

New America School-Las Cruces

**POLICY STATEMENT AND NOTICE OF NONDISCRIMINATION ON THE BASIS OF SEX (“NOTICE”)**

(COMPLIANCE WITH TITLE IX OF THE EDUCATION AMENDMENTS OF 1972)

- I. **POLICY STATEMENT:** The School is committed to maintaining a safe school environment free from harassment and discrimination. As prohibited by Title IX of the Education Amendments of 1972 (“Title IX”),<sup>1</sup> the School does not discriminate, and prohibits discrimination, on the basis of sex in its education programs, School-sponsored events, admissions, and employment. No student will be excluded from participation in or denied the benefit of any educational program or activity operated by the School, nor shall any employee be denied employment opportunities as a consequence of sexual discrimination or sexual harassment. Retaliation for making complaints of sexual discrimination or sexual harassment as defined by Title IX is strictly prohibited.
- II. **PURPOSE:** The purpose of this policy is to articulate School’s commitment to eliminating discrimination based on sex, including sexual harassment, in any education program or activity offered by **New America School-Las Cruces**. Any person with questions about this Policy should contact the Title IX Coordinator or designee whose information shall be prominently listed on the School’s website **lcnas.org**.
- III. **DEFINITIONS:** Certain definitions applicable to Title IX are set forth in this Policy Statement to ensure that this Notice informs all those who may be eligible for the protections afforded by Title IX. *See Title IX Grievance Procedure for additional definitions.*
  - A. **Title IX Coordinator.** The Title IX Coordinator position is staffed by an employee of the School designated, authorized **and trained** to coordinate the School’s efforts to comply with the requirements of Title IX. The School may name more than one person as a Title IX Coordinator; however, one coordinator as determined by the Head Administrator will retain ultimate oversight over implementation of this Policy and the Title IX Grievance Procedure. *See contact information below.*
  - B. **Discrimination based on sex.** Means conduct that excludes a person from participation in, denying the person the benefit of, or subjecting a person to, unequal treatment based on sex under any academic, extracurricular, occupational training or other education program or activity provided by the School, and includes discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity.<sup>2</sup>
  - C. **Sexual Harassment.** Is a form of sexual discrimination defined by the U.S. Department of Education as conduct based on sex that satisfies one or more of the following:
    1. *Quid pro quo harassment.* When an employee, contractor, or other person authorized by the School to provide aid, benefits or service in the School’s programs or activities, explicitly or impliedly conditions such aid, benefits or service upon another person’s participating in unwelcome sexual conduct.
    2. *Hostile environment harassment.* Unwelcome sex-based conduct that, when the totality of the circumstances is considered, 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 School’s education program, activity, or employment opportunities. Whether a hostile environment has been created is a fact specific inquiry. *See Grievance Procedure for expanded definition.*

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<sup>1</sup> 20 U.S.C. §§1681, 1682, 1683, 1685, 1686

<sup>2</sup> This definition is consistent with the New Mexico Human Rights Act’s scope of protected characteristics. NMSA 1978, §28-1-7(A).

3. *Specific Conduct.* Is “sexual assault,” “dating violence,” “domestic violence,” or “stalking,” each as defined by federal law. *See Title IX Grievance Procedure for expanded definition.*
- D. School Program or Activity. These terms include locations, events, or circumstances over which the School exercises substantial control over the individuals implicated in a complaint of sexual discrimination, harassment or retaliation. Title IX applies to all School’s programs or activities, whether such programs/activities are held on or off campus. Offending conduct can occur by e-mail, over the internet, or other technologies, such as social media, if the School has the requisite authority to control students’ or employees’ conduct or the outcome of the conduct on these technologies.
- IV. EMPLOYEE OBLIGATION TO REPORT. All School employees who are not confidential employees as defined in the Title IX Grievance Procedures are required to notify the Title IX Coordinator when the employee has information about conduct that reasonably *may* constitute sex discrimination under Title IX. Although an employee who has been subjected to conduct that may constitute sex discrimination is not required to report, the employee is strongly encouraged to do so. Reporting to the Title IX Coordinator does NOT satisfy an employee’s legal duty to report suspected child abuse or neglect to the appropriate authority.
- V. INQUIRES ABOUT TITLE IX RIGHTS: Inquires about Title IX, including but not limited to where to file a report and how to file a complaint, should be referred to School’s Title IX Coordinator or the U.S. Department of Education’s Office of Civil Rights, or both. School’s Title IX Coordinator is:

New America School-Las Cruces  
Margarita Porter, Title IX Coordinator, Superintendent  
207 S. Main St  
mporter@lcnas.org  
575-644-1020

Office of Civil Rights Contact Information  
Denver Office  
U.S. Department of Education  
Cesar E. Chavez Memorial Building  
1244 Speer Boulevard, Suite 310  
Denver, CO 80204-3582  
[OCR.Denver@ed.gov](mailto:OCR.Denver@ed.gov)  
Phone: 303.844.5695  
Fax: 303.844-4303; TDD 800-877-8339

- VI. REPORTING SEXUAL DISCRIMINATION/HARASSMENT: If you suspect that you or someone at the School has been the subject of conduct that may constitute sexual harassment or discrimination in violation of Title IX, please contact the School’s Title IX Coordinator. You are not required to contact the School Title IX Coordinator before contacting OCR, although the School encourages use of its Title IX Grievance Procedures to address concerns and to ensure that the discrimination intended to be eliminated by Title IX and this Policy can be addressed promptly.
- VII. PUBLICATION OF POLICY AND TITLE IX GRIEVANCE PROCEDURES: This Policy will be implemented by following a Title IX Grievance Procedure that complies with Title IX. A copy of this Policy and the School’s Title IX Grievance Procedure can be found at [lcnas.org](http://lcnas.org) The School will also include reference to this Policy Statement and Notice on its website, each handbook it adopts, any announcements or bulletins published, and in all applications forms that are made available to people entitled to notice, or which are otherwise used in connection with recruitment of students or employees. The following reference will be stated in each such publication:

The School prohibits sex discrimination in any education program or activity that it operates. Individuals may report concerns or questions to the Title IX Coordinator. A full version of the School's Policy Statement and Notice as well as the Grievance Procedure can be found at [insert website address].

VIII. GRIEVANCE PROCEDURES: The School's Title IX Grievance Procedure complies with Title IX regulations as adopted in April 2024 (effective date: August 2024) and ensures a prompt and equitable resolution of complaints made by students, employees, or other individuals who are participating or attempting to participate in the School's education program or activity, or by the Title IX Coordinator, alleging any action that would be prohibited by Title IX or the Title IX regulations.

IX. TRAINING: The Head Administrator shall ensure that training is provided for all staff and students regarding rights afforded and obligations imposed pursuant to Title IX and its implementing regulations. This shall include training on the definition of sexual harassment as defined by Title IX regulations. Appropriate staff shall be trained in the investigation practices, grievance procedures, hearings and appeals processes, informal resolution processes and how to avoid conflicts of interest and bias. If training materials are developed by the School, they shall be maintained on the School's website.

Date adopted: August 8, 2024

Effective date: August 8, 2024