
Title IX of the Education Amendments of 1972 ("Title IX") prohibits discrimination on the basis of sex by any institution receiving federal funds in the United States. Title IX also prohibits retaliation against individuals who submit complaints or participate in the resolution process. Charlotte-Mecklenburg Schools (CMS) shall not discriminate on the basis of sex in any of its educational programs or activities. All allegations of sexual misconduct will be taken seriously by the District and investigated accordingly. Allegations of sex discrimination shall be handled in accordance with the following Title

PROCEDURAL REQUIREMENTS

A. Actual Notice: Once a school has notice of allegations of sexual harassment or discrimination, it must respond. Actual notice occurs when an individual notifies the Responsible Administrator or any school employee, regardless of job description, of sexual misconduct. Misconduct witnessed by any school employee serves as actual notice. Indirect notice from sources such as media, on-line media, and videos also serves as actual notice.

B. Reporting: Reports of sexual harassment can be made directly to the Responsible Administrator or to *any* school employee, regardless of job their description. Reports can also be made by the Responsible Administrator. Reports of sexual misconduct will be initially processed by the Responsible Administrator. Once a report has been made, the Responsible Administrator is mandated to offer the complainant supportive measures and inform the complainant of the formal complaint process. Reports of sexual harassment under Title IX are distinct and separate from reports made to law enforcement agencies and violations under The Clery Act.¹

C. Supportive/Interim Measures:

- a. Title IX requires the school to provide supportive/interim measures to ensure equal access to its education programs and activities, protect the complainant and provide due process to the respondent, pending the outcome of an investigation.
 - b. Supportive/interim measures are individualized services that are nondisciplinary in nature, reasonably available and ensure equal educational access while providing a safe environment for all parties. Upon notice of an allegation of sexual harassment, the Responsible Administrator must confidentially contact the complainant to discuss available supportive/interim measures. Supportive/interim measures can be offered with or without a formal complaint.
 - c. The specific supportive/interim measures implemented and the process for implementing those measures will vary depending on the facts of each case. The Responsible Administrator should consider a number of factors in determining what interim measures to take, including, for example, the
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divulge or publicize the nature of the proceedings or the identity of those involved outside the scope of the investigation.

VI. INFORMAL RESOLUTION PROCESS

After a report or complaint is received, the Responsible Administrator may provide the option of an Informal resolution. Informal Resolution is appropriate when the conduct involved is not of a serious or repetitive nature and disciplinary action is not required to remedy the situation. No formal investigation is involved in the informal resolution process, and the informal resolution process shall not be considered a precondition for the filing of a formal complaint.²

- A.** A written request for informal resolution must be made within five (5) days of the date of the alleged incident. The school principal or designee shall determine whether the nature of the problem is such that it is likely to be resolved by agreement on an informal basis.

- B.** Methods for informal resolution may include:

VII. FORMAL COMPLAINT PROCEDURES

In contrast to a report, a formal complaint requires a Complaint Form filed by a

signed by a Responsible Administrator, alleging sexual harassment against a respondent that requests the school to investigate the matter. All formal complaints by students or employees in violation of Title IX shall be submitted to the Responsible Administrator. Complaints emailed to the Title IX Office at titleixcoordinator@cms.k12.nc.us will be forwarded to Responsible Administrator for processing. Once a f

notes, or audio recordings in the CMS Centralized Record Keeping System (Title IX Platform.)³

H. Supportive measures may be continued or offered to both parties during the investigation process.

I. **Emergency Removal of Respondent from School:** Title IX permits the school to temporarily remove a student on an interim basis during the investigation

physical health or safety to them or the complainant. Before the school can enact emergency removal, however, the school must do the following:

Undertake an individualized risk assessment to determine whether there is an immediate threat to the physical health or safety of any person arising from the allegations of sexual harassment

Make an affirmative determination that an immediate threat exists based on the individualized risk assessment

Provide the respondent with notice and an opportunity to challenge the removal.

The District has ability to place an employee on administrative leave during the discretion and subject to North Carolina law and CMS Board of Education policies.

Step 4 - Notice of Outcome

A. Once the Responsible Administrator weighs the evidence against the facts of the case using the preponderance of the evidence standard (i.e., it is more likely than not that discrimination/sexual harassment/sexual violence occurred), a written

B. Notice of Outcome letter will be issued, detailing the findings and conclusions supporting the determination. The Responsible Administrator shall notify both the complainant and respondent immediately upon conclusion of the investigation.

The Notice of Outcome shall state the following:

Whether the school found that sexual harassment or misconduct occurred

The analysis used to determine the findings
Ways to immediately end the discriminatory conduct
Ways to remedy the discriminatory effects of any discriminatory behavior on the complaining party and, if applicable, the District's educational environment
The steps to be taken to prevent the recurrence of any discriminatory or harassing conduct found to have occurred. The recommendations of the Responsible Administrator shall become final and shall be implemented unless either party appeals as provided in Step 5 - Appeal Rights

Step 5 - Appeal Rights

- A.** A party not satisfied with the resolution in Step 4, above, may submit a written appeal within ten (10) days to the District Title IX Administrator. The written appeal shall state with particularity the nature of the disagreement, the reasons underlying such disagreement, and how the outcome would be changed by reconsideration of the determination.

- B.** The District Title IX Administrator or designee shall conduct a review of the record to determine whether the preponderance of the evidence supports the determination. The District Title IX Administrator or designee shall issue a written decision and mail it to the parties within ten (10) days of the receipt of the appeal.

Step 6

X. FALSE COMPLAINTS

- A.** Individuals who knowingly file a false or misleading complaint alleging harassment, discrimination or retaliation are subject to appropriate disciplinary action, including, but not limited to, dismissal of the complaint.
- B.** If the preponderance of the evidence supports a finding that the complainant knowingly submitted a false or misleading complaint alleging harassment, discrimination or retaliation, the complaint is subject to being dismissed, and the student or employee who submitted the complaint is subject to discipline in accordance with the District's Student Code of Conduct and CMS Board Policy and regulations.

XI. RELATIONSHIP OF THESE PROCEDURES AND TIMELINES TO LAW ENFORCEMENT ACTIVITIES

- A.** Nothing in these Procedures should in any way be deemed to discourage the complainant from reporting acts subject to these procedures to local law enforcement. Complainants have the right to simultaneously file both a Title IX complaint with the District and/or school and a criminal complaint with law enforcement. If the complainant files a criminal complaint, the Responsible Administrator should not wait for the conclusion of a criminal investigation or criminal proceeding to begin the complaint process.
- B.** Although the District and/or school may need to temporarily delay the fact-finding portion of a Title IX investigation while local law enforcement officials are gathering evidence, the Responsible Administrator must offer supportive measures to protect the complainant during this delay. The Responsible Administrator should also continue to update the parties on the status of the

