

Model Non- Consensual Intimate Imagery (NCII) Policy For K-12 Schools



The **Center for Democracy & Technology (CDT)** is the leading nonpartisan, nonprofit organization fighting to advance civil rights and civil liberties in the digital age. We shape technology policy, governance, and design with a focus on equity and democratic values. Established in 1994, CDT has been a trusted advocate for digital rights since the earliest days of the internet. The organization is headquartered in Washington, D.C. and has a Europe Office in Brussels, Belgium.



The **Association of Title IX Administrators (ATIXA)** provides a professional association for school and college Title IX coordinators, investigators, and administrators who are interested in serving their districts and campuses more effectively. ATIXA brings these campus and district professionals together to collaborate and explore best practices, establish industry standards, share resources, and empower the profession. Together with the experts who serve on the ATIXA leadership and advisory board, this nationwide network of thousands of members provides the support and resources needed to address the daily challenges of compliance posed by Title IX, Title VI, ADA, Clery Act and more. For more information, visit www.atixa.org.



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Model Non-Consensual Intimate Imagery (NCII) Policy For K-12 Schools

The Center for Democracy & Technology (CDT) convened a taskforce composed of individuals with diverse perspectives to guide this Model Policy. CDT thanks the taskforce members for their advisory role, while noting their participation in the taskforce does not constitute endorsement of this policy:

- American Federation of Teachers (AFT)
- Association of Title IX Administrators (ATIXA)
- Encode Justice
- LGBT Tech
- National Center for Missing and Exploited Children (NCMEC)
- Opportunity Labs
- Rape, Abuse & Incest National Network (RAINN)

This model policy was coauthored by CDT and ATIXA, with substantial portions of this model adapted (with permission) from models published by ATIXA (atixa.org).

Find more from this report on CDT's website at cdt.org/insights/model-policy-and-infographic-non-consensual-intimate-imagery-ncii-for-k-12-schools/

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About This NCII Policy Statement Template and Related Model Policy

Terms defined in

Appendix A: *Definitions are capitalized when used throughout this document.*

Terms defined in

Appendix C: *Model NCII Policy Customization and Implementation Guide are also capitalized when used throughout this document, and are offered as placeholders for Recipient to insert appropriate terms.*

Appendices B and C are provided as a resource to the Recipient and **should be removed from the final published policy.**

This document contains two primary resources that set forth prohibited conduct associated with non-consensual intimate imagery (NCII) with the goal of preventing incidents of NCII and the harm that results, and outline remedies that may be provided in response to NCII incidents:

- **NCII Policy Statement Template.** The Policy Statement is a distillation of the Model NCII Policy (described below) that can be shared for informational and notice purposes in resources such as Student/Employee handbooks, codes of conduct, and notices to parents.
- **Model NCII Policy.** The Model Policy defines the prohibited conduct associated with NCII and outlines actions to be taken upon reporting of such conduct.

This resource is provided free of charge and can be issued as a standalone policy or incorporated into existing policies that govern digital wellness, cyberbullying, and/or sexual harassment. This Model Policy, and related Policy Statement, must be customized to reflect a school or local education agency's size, structure, and capacity. Appendices B and C provide guidance and suggested language for enabling such customization.

These resources do not constitute or reflect legal advice, nor do they attempt to account for state or local laws or regulations that may be applicable. Consultation with legal counsel before adopting this policy is advised.

About NCII

These resources use the term(s) Authentic/Synthetic NCII to describe the conduct at issue. Advocates, academics, and reporters use a number of different phrases to refer to the same or similar conduct. Some of these terms include: digital forgeries, deepfake NCII, revenge porn, deepfake porn, and deepfake nudes.

We do not recommend using phrases that include the terms “porn” or “nudes” as the primary term or description of the conduct prohibited in these policies, as these terms do not accurately reflect the harassing nature of the content and can carry negative connotations regarding the person depicted.

NCII Policy Statement Template

Recipient is committed to providing an educational and employment environment that is free from non-consensual intimate imagery (NCII), a form of technology-facilitated sexual harassment. **[As a recipient of federal financial assistance for education activities, Recipient is required by Title IX to ensure that all of its education programs and activities do not discriminate on the basis of sex[/gender]].** Sexual harassment and/or bullying that is facilitated by the use of technology or that results from the use of AI may create a hostile environment that effectively denies a person equal access to **Recipient's** education program or activity, and can have lasting psychological impacts on the targeted individual(s).

To ensure compliance with applicable federal, state, and local laws and regulations, and to affirm its commitment to promoting student success in all aspects of the education program or activity, **Recipient** has developed policies and procedures that provide for prompt, fair, and impartial resolution of allegations of technology-facilitated sexual harassment and/or bullying.

This Policy prohibits the distribution of all forms of NCII (i.e., authentic and synthetic). Violations of this Policy may be addressed in accordance with applicable **Recipient** policy and procedures, as well as applicable federal, state, and local law, which may include criminal penalties.

Any member of **Recipient's** community who, by way of distributing NCII, denies, deprives, unreasonably interferes with, or limits the education or employment, social access, benefits, and/or opportunities of any member of **Recipient** community, guest, or visitor is in violation of the Policy.

Any person may report an NCII incident or other forms of bullying and sexual harassment (whether or not the person reporting is the person alleged to have experienced the conduct) in person, by mail, by telephone, by video, or by email, using the contact information listed for the **Administrator** (below). A report may be made at any time (including during non-business hours) by contacting the **Administrator**.

Questions regarding the Policy, including its application and/or concerns about noncompliance, should be directed to the **Administrator**. For a complete copy of the Policy, or for more information, please visit <<link>> or contact the **Administrator**.

Administrator

<<Name>>

<<Title>>

<<Office>>

<<Physical Location>>

<<Postal Mail Address>>

<<Phone Number>>

<<Email Address>>

<<Website>>

A person may also file a complaint with the appropriate federal, state, or local agency. Federal agencies that investigate complaints:

- For Complaints to the [U.S. Department of Education](#).
- **[May note local OCR office contact information here].**
- For Complaints to the [U.S. Department of Justice](#).
- For Complaints involving Employee-on-Employee conduct to the [U.S. Equal Employment Opportunity Commission](#).

Within any Resolution Process related to this Policy, **Recipient** provides reasonable accommodations to persons with disabilities and religious accommodations, consistent with federal and state law.



Model NCII Policy

Purpose

Recipient is committed to providing an educational and employment environment that is free from Non-Consensual Intimate Imagery (NCII), a form of technology-facilitated sexual harassment. **[As a recipient of federal financial assistance for education activities, Recipient is required by Title IX to ensure that all of its education programs and activities do not discriminate on the basis of sex[/gender]].** The distribution of NCII may create a hostile environment that effectively denies a person equal access to **Recipient's** education program or activity, and can have lasting psychological impacts on the targeted individual(s). To affirm its commitment to promoting student success in all aspects of the education program or activity, **Recipient** has developed policies and procedures that prohibit the distribution of NCII and provide for prompt, fair, and impartial resolution of allegations involving NCII.



Scope

This Policy applies to all Students, Employees, and other individuals participating in or attempting to participate in **Recipient's** program or activities.

This Policy prohibits the distribution of all forms of NCII (i.e., authentic and synthetic), as defined below. Alleged violations of this Policy may be addressed in accordance with applicable **Recipient** policy and procedures.

Prohibited Conduct

The sections below describe the specific forms of NCII prohibited by **Recipient** Policy.

- **Authentic NCII:** Authentic (i.e., real) sexually explicit, nude, or intimate videos, photos, or audio recordings of an individual distributed without the consent of the individual depicted.
- **Synthetic NCII:** Videos, photos, or audio representations of an individual that have been digitally manipulated (i.e., faked) to depict an individual in a sexually explicit, nude, or intimate manner or saying sexual or explicit words/statements, and distributed without the consent of the individual depicted. Synthetic NCII depicts sexually related actions or behaviors that never happened, or places identifiable individuals in pornographic, nude, or sexual situations without their consent.

Distributing authentic or synthetic NCII depicting individuals associated with **Recipient** (e.g., Students, Employees) in any way (e.g., sending via SMS, email, or direct message; displaying digitally on a device for others to see or displaying physically as a printed image; or posting online; etc.) shall constitute a violation of this Policy and be subject to accountability measures in accordance with **<<Recipient's existing disciplinary policy>>**.

Pattern offenses (repeated violations) may also result in enhanced discipline in accordance with <<Recipient's existing disciplinary policy>>.

All vendors and individuals serving Recipient through third-party contracts must follow their employer's policies and procedures [and/or the policies and procedures to the extent agreed to in the contract with Recipient].

Jurisdiction

Respondent

This Policy applies to Recipient's education programs and activities in circumstances where Recipient has disciplinary authority, including events occurring on school property, during any school-related or school-sponsored program or activity, and on school-sponsored transportation, as well as when Recipient's networks, devices, or equipment are used. For disciplinary action to be issued, the Respondent must be a Recipient Student or Employee at the time of the alleged incident.

This Policy also applies to out-of-school misconduct occurring online or facilitated by technology that has the effect of limiting or denying a person access to Recipient's education program or activities, or causes a substantial disruption, regardless of whether Recipient has direct control over applications, software, websites, social media, and other means through which NCII is distributed. Nothing in this Policy is intended to infringe upon or limit a person's rights to free speech. Any online posting or other electronic communication by Students occurring outside of Recipient's control (e.g., not on Recipient networks, websites, or between Recipient email accounts) will not be addressed under this Policy unless such online conduct can be shown to cause (or will likely cause) a substantial in-program disruption or infringement on/harm to the rights of others.

Complainant

If the Respondent is unknown or is not a member of **Recipient's** community, the **Administrator** will offer to assist the Complainant in identifying appropriate school and local resources and support options and will implement appropriate supportive measures and/or remedial actions. **Recipient** can also assist in contacting law enforcement if the individual would like to file a police report about criminal conduct. Supportive measures for the Complainant will be provided in response to all reported instances of the conduct described herein, regardless of **Recipient's** jurisdiction over the conduct.

Handling Authentic or Synthetic NCII

Recipient will not request a copy of the NCII, and will advise all involved parties not to send or share the content. Instead, **Recipient** will request a written description of what is depicted in the NCII.

If **Recipient** receives a copy of the NCII, **Recipient** will not open, save, or distribute the file, and will consult with school legal counsel before proceeding.

Exceptions

This Policy shall not provide for punitive measures where distribution/disclosure is made in good faith—

- A. to a law enforcement officer or agency;
- B. as part of a legal proceeding; and/or
- C. in the reporting or investigation of—
 - a. unlawful content; or
 - b. unsolicited or unwelcome conduct.

Reporting Options

Reports of alleged violations of this Policy may be made using any of the following options:

1. A communication to:
 - Administrator** or any other **<<response team>>** member listed in this Policy.
 - <<Name>>**
 - <<Title>>**
 - <<Office>>**
 - <<Physical Location>>**
 - <<Postal Mail Address>>**
 - <<Phone Number>>**
 - <<Email Address>>**
 - <<Include all relevant response team members, and, if applicable, the general delineated responsibilities of each>>**
2. Submit a report online at **<<link>>**. Anonymous reports are accepted, but **Recipient** may try to determine the identities of individuals involved in the reported incident. Anonymous reports typically limit **Recipient's** ability to investigate, respond, and provide remedies or supportive measures, depending on what information is shared.
3. **[Add any other school/district reporting options here (supervisors, etc.)]**
4. **[Add external reporting options here (Dept. of Justice, Dept. of Education, etc.)]**

Reports involving suspected child abuse may trigger mandated reporting requirements, consistent with **<<Recipient's existing mandatory reporting policies>>** and state & local law.

Accountability Measures

Violations of this Policy may be addressed in accordance with <<applicable Recipient disciplinary policy and procedures>>. The following accountability measures may be imposed for Student and/or Employees found to have violated this Policy.¹

Student Sanctions

<<Include all available student sanctions>>

Employee Sanctions/Responsive/Corrective Actions

<<Include all available employee sanctions/disciplinary actions>>

Supportive Measures

Recipient will in its discretion provide appropriate and reasonable supportive measures to the Parties. Supportive measures are non-disciplinary, non-punitive individualized services offered as reasonably available. They are offered, without fee or charge to the Parties, to restore or preserve access to **Recipient's** education program or activity (or employment), including measures designed to protect the safety of all Parties, **Recipient's** educational environment, and/or to deter bullying, sexual harassment, and retaliation.

Administrator promptly makes supportive measures available to the Parties upon receiving Notice or a complaint. At the time that supportive measures are offered, if a complaint has not been filed, **Recipient** will inform the Complainant, in writing, that they may file a complaint with **Recipient** either at that time or in the future. The **Administrator** will consider a party's wishes with respect to any planned and implemented supportive measures.

Recipient will maintain the confidentiality of the supportive measures, provided that confidentiality does not impair **Recipient's** ability to provide those supportive measures. **Recipient** will act to ensure as minimal an academic/occupational impact as possible.

¹ This Model Policy does not include investigation procedures. Recipient should import from existing policies, or develop these procedures consistent with best practices.

At **Recipient's** discretion, these actions may include, but are not limited to:

- Referral to counseling, medical, and/or other healthcare services
- Referral to the Employee Assistance Program when present
- Referral to community-based service providers
- Education to the institutional community or community subgroup(s)
- Altering school-provided housing assignment(s)
- Alternative placement
- Altering work arrangements for Employees
- Safety planning
- Providing school safety escorts
- Providing transportation assistance
- Implementing contact restrictions between the Parties
- Academic support, extensions of deadlines, or other course/program-related adjustments
- Initiate Trespass, Persona Non Grata (PNG), or Be-On-the-Lookout (BOLO) orders
- Class schedule or assignment modifications, withdrawals, or leaves of absence
- Increased security and monitoring of certain areas of the school
- [Any other actions deemed appropriate by the Administrator]

Violations of no contact orders or other restrictions may be referred to appropriate Student or Employee disciplinary processes for enforcement or added as related misconduct allegations to an ongoing complaint under this Policy.

Recipient will also provide the Parties with the opportunity to seek additional modification or termination of supportive measures applicable to them if circumstances materially change. **Recipient** renders decisions on supportive measures and provides a written determination to the impacted party(ies) and the **Administrator**.

External Resources

Complainants may also seek support and assistance from the following external resources (these resources are provided for informational purposes and do not constitute an endorsement by Recipient):

Take It Down & CyberTipline – National Center for Missing and Exploited Children (NCMEC)

“Take It Down is a free service that can help individuals remove or stop the online sharing of nude, partially nude, or sexually explicit images or videos taken [or created] of individuals when they were under 18 years old. You can remain anonymous while using the service and you won’t have to send your images or videos to anyone. Take It Down will work on public or unencrypted online platforms that have agreed to participate.”

» <https://takeitdown.ncmec.org>

» Call center number: 1-800-843-5678

“NCMEC has a team of analysts dedicated to speeding up the process of getting the images down and helping remove some of that burden. NCMEC can report directly to companies, monitor for takedown, [and] continue to send additional notices about images on your behalf. In 2024, NCMEC made 89,000 notices and the average take-down time for images or videos was just more than three days. To report the sexually-exploitive images or videos of you to NCMEC, visit the CyberTipline.”

» <https://www.missingkids.org/gethelpnow/isyoudropcontentoutthere>

» <https://report.cybertip.org/>

Emotional and Peer Support – National Center for Missing and Exploited Children (NCMEC)

“NCMEC has services available for victims, survivors, siblings and caregivers looking for mental health and peer support . . . [NCMEC’s] trauma-centered approach helps create a collaborative environment to assist victims and families identify areas of need and find the right community-based resources to help with healing and reconnecting.”

» <https://www.missingkids.org/gethelpnow/support>

National Sexual Assault Hotline – RAINN

“[RAINN] is the nation’s largest anti-sexual violence organization. RAINN created and operates the National Sexual Assault Hotline . . . in partnership with more than 1,000 local sexual assault service providers across the country[.]”

» Online chat hotline: <https://hotline.rainn.org/online>

» Spanish online chat hotline: <https://hotline.rainn.org/es>

» Telephone hotline: 800-656-4673

CCRI Safety Center – Cyber Civil Rights Initiative

The CCRI Safety Center provides access to information such as a roster of attorneys, a list of NCII laws by state, and a step-by-step guide for individuals who think they may have been a victim of NCII.

» <https://cybercivilrights.org/ccri-safety-center/>

Victim Connect – National Center for Victims of Crime

“Victim Connect Resource Center is a weekday phone, chat, and text-based referral helpline operated by the National Center for Victims of Crime. Services are available for all victims of crime in the

United States and its territories. [The] victim assistance specialists receive extensive training and mentoring to provide emotional support, information, and referrals that empower visitors as they navigate the physical, emotional, legal, and financial consequences of crime.”

- » Online chat hotline: <https://victimconnect.org/>
- » Call or text hotline: 855-484-2846

Questions regarding the Policy, including its application and/or concerns about noncompliance, should be directed to the **Administrator**. For a complete copy of the Policy, or for more information, please visit <<link>> or contact the **Administrator**.

Administrator

<<Name>>

<<Title>>

<<Office>>

<<Physical Location>>

<<Postal Mail Address>>

<<Phone Number>>

<<Email Address>>

<<Website>>

A person may also file a complaint with the appropriate federal, state, or local agency. Federal agencies that investigate complaints:

- For Complaints to the [U.S. Department of Education](#).
- **[May note local OCR office contact information here].**
- For Complaints to the [U.S. Department of Justice](#).
- For Complaints involving Employee-on-Employee conduct to the [U.S. Equal Employment Opportunity Commission](#).

Within any Resolution Process related to this Policy, **Recipient** provides reasonable accommodations to persons with disabilities and religious accommodations, consistent with federal and state law.



Appendix A: Definitions

The following definitions apply to **Recipient** Policy:

Complainant

A Student or Employee who is alleged to have been subjected to conduct that could constitute prohibited conduct under the Policy, or retaliation under the Policy; or a person other than a Student or Employee who is alleged to have been subjected to conduct that could constitute prohibited conduct under the Policy and who was participating or attempting to participate in Recipient's education program or activity at the time of the alleged prohibited conduct.

Employee

A person employed by Recipient either full- or part-time.

Notice

When an Employee, Student, or third party informs the Administrator of the alleged occurrence of prohibited conduct.

Respondent

A person who is alleged to have engaged in conduct that could constitute prohibited conduct.



Student

Any person who is enrolled with Recipient.

Resolution Process

Process by which Recipient investigates alleged violations of the Policy and administers supportive and accountability measures to the Parties.

Administrator

At least one official designated by Recipient to oversee and facilitate compliance with this Policy.

Title IX Coordinator

At least one official designated by Recipient to ensure ultimate oversight of compliance with Title IX and Recipient's Title IX program. References to the Coordinator throughout the Policy may also encompass a designee of the Coordinator for specific tasks.



Appendix B: NCII Policy Statement and Model Policy Contextualization Options

This Model Policy, and related Policy Statement Template, can be issued as stand alone resources or incorporated into existing policies. The following language can be added to the Model Policy and related Policy Statement to bring them into alignment with existing policies and priorities, if desired.

Title IX

Recipient is committed to providing an educational and employment environment that is free from sexual harassment and retaliation for engaging in protected activity as required by Title IX of the Education Amendments of 1972. Recipient prohibits the distribution of all forms of non-consensual intimate imagery (NCII, i.e., authentic or synthetic).

Bullying/Harassment

Recipient is committed to providing an educational and employment environment that is free from bullying and harassment, including the distribution of non-consensual intimate imagery (NCII). **Recipient** prohibits the distribution of all forms of NCII (i.e., authentic and synthetic).

Digital Wellness

Recipient is committed to supporting healthy, safe, and balanced relationships between Students and digital technologies. This includes providing an educational and employment environment that is free from non-consensual intimate imagery (NCII). **Recipient** prohibits the distribution of all forms of NCII (i.e., authentic and synthetic).



Appendix C:

Model NCII Policy Customization and Implementation Guide

Schools and districts will need to make a number of policy and procedure decisions as they are drafting their customized version of their NCII Policy. **Below is a brief guide to customize and implement the Model NCII Policy accordingly.**

Model Policy – A self-referential term to the proposed language provided in this document.

Policy – The established adaptation of the Model Policy as implemented by Recipient.

Policy Statement – A statement summarizing the intended effect and application of the Policy, which can be customized and inserted into short-form materials, such as student and staff handbooks.

[Brackets] – All text offered in [brackets] throughout the Model Policy is optional language. The school/district must determine whether to keep, cut, or modify this language.

<<Insertion Arrows>> – Insertion arrows indicate that the policy writer(s) must insert their own information, such as links or team member names, in place of the arrows and text within.

Example:

Template Text: Submit an online report at <<link>>.

Customized Text: Submit an online report at <https://www.report.school.edu>.

Blue Highlight – All blue highlighted text must be customized by the school/district or deleted if not needed.

Recipient – The word “Recipient” is a placeholder for your school/district’s full name, abbreviated name (“XXXX Schools”), or School/District/etc., depending upon the text.

Example:

Template Text: **Recipient** values and upholds the equal dignity of all members of its community and strives to balance the rights of the Parties in the Resolution Process during what is often a difficult time for all involved.

Customized Text Option 1: XXXX Consolidated School District values and upholds the equal dignity of all members of its community and strives to balance the rights of the Parties in the Resolution Process during what is often a difficult time for all involved.

Customized Text Option 2: The District values and upholds the equal dignity of all members of its community and strives to balance the rights of the Parties in the Resolution Process during what is often a difficult time for all involved.

Administrator – The word “Administrator” is a placeholder for the appropriate school/district official responsible for a specific task. It is recommended to use the title of the role (e.g., Title IX Coordinator or designee, or other designated oversight/enforcement role) rather than a specific name unless otherwise noted.

Blue Footnotes – This footnote is included for the policy writer(s), and it should be removed from the final policy.

Internal Links – Internal document links have been used to help end-users easily move from one section to another. Some schools/districts will choose to keep the internal links, while others will remove them. Additional internal links may also be added at the school/district's discretion.





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