

Charlotte-Mecklenburg Schools Title IX Grievance Procedures

Charlotte-Mecklenburg Schools (CMS) shall not discriminate on the basis of sex in any of its educational programs or activities. The Title IX Coordinator shall serve as the Title IX officer for the District. The Title IX Coordinator's duties include, but are not be limited to, coordinating the District's efforts to comply with and carry out its responsibilities under Title IX and to carry out an investigation of any grievance communicated to the District alleging its noncompliance with Title IX or alleging any actions which would be prohibited by Title IX in accordance with the procedures set forth hereinafter. The Title IX Coordinator may be assisted by other personnel as needed, including but not limited to personnel in the District's Human Resources department.

Title IX prohibits retaliation against individuals who submit grievances or participate in the resolution process. Grievances alleging discrimination on the basis of sex in any program or activity shall be handled in accordance with the following procedures.

Step 1:

Any student or employee who has a grievance of alleged sex discrimination by an employee, student, or third party shall promptly attempt to resolve the grievance by alerting and discussing the alleged discrimination with the building principal or immediate supervisor within 45 days from the alleged incident, unless the principal or immediate supervisor is the person accused of discriminating against the complainant. If the accused person is your principal or immediate supervisor, the complainant should contact the supervisor over his or her principal or immediate supervisor. This 45-day time limit may be waived at the discretion of the District if the complainant can show that circumstances beyond the complainant's control precluded him or her from alerting and/or discussing the alleged incident with his or her principal or immediate supervisor within 45 days. Additionally, the complainant may seek an extension of time within which to submit a grievance. The extension request should be submitted to the District's Title IX Coordinator. The Title IX Coordinator, in his or her discretion, may extend for a reasonable period the timeframe for submitting a grievance. The Title IX Coordinator will review the extension request and communicate to the complainant whether the request is granted.

The grievance should be submitted in writing and describe the facts of the situation, but complainants are also encouraged to share their grievance verbally in addition to their written submission. Email suffices as a means of submitting a grievance in writing. The principal or immediate supervisor shall give both the complainant and the student who is the alleged perpetrator an opportunity to provide or identify any relevant documents or witnesses. He or she will make a good faith attempt to resolve the grievance within 15 calendar days, speaking only with persons who are reasonably likely to have information related to the grievance or who are important to the health and safety of the complainant while the attempt to resolve the complainant's grievance is ongoing. In cases of harassment, the District will implement interim measures if

necessary to protect the complainant in the educational setting. Interim measures will be available to students who have alleged harassment and to students accused of sexual harassment, including but not limited to separation pending the outcome of the investigation, counseling, and educational resources. If resolution of the grievance will take longer than 15 calendar days, the principal or immediate supervisor will notify the parties of the reason for needing more time and about how much longer the resolution will take. At the conclusion of this period, the principal shall notify the complainant and the individual against whom the complaint was submitted in writing as to whether the complaint was substantiated and what steps, if any, will be taken to resolve the complainant's grievance.

If the grievance is substantiated, the District will take steps to prevent the incident from reoccurring and to correct any discriminatory effects on the complainant and others, if appropriate.

Step 2:

If the Complainant or respondent is not satisfied with the resolution after Step 1, he or she may, within 10 calendar days of receiving notification from the principal or immediate supervisor, file a grievance appeal in writing to the Title IX Coordinator and provide a copy to the principal or supervisor involved. The Title IX Coordinator shall arrange a meeting to discuss the grievance within 15 calendar days of receiving the written appeal, and subsequent meetings may be scheduled as agreed to by both parties, unless circumstances beyond the Title IX Coordinator's control make it reasonably necessary to schedule the meeting beyond 15 calendar days from receiving the written appeal. The Title IX Coordinator shall conduct any additional interviews or other investigation necessary to understand the situation and provide a written answer to the complainant within 10 calendar days from the date of the final meeting regarding the grievance, unless the Title IX Coordinator has sought but still awaits in good faith information that is relevant to determining what steps, if any, should be taken to address the alleged discrimination. The Title IX Coordinator's answer will state relevant findings of fact, conclusions, and the reasons supporting them.

Step 3:

If the decision rendered by the Title IX Coordinator does not resolve the grievance to the satisfaction of the complainant, the complainant may at any point contact the Office for Civil Rights of the U.S. Department of Education at 400 Maryland Avenue SW, Washington, D.C. 20024.

Confidential Reporting

The complainant may ask the District to withhold his or her name or other identifiable information from the accused party. Honoring a request for confidentiality may limit the District's ability to respond fully to the grievance or incident, including pursuing potential disciplinary action against the alleged perpetrator. To request confidentiality, the complainant must notify the Title IX Coordinator in writing of the request. The Title IX Coordinator will balance the confidentiality

request by a complainant with the District's obligations to provide a safe and non-discriminatory environment for all students and staff. In determining how and to what extent a request for confidentiality during an investigation can be honored, the Title IX Coordinator will consider, among other facts, whether the complainant requested confidentiality, whether the complainant agrees to participate in the investigation, the severity and impact of the alleged misconduct, the ages of the parties, whether the accused party has admitted to the misconduct, whether the accused party has a pattern of misconduct, the existence of independent evidence of the incident (such as camera surveillance), and the extent of prior remedial methods taken with the accused party. If the District is unable to honor the complainant's request for confidentiality, the Title IX Coordinator will communicate that decision to the complainant before the District discloses his or her identity to the accused party.

The complainant must make the confidentiality request to the Title IX Coordinator at the time he or she submits the grievance in Step 1. The District may be unable to grant requests for confidentiality where the complainant does not make the request prior to the District beginning an investigation into the grievance.

Criminal Complaints

Complainants have the right to file both a Title IX grievance with the District and a criminal complaint simultaneously.

Definition of Sexual Harassment

Sexual harassment is unwelcome conduct of a sexual nature. Sexual harassment can include 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 prohibited by Title IX. The harassing conduct creates a hostile environment if the conduct is sufficiently serious such that it interferes with or limits a student's ability to participate in or benefit from the District's program.

Evidentiary Standard

In investigating and resolving a complaint under these procedures, the District shall use a preponderance of the evidence (more likely than not) standard when considering evidence presented by any party.

Extensions of Time

At his or her discretion, the Title IX Coordinator may extend for a reasonable period any of the deadlines set forth in these procedures.

Potential Remedies and Sanctions

Interim measures will be available to students who have alleged harassment and to students accused of sexual harassment, including but not limited to separation pending the outcome of an investigation, counseling, and educational resources. If the investigation reveals that sexual harassment created a sexually hostile environment, then the District will take prompt and effective steps in an attempt to end the harassment, eliminate the hostile environment, and prevent its recurrence, including continuing the interim measures as necessary to protect the complainant and ensure his or her safety. Students found to have engaged in acts of sexual harassment or other acts that create a hostile environment may be disciplined including, if circumstances warrant, suspension or expulsion.

Questions

Any questions about complaints of student-to-student or employee-to-student sexual harassment, available counseling or educational resources for students impacted by sexual harassment, or about filing a Title IX complaint with the District may be directed to the Title IX Coordinator: Stephanie McKinney, Office of School Performance, 4339 Stuart Andrew Boulevard, Charlotte, NC 28217; 980-343-9412; stephanieb.mckinney@cms.k12.nc.us.