of all students and employees and strives to create a safe, orderly, caring and inviting school environment to facilitate student learning and achievement. Aggie Academy complies with Title IX of the Education Amendments Act of 1972 and other federal regulations and does not discriminate based on sex (including sex stereotypes, sex characteristics, pregnancy, childbirth, sexual orientation, and gender identity) in its education programs or activities, including admission and employment.
- B. Aggie Academy will not tolerate discrimination because of sex, including any form of sex-based misconduct as that term is defined under Title IX, in any of its programs or activities.
- C. The Principal shall notify students and their parents or legal guardians, employees, and applicants for employment of this policy and ensuring that a copy of this policy is available upon request.

II. Scope and Application

- A. This policy applies to all members of the Aggie Academy community, including students, employees, board members, volunteers, visitors, and others who participate in programs, activities, or conduct business on behalf of Aggie Academy. “Visitors” include parents and other family members, individuals from the community, vendors, contractors, and other persons doing business with or performing services on behalf of Aggie Academy.
- B. This policy applies to incidents of sex-based misconduct or retaliation when at least one elementary or secondary student is a complainant or respondent.
- C. This policy does not apply when an elementary or secondary student is not a complainant or respondent. For sex-based misconduct or retaliation for non-elementary students, please refer to NC A&T University Policy 207, Title IX Sex-Based Misconduct.
- D. This policy applies to behavior that takes place: (1) in any Aggie Academy building or on any Aggie Academy 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 authority of school personnel or administrators; (6) at any time or place when the behavior has a direct and immediate effect on maintaining order and discipline in the schools; or (7) at any other locations, event, or circumstance where Aggie Academy exercises substantial control over both the respondent and the context in which alleged sex-based misconduct occurs.

III. Definitions

- (1) “Advisor” means a person chosen by a complainant or respondent, or appointed by Aggie Academy, to accompany the party to meetings related to the grievance process, and advise and assist the party throughout the process.
- (2) “Complainant” is the individual(s) who is alleged to be the victim of conduct that could constitute sex-based misconduct or retaliation, including a parent or legal guardian on behalf of their child.
- (3) “Days” mean calendar days unless specified otherwise.
- (4) “Decision-Maker” means the principal or designee for all formal grievances under this policy, unless a conflict is determined, in which case the Title IX Coordinator will appoint a Decision-Maker.
- (5) “Education Program or Activity” means locations, events, or circumstances where Aggie Academy exercises substantial control over both the Respondent and the context in which the alleged Sex-Based Misconduct occurs.
- (6) Finding - A conclusion based upon a preponderance of the evidence that the conduct did or did not occur as alleged (as in a “finding of fact”).
- (7) “Formal Complaint” means a document signed and filed with the Title IX Coordinator by a complainant or signed by the Title IX Coordinator alleging sex-based misconduct or retaliation against a respondent and requesting that school officials investigate the allegation(s). At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in Aggie Academy’s the education program or activities.
- (8) “Grievance Process” means the process for investigating and reaching a final determination of responsibility for a formal complaint of sexual harassment.
- (9) “Investigator” means the individual charged by the Title IX Coordinator with gathering testimonial and documentary evidence about alleged sex-based misconduct and compiling the information into an investigation report.
- (10) Party or Parties – A reference to a Complainant(s) and Respondent(s), either separately or collectively.

- (11) “Report” means an oral or written notification that an individual is an alleged or suspected perpetrator or victim of sexual harassment. No disciplinary action will be taken against a respondent for sexual harassment based on a report alone.
- (12) “Respondent” is the individual(s) reported to be the perpetrator of conduct that could constitute sexual harassment.
- (13) “Sex” as referenced in these procedures and accompanying policy encompasses sex, gender, gender expression, gender identity, and sexual orientation, as defined by federal and state law, and UNC system policies.
- (14) “Sex-Based Misconduct” in this policy means sexual harassment that. Conduct that is determined not to meet the definition of sexual harassment may violate other policies or established standards of conduct and will be addressed accordingly. Nothing in this policy is intended to limit discipline for violation of other policies when appropriate and consistent with law.
- (15) “Sexual Harassment” occurring in an education program or activity as defined by 34 CFR 106.30 and this policy, means conduct on the basis of sex that satisfies one or more of the following:
- Conditioning the provision of an aid, benefit, or service on an individual’s participation in unwelcome sexual conduct;
 - Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the education program or activity; or
 - “Sexual assault” as defined in 20 U.S.C. 1092 (f)(6)(A)(v) to mean an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation including:
 - (a) Rape, defined as the carnal knowledge of a person, without the consent of the person, including instances where the person is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity;
 - (b) Sodomy is oral or anal sexual intercourse with another person, without the consent of the person, including instances where the person is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity;
 - (c) Sexual Assault with an Object, defined as the use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the person, including instances where the person is incapable of giving consent because of his/her youth or because of age or because of temporary or permanent mental or physical incapacity;
 - (d) Fondling, defined as the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the person, including instances where the victim is incapable of giving consent because

of his/her youth or because of age or because of temporary or permanent mental or physical incapacity;

- (e) Incest, defined as nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law;
- (f) Statutory Rape, defined as nonforcible sexual intercourse with a person who is under the statutory age of consent.
- “Dating violence” as defined in 34 U.S.C. 12291(a)(10) to mean violence committed against an individual with whom the respondent is or has been in a social relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on consideration of the following factors:
 - (a) the length of the relationship;
 - (b) the type of relationship; and
 - (c) the frequency of interaction between the individuals involved in the relationship.Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating Violence does not include conduct that meets the definition of domestic violence.
- “Domestic violence” as defined in 34 U.S.C. 12291(a)(8) to mean violence that may constitute a felony or misdemeanor crime of violence against an individual
 - (a) who is a current or former spouse or intimate partner;
 - (b) with whom the respondent shares a child in common;
 - (c) with whom the respondent cohabitates or has cohabitated as a spouse or intimate partner;
 - (d) who is similarly situated as a spouse under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
 - (e) who is a youth or adult and is protected from that respondent’s acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
- “Stalking” as defined in 34 U.S.C. 12291(a)(30) to mean engaging in a course of conduct (two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties [by any action, method, device, or means] follows, monitors, observes, surveils, threatens, or communicates to or about an individual, or interferes with an individual’s property) directed at a specific individual that would cause a reasonable individual (under similar circumstances and with similar identities to the victim) to (a) fear for their safety or the safety of others or (b) suffer substantial emotional distress.

For purposes of this policy, conduct that satisfies this standard is not sexual harassment if the conduct occurred (1) outside the United States or (2) when the school did not have substantial control over both the alleged harasser and the context in which the harassment occurred.

Nothing in this policy is intended to limit discipline for violation of other policies when appropriate and consistent with law.

- (16) “Student(s)” means the student and/or the student’s parent or legal guardian unless the context clearly indicates otherwise. When the complainant or respondent is a student, references to those terms also include the student’s parent or legal guardian unless the context clearly indicates otherwise.
- (17) “Supportive Measures” mean non-disciplinary, non-punitive individualized services offered as appropriate and reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Supportive measures are designed to restore or preserve equal access to the school’s education program and activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the school’s educational environment, or deter sexual harassment.
- (18) “Title IX Coordinator” means the NC A&T official who is designated to coordinate the school’s response to sexual harassment and allegations of sexual harassment.
- (19) “Visitors” to Aggie Academy’s education programs and activities include parents and other family members and individuals from the community, as well as vendors, contractors, and other persons doing business with or performing services for the school.

IV. Reporting Sex-Based Misconduct

Persons who believe they have been subjected to discrimination, harassment, or retaliation in violation of this policy should report the conduct to the Title IX Coordinator, or any other school official designated to receive such complaints.

Reports of sex-based misconduct by all individuals may be made by contacting the Title IX Coordinator by email or phone referenced below. Reports may also be made online through using the Sexual Harassment, Sexual Assault, and Intimate Partner Violence Report Form at https://cm.maxient.com/reportingform.php?NorthCarolinaAT&layout_id=1

A. Mandatory Reporting by School Employees and Advisory Board Members

- (1) Any employee or Advisory Board member with knowledge of, or a reasonable belief, or notice of Sex-Based Misconduct or Retaliation involving a student is a “Mandatory Reporter” or “Responsible Employee” for purposes of this policy. Employees or Advisory Board members with knowledge of sexual harassment or misconduct, or allegations of sexual harassment or misconduct occurring in Aggie Academy’s education program or any activity must immediately report that information to the Title IX Coordinator.

- (2) Any of the following confers “actual knowledge” and must be reported immediately:
 - (i) a report of sex-based misconduct from a student or other person;
 - (ii) the employee or advisory board member witnesses conduct that is or reasonably could be sex-based misconduct; or
 - (iii) the employee or board member discovers evidence of sex-based misconduct, such as sexualized graffiti on school property, or otherwise has reliable information or reason to believe that a student, employee, or other individual may have been sexually harassed in violation of this policy, even if no one has reported the sex-based misconduct.
- (3) Employees and Advisory Board members who observe an incident of sex-based misconduct are expected to intervene to stop the conduct in situations in which they have supervisory control over the offender, and it is safe to do so. An employee with actual knowledge of possible sex-based misconduct in violation of this policy who does not promptly report the conduct and/or take proper action as required by this subsection, or who knowingly provides false information about the incident, will be subject to disciplinary action, up to and including dismissal.
- (4) Doubts about whether conduct is possible sex-based misconduct must be resolved in favor of reporting the conduct.
- (5) Mandatory reporting required by this section is in addition to and does not replace other required reporting by school employees.

B. All Other Reports

Any person who believes they have been subjected to discrimination, harassment, or retaliation in violation of this policy should report the conduct to the Title IX Coordinator, Aggie Academy’s designated Deputy Title IX Coordinator, a teacher, counselor, assistant principal, or any other school official designated to receive such complaints.

All other members of the school community are encouraged to report any act that may constitute an incident of sexual harassment in violation of this policy to the Title IX Coordinator, Principal, or other administrator.

V. Supportive Measures

- (1) The Title IX Coordinator or designee will reach out to students and employees who fall under the scope of this policy and may have experienced sex-based misconduct or retaliation. Individuals will be offered resources, options for reporting, and supportive measures.
- (2) Supportive Measures are non-disciplinary and non-punitive individualized services offered as appropriate, as reasonably available without fee or charge, to the

Complainant or the Respondent. Supportive measures may be offered before or after the filing of a Formal Complaint, as well as when no Formal Complaint has been filed. Such measures are designed to restore or preserve equal access to Aggie Academy's Education Program or Activity without unreasonably burdening the other Party. Additionally, supportive measures include measures designed to protect the safety of all Parties and Aggie Academy's educational environment.

Examples of supportive measures may include counseling; extensions of deadlines or other course-related adjustments; modifications of work or class schedules; school escort services; mutual restrictions on contact between the Parties; changes in work or housing locations; leaves of absence; increased security and monitoring of certain areas of Aggie Academy; and other similar measures. Supportive measures may include referrals to both confidential and private resources.

VI. Emergency Removal

- (1) In relation to alleged violations of this policy, a Respondent can be removed entirely or partially from education programs or activities on an emergency basis.
- (2) An individualized safety and risk analysis must be performed in accordance with established procedures to determine whether an individual poses an immediate threat to the physical health or safety of any student or other individual. The Title IX Coordinator or designee in conjunction with the Aggie Academy Safety Assessment Team will perform the safety and risk analysis using standard risk assessment processes to decide if an emergency removal is appropriate.
- (3) Respondents may challenge and appeal any decisions of an emergency removal.
- (4) Appeals for emergency removal should be submitted to the Title IX Coordinator. The Title IX Coordinator will assign an administrator to review the appeal who was not involved in the initial assessment of emergency removal. All decisions made after the appeal of the emergency removal.

VII. Filing a Formal Complaint

- A. A formal complaint initiates the grievance process. To be eligible to file a formal written complaint, the complainant must be participating in or attempting to participate in the education program or activities of the school at the time of filing.
- B. The Title IX Coordinator or designee is responsible for receiving Formal Complaints from a Complainant, as well as informing Complainants of all rights available to them including the right to an advisor, file a complaint, report to law enforcement, or report anonymously. There are only two circumstances where a Formal Complaint will proceed through a formal grievance process:
 - (1) Formal Complaint Filed by a Complainant

A Complainant may submit a Formal Complaint to the Title IX Coordinator alleging Prohibited Conduct against a Respondent. Upon receipt of a Formal Complaint, the Title IX Coordinator or designee will review all supportive measures and resolution options with the Complainant and their Advisor, and determine if an Investigation is the most appropriate means to address the complaint. The Title IX Coordinator will investigate the allegation(s) if there are no procedural grounds for dismissal or an informal resolution.

(2) Formal Complaint Signed by the Title IX Coordinator

The Title IX Coordinator has the discretion over whether Aggie Academy will proceed with a formal review when the complainant does not wish to file a formal complaint. In deciding, the Title IX Coordinator will evaluate the situation considering the duty to ensure the safety of Aggie Academy and to comply with federal and state law and may sign a formal complaint to initiate the grievance process upon completion of an appropriate safety assessment made by the Title IX Coordinator and the principal or designee. Aggie Academy's ability to remedy and respond to notice may be limited if the complainant does not want to proceed with the grievance process.

- C. Any safety assessment will be based on the results of a threat assessment that shows a compelling risk to health or safety that requires Aggie Academy to pursue a formal grievance process to protect the Aggie Academy community. A compelling risk to health or safety may result from evidence of patterns of misconduct, predatory conduct, threats, abuse of minors, use of weapons, or violence. Furthermore, the Title IX Coordinator will consider the effects on the availability of evidence and Aggie Academy's ability to pursue a formal grievance fairly and effectively, if the complainant chooses not to participate in the Title IX resolution process.
- D. School officials will initiate the grievance process regardless of when the formal complaint is submitted, but delays in reporting may significantly impair the ability of school officials to investigate and respond to the allegations.
- E. The formal complaint may be filed with the Title IX Coordinator in person, by mail, or by email, and should be submitted on forms provided for that purpose. Formal complaints may be submitted in any written form. However, for convenience a complaint form may be obtained from the Title IX Coordinator or on the Aggie Academy website.

VIII. Proceeding with a Formal Complaint

A. Determination to Dismiss a Formal Complaint

- (1) A decision by the Title IX Coordinator to dismiss a formal complaint before instituting a formal grievance is appealable by any party under the procedures for appeal below.

- (2) The decision not to dismiss is also appealable by any party claiming that dismissal is required or appropriate.
- (3) A complainant who decides to withdraw a formal complaint may later request to reinstate it or refile it.
- (4) Upon any dismissal, Aggie Academy will promptly and simultaneously send written notice of the dismissal and the rationale for doing so to the parties.

B. Title IX Mandatory Dismissal of a Formal Complaint

- (1) Aggie Academy must dismiss a formal complaint, if at any time before or during the investigation, if it is determined that:
 - the conduct alleged in the formal complaint would not constitute sex-based harassment or retaliation as defined within this policy, even if proved; or
 - the conduct did not occur in an educational program or activity; or
 - the conduct did not occur against a person in the United States; or
 - at the time of filing a formal complaint, the conduct did not occur within the scope of this policy.
- (2) If a formal complaint is dismissed under Title IX and this policy, it may be investigated and adjudicated under other Aggie Academy policies and procedures.

C. Discretionary Dismissal

Aggie Academy, at the sole discretion of the Title IX Coordinator, or designee, may dismiss a formal complaint, if at any time during the investigation:

- a Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein; or
- the Respondent is no longer enrolled in or employed by Aggie Academy, as applicable; or
- specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

D. Rights Reserved to Aggie Academy

Dismissing a formal complaint under Title IX is solely a procedural requirement under Title IX and does not limit Aggie Academy administrators from addressing a complaint with an appropriate process or remedy consistent with other Aggie Academy policies.

IX. Advisors

- A. The Parties may have up to two (2) Advisors of their choice who may, but are not required to, be an attorney.
- B. Parties will be assigned an Advisor if they do not obtain one themselves but will be permitted to choose whether they want to utilize the Advisor.

- (1) Advisors may be present during interviews and meetings; however, they are not permitted to speak on behalf of the complainant or respondent.
 - (2) Parties are required to respond for themselves, and the Investigator or Decision-Maker will not consider responses provided by the Advisor.
 - (3) The Title IX Coordinator will provide guidance before interviews to assist Advisors with the appropriate processes to consult with their advisee during interviews.
- C. If a complainant or respondent plans to bring an attorney as a personal advisor, notification to the Investigator must be provided so that an attorney for the school may attend the meeting, and the meeting may be rescheduled if necessary.
- D. The Complainant retains all rights and status as a Complainant irrespective of their level of participation. Typically, when the Complainant chooses not to participate, the Advisor may be appointed as proxy for the Complainant throughout the process, acting to ensure and protect the rights of the Complainant. However, the Advisor will not be able to provide evidence or testimony.

X. Informal Resolutions

- A. The Title IX Coordinator may facilitate an informal resolution between the Parties after a Formal Complaint has been filed. A Respondent who wishes to initiate an informal resolution after a Formal Complaint has been filed should contact the Title IX Coordinator.
- B. Before implementing an informal resolution process, Aggie Academy will provide the Parties with written notice of the reported misconduct and any sanctions or measures that may result from participating in such a process. Aggie Academy will obtain voluntary, written confirmation that all Parties wish to resolve the matter through informal resolution before proceeding and will not pressure the Parties to participate in informal resolution.
- C. Any Party participating in an informal resolution can stop the process at any time and begin or resume the formal grievance process. Additionally, an informal resolution may be entered at any time before a determination of responsibility has been made by Aggie Academy.
- D. When an informal resolution is accomplished, the appropriate sanction or responsive actions will be promptly implemented to effectively stop the Prohibited Conduct, prevent its recurrence, and remedy the effects of the discriminatory conduct, both on the Complainant and the community.

XI. Respondent Acceptance of Full Responsibility

- A. A Respondent may accept responsibility for all or part of the alleged policy violations at any point during the resolution process. If the Respondent indicates an intent to accept responsibility for all of the alleged misconduct, the formal process will be

paused, and the Title IX Coordinator will determine whether informal resolution can be used.

- B. If informal resolution is applicable, the Title IX Coordinator will determine whether all Parties and the Aggie Academy can agree on responsibility, sanctions, and/or remedies. If the Parties reach agreement, the Title IX Coordinator or designee, in collaboration with the appropriate administrative official(s), will implement a Finding that the Respondent is in violation of this policy, and include the agreed-upon sanctions or remedies.
- C. This result of an informal resolution is not subject to appeal once all Parties agree to the terms of the resolution in writing. When the Parties cannot agree on all terms of resolution, the formal grievance process will resume at the same point where it was paused.

XII. Investigation

- A. The Title IX investigator is responsible for gathering evidence sufficient to reach a determination of whether the allegations in the formal complaint are true and whether the facts as determined by the investigator establish that sex-based misconduct or retaliation occurred. In so doing, the investigator shall impartially, promptly, and thoroughly investigate the complaint.
 - (1) The investigator shall explain the process of the investigation to the complainant and respondent.
 - (2) The investigator shall interview all individuals who may have relevant information, including (1) the complainant; (2) the respondent; (3) individuals identified as witnesses by the complainant and/or respondent; and (4) any other individuals reasonably believed to have relevant information. Prior written notice shall be provided to a party whose participation is invited or expected for any investigative interview or meeting. The investigator shall provide equal opportunities for complainants and respondents to present fact and expert witnesses and other evidence tending to prove or disprove the allegations.
 - (3) The investigator shall ensure that the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the school and not on the complainant or respondent.
 - (4) The investigator shall not restrict the ability of either party to gather and present relevant evidence or to discuss the allegations under investigation.
- B. The formal complaint and the investigation will be kept confidential to the extent possible and as required by law. Information may be shared only with individuals who need the information in order to investigate and address the complaint appropriately and those with a legal right to access the information. Any requests by the complainant or respondent for

further confidentiality will be evaluated within the context of the school's legal responsibilities.

XIII. Investigative Report and Opportunity to Review Evidence

- A. The investigator shall prepare an investigative report that fairly summarizes the relevant evidence.
 - (1) Before completing the final report, the investigator shall provide to each party and the party's advisor, if any, all the evidence collected which is directly related to the allegations raised in the formal complaint. The parties shall have 10 days to submit a written response for the investigator's consideration before the investigator finalizes the investigative report.
 - (2) Following the parties' opportunity to respond to the written evidence, the investigator shall finalize the written investigative report, including a recommendation on the question of responsibility and any recommended disciplinary or educational sanction.

- B. The investigator shall provide a copy of the report to each party and the party's advisor, if any, for their review and written response.
 - (1) The investigator shall also notify the parties of the opportunity to submit written questions to the other party and witnesses.
 - (2) The parties shall have 10 days to provide a written response to the investigative report, along with the party's initial set of written questions.
 - (3) The investigator shall also provide each party with the written responses to their initial relevant questions and allow for limited, follow-up questions for each party.

- C. The investigator shall provide the decision-maker with a copy of the investigative report, the relevant evidence, and the parties' written responses to the report and initial sets of written questions. The investigator shall also provide a description of the procedural steps taken, starting with the receipt of the formal complaint and continuing through the preparation of the investigative report, and including any notifications to the parties, interviews with parties and witnesses, site visits, and methods used to gather other evidence.

XIV. Determination of Respondent's Responsibility

The Principal or designee shall serve as the decision-maker. After receipt of the investigative report and submission of questions and answers, the Decision-Maker will review the investigative report, the accompanying evidence, and the submission of questions and answers that were received after the final investigative report was provided to the Parties.

After this review the Decision-Maker will render a written determination regarding responsibility that complies with Title IX, which shall include a determination of sanctions, if applicable. The Decision-Maker in their discretion may meet individually with the Parties and their Advisors before rendering a decision on responsibility and sanctions.

XV. Appeal

- A. Any appeal of a finding of responsibility must be written and submitted to the Title IX Coordinator or designee within five (5) business days of receiving the Decision-Makers written decision. Appeals must include rationale and supporting evidence for any of the grounds for appeals.
- B. The Complainant or Respondent may appeal the Decision-Maker(s) finding of responsibility or Title IX Coordinator's decision to dismiss the Formal Complaint for any of these three reasons: (1) procedural irregularity that affected the outcome of the matter; (2) new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; or (3) the Title IX Coordinator, Investigator(s), or Decision-Maker(s) had a conflict of interest or bias for or against Complainants or Formal Complaints generally or the individual Complainant or Formal Complaint that affected the outcome of the matter.

XVI. Appeal Decisions and Sanctions

- A. Appeals will be reviewed by a trained appellate officer assigned by the Title IX Coordinator or designee.
 - (1) The appellate officer will issue a written decision describing the results of the appeal and rationale for the result within thirty (30) days after receiving the appeal unless the decision is delayed for good cause.
 - (2) The written decision will be provided simultaneously to both parties.
 - (3) The appellate officer may make any appropriate decision and take any action it deems appropriate based on the evidence before it.

B. When the Decision Becomes Final

- (1) If an appeal is timely filed, the determination regarding responsibility becomes final at the conclusion of the appeal process.
- (2) However, if the decision on appeal is to remand the matter back to the principal or designee, the determination regarding responsibility does not become final until that process, including any appeal of the proceedings on remand, is concluded.
- (3) If an appeal is not filed, the determination regarding responsibility becomes final after the three-day appeal period.
- (4) The appellate officer or designee shall ensure that a copy of the final decision is provided to the Title IX Coordinator and shall confer with the Title IX Coordinator regarding any remedies to be provided to either party.

C. Sanctions During Pendency of Appeals

Sanctions shall not be imposed during the pendency of any appeals, of either the Decision-Maker(s) decision regarding responsibility or the sanctions themselves.

XVII. Retaliation Prohibited

Retaliation includes any adverse action against any student, individual, or an individual's spouse, partner, or other person for: making or supporting a claim of sex-based misconduct; opposing any sex-based misconduct, participating in the reporting, investigation, or resolution of alleged violation(s) under this policy; or otherwise engaging in a protected activity under Aggie Academy's policies. Examples of retaliation include intimidation, threats, coercion, or adverse employment or educational actions.

Alleged retaliation should be reported immediately to the Title IX Coordinator and will be promptly investigated. Aggie Academy will take all appropriate and available steps to protect individuals who fear that they may be or have been subjected to retaliation.

XVIII. Title IX Officers

The following individuals will coordinate Aggie Academy's efforts to comply with and carry out its responsibilities under federal non-discrimination laws. These responsibilities include investigating any complaints communicated to school officials alleging noncompliance with Title IX, or alleging actions which would be prohibited by Title IX and this policy.

Inquiries about Aggie Academy's responsibilities and compliance with Title IX and its implementing regulations should be directed to the Title IX Coordinator.

Title IX Coordinator
Breona Hayes
Title IX Coordinator
336-500-1803
bmhayes1@ncat.edu

Adopted:

Original Effective Date:

Legal References:

Title VI of the Civil Rights Act of 1964, [42 U.S.C. 2000d et seq.](#); [34 C.F.R. Part 100](#)
Title VII of the Civil Rights Act of 1964, [42 U.S.C. 2000e et seq.](#); [29 C.F.R. Part 1604](#)
Title IX of the Education Amendments of 1972, [20 U.S.C. 1681 et seq.](#); [34 C.F.R. Part 106](#)
Family Educational Rights and Privacy Act, [20 U.S.C. 1232g](#); [34 C.F.R. Part 99](#)
[*Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties*, U.S. Department of Education, Office for Civil Rights \(2001\)](#)
[*Notice of Non-Discrimination*, U.S. Department of Education, Office for Civil Rights \(2010\)](#)
Dear Colleague Letter (Sexual Harassment), U.S. Department of Education, Office for Civil Rights, (2006) available at <https://www2.ed.gov/about/offices/list/ocr/letters/sexhar-2006.html>
Q&A on Campus Sexual Misconduct, U.S. Department of Education, Office for Civil Rights, (2017), available at <https://www2.ed.gov/about/offices/list/ocr/docs/qa-title-ix-201709.pdf>

Oncale v. Sundowner Offshore Services, 523 U.S. 75 (1998)